

BOARD OF SUPERVISORS

AGENDA

Meetings are located at:
Yuba County Government Center
Board Chambers, 915 Eighth Street
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8th Street, Marysville and www.co.yuba.ca.us. Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

FEBRUARY 3, 2015

2:00 P.M. YUBA COUNTY WATER AGENCY

3:30 P.M. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

6:00 P.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. All items on the agenda other than Correspondence and Board and Staff Members Reports are considered items for which the Board may take action. The public will be given opportunity to comment on action items on the agenda when the item is heard.

I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Fletcher

II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher

III. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

A. Clerk of the Board of Supervisors

1. (041-15) Appoint Lynne Bradshaw to the Wheatland Cemetery District for a term ending November 18, 2016.
2. (042-15) Reappoint Patrick D. Osborne as Technical Representative to Plumas Lake Specific Plan Design Review Committee for term ending February 3, 2016.
3. (043-15) Approve Conflict of Interest Codes for Peoria Cemetery District and Plumas Brophy Fire Protection District.
4. (044-15) Approve minutes of the meeting of January 13, 2015.

B. Community Development and Services

1. (045-15) Approve contract with Dokken Engineering, Inc. for construction support services for the State Route 70/Feather River Boulevard Interchange project and authorize Chair to execute.

C. County Counsel

1. (046-15) Approve Addendum No. 3 to sublease agreement between Continental-Pacific Industries Inc. and Century Nationwide Inc. for property located at 1401 Melody Road, Olivehurst and authorize Chair to execute.

D. Emergency Services

1. (047-15) Adopt resolution authorizing the Director of Emergency Services or his designee to apply for grant funds under the Department of Water Resources Flood Emergency Response Projects program for the operational area joint communications trailer and EOC Management Team training and exercises.

IV. **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.

V. **SPECIAL PRESENTATION**

- A. (048-15) Receive presentation of 2014 State Fair awards plaque by Marysville Future Farmers of America. (Ten minute estimate)

VI. **COUNTY DEPARTMENTS**

A. Board of Supervisors

1. (049-15) Appoint one individual to the Yuba County Planning Commission as the District Five representative with term ending January 15, 2019 (Ten minute estimate).

VII. **CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.**

- A. (050-15) Four notices from California Fish and Game Commission relating to use of lead projectiles and ammunition for the take of wildlife with firearms; Klamath/Trinity rivers sport finishing; Pacific halibut sport fishing; and Pacific bluefin tuna daily bag limit and fillet procedures.

VIII. **BOARD AND STAFF MEMBERS' REPORTS: This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.**

IX. **CLOSED SESSION**

- A. Personnel pursuant to Government Code §54957 - Public Appointment/Health Officer Recruitment
B. Pending litigation pursuant to Government Code §54956.9(d)(1) - Fellowship of Friends vs. County of Yuba

X. **ADJOURN**

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting. To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors at (530) 749-7510.



CONSENT
AGENDA


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The County of Yuba

Office of Clerk of the Board of Supervisors



To: Board of Supervisors

From: Donna Stottlemeyer, Clerk of the Board 

Subject: Wheatland Cemetery District Appointment

Date: February 3, 2015

Recommendation

Appoint Lynne Bradshaw to the Wheatland Cemetery District for a term to expire November 18, 2016.

Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information. This is an unscheduled vacancy due to the resignation of Mr. Robert Bradshaw on December 8, 2014. One application has been received from Ms. Lynne Bradshaw, and is attached for your review.

In light of the expressed interest, it would be appropriate to appoint at this time.

Fiscal Impact

None due to appointment.

Committee Action

None required.

attachment

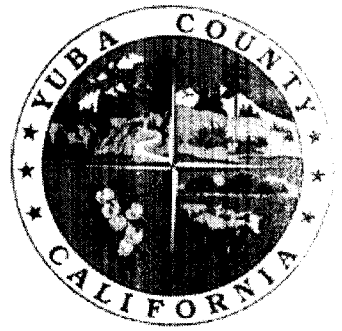
The County of Yuba

RECEIVED

DEC 8 2014

Application for Board/Commission/Committee
Appointed by the Board of Supervisors

Clerk/Board of Supervisors



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE:

Wheatland Cementery Board

APPLICANT NAME:

Lynne Bradshaw

MAILING ADDRESS -
(Street/P.O. Box, City, Zip):



Wheatland CA 95692

PHYSICAL ADDRESS
(Street, City, Zip):



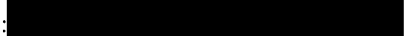
Wheatland CA 95692

TELEPHONE:

CELL
HOME:



WORK:



EMAIL ADDRESS:



OCCUPATION/PROFESSION:
SUPERVISOR/ DISTRICT
NUMBER:

HAIRDRESSER

Roger Ave

REASONS YOU WISH TO
SERVE ON THIS BODY:

I'm very interested in our City/Area. My family
has many plots for many generations. I believe I would be

QUALIFICATIONS:

just my concern for the community

LIST PAST AND CURRENT
PUBLIC POSITIONS HELD:

President of WHS Booster Club - Volunteering for various
community events or projects

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU
WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF
INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF
MY KNOWLEDGE.

Lynne Bradshaw

SIGNATURE

Dec 5th 2014

DATE

THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____

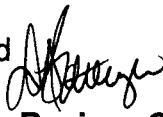
an asset to this Board

The County of Yuba

Office of Clerk of the Board of Supervisors



To: Board of Supervisors

From: Donna Stottlemeyer, Clerk of the Board 

Subject: Plumas Lake Specific Plan Design Review Committee – Technical Representative

Date: February 3, 2015

Recommendation

Reappoint Patrick D. Osborne as a Technical Representative to the Plumas Lake Specific Plan Design Review Committee, term ending February 3, 2016.

Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted and updated regularly indicating vacancies, appointees, terms of office, qualifications and meeting information. This is a scheduled vacancy due to the expiration of Mr. Osborne's term. Mr. Osborn has served on the committee since December 2013 and wishes to continue serving.

In light of the expressed interest, it would be appropriate to appoint at this time.

Fiscal Impact

None

Committee Action

None

attachments

The County of Yuba

RECEIVED

JAN 16 2015



Application for Board/Commission/Committee
Appointed by the Board of Supervisors

Clerk/Board of Supervisors

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Plumas Lake Specific Plan Design

APPLICANT NAME: Patrick D. Osborne 78 Review Comm.

MAILING ADDRESS: [REDACTED]

PHYSICAL ADDRESS: Plumas Lake, California

TELEPHONE: HOME: [REDACTED] WORK: [REDACTED]

EMAIL ADDRESS: [REDACTED]

OCCUPATION/PROFESSION: Surveyor/Engineer, Land Planner
SUPERVISOR/ DISTRICT NUMBER: 2 4

REASONS YOU WISH TO SERVE ON THIS BODY: Reassignment from previous service

QUALIFICATIONS: Surveying, Engineering, Land Planning

LIST PAST AND CURRENT PUBLIC POSITIONS HELD: Plumas Lake Specific Plan Design Committee
2014

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[Signature]
SIGNATURE

1/15/2015
DATE

THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____

The County of Yuba

Clerk of the Board of Supervisors



February 3, 2015

TO: Board of Supervisors

FROM: Donna Stottlemeyer, Clerk of the Board of Supervisors

SUBJECT: Conflict of Interest Code Approval for: Peoria Cemetery District and Plumas Brophy Fire Protection District

Recommendation

Approve updated Conflict of Interest Codes for Peoria Cemetery District and Plumas Brophy Fire Protection District.

Background and Discussion

Every two years special districts and local agencies within the County are required to review their conflict of interest code pursuant to Government Code §87300 and update if necessary. Our office has received updated codes from Peoria Cemetery District and Plumas Brophy Fire Protection District which have been reviewed by Counsel for legal sufficiency and are submitted for your approval.

An agency code is not valid until approval of the code reviewing body which is the Board of Supervisors for agencies with boundaries solely in Yuba County.

Committee Action

This matter is brought directly to the Board for approval as it is routine recurring every two years as mandated by the State.

Fiscal Impact

There is no fiscal impact.

Attachments

**CONFLICT OF INTEREST CODE FOR THE
PEORIA CEMETERY DISTRICT
COUNTY OF YUBA**

- A. The political Reform Act of 1974, Government Code §8100, et. Seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations §18730, which contains terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after Public notice and hearings. Therefore, the terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth are hereby incorporated by reference and constitute the Conflict of Interest Code of the Peoria Cemetery District.
- B. Pursuant to Government Code §81008 and 2 California Code of Regulations §18730 (b) (4), all designated employees shall file Statements of Economic Interest (FPPC form 700) with the PEORIA CEMETERY DISTRICT. Statements for all designated employees shall be retained by the agency which shall make the statements available for public inspection and reproduction.
- C. Designated employees are set forth in Appendix A, attached hereto and incorporated herein by reference. Disclosure categories are set forth in Appendix B, attached hereto and incorporated herein by this reference.

APPENDIX A: DESIGNATED POSITIONS

List of Designated Positions

Assigned Disclosure Categories

Trustees

1

Consultants

1

1. For purposes of the Code, a "consultant" is any natural person who provides, under contract, information, advice, recommendation, or counsel to the Peoria Cemetery District, provided however, that "consultant shall not include a person who:

(a) Conducts research and arrives a conclusion with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and

(b) Possesses no authority with respect to any agency decision beyond the rendition of information, advice, recommendation, or counsel.

Consultants to the District shall be subjected to disclosure under Category 1, subject to the following limitation:

The Board of Trustees may determine in writing that a particular consultant, although a "Designated Employee" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of Category 1. In such cases, the Board of Trustees may designate a different disclosure requirement. Such designation must be made in writing and based upon that description, a statement to the extent of the consultant's disclosure requirements. The Board of Trustees designation must be filed in advance of the disclosure by the consultant, with

the Peoria Cemetery District's Conflict of Interest Code and also filed with the code review body and must be delivered to the consultant along with a copy of the Conflict of Interest Code and the manual and forms for disclosure (FPPC Form 730).

EXHIBIT B: DISCLOSURE CATEGORIES

Disclosure Category 1:

A member, officer, consultant or employee holding a position assigned in Disclosure Category 1 shall report:

- All investments and business positions in business entities and sources of income in the jurisdiction.

When a member officer or employee who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income that do business in the jurisdiction, or have done business in the jurisdiction within the past two (2) years. In addition to the other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

- All interest in real property in the jurisdiction, which was acquired by, lease, or otherwise used by the Peoria Cemetery District.

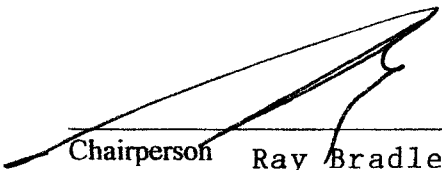
When a member officer or employee who holds a designated position is required to disclose interests in real property, he/she shall disclose the type of real property described below if it is located in whole or in part within, or not more than two (2) miles outside the boundaries of the jurisdiction, or within two (2) miles of any land owned or used by the Peoria Cemetery District.

- His/her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

When a member officer or employee who holds a designated position is required to disclose business position, he/she shall disclose position in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two (2) years.

Adopted by the Peoria Cemetery District Board of Trustees on November 13, 2014.

Dated: November 13, 2014



Chairperson Ray Bradley
Peoria Cemetery District
Board of Trustees

**CONFLICT OF INTEREST CODE FOR THE
PLUMAS BROPHY FIRE PROTECTION DISTRICT
COUNTY OF YUBA**

- A. The Political Reform Act of 1974, Government Code §81000, et. seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations §18730, which contains terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix A, in which officials and employees are designated, and Appendix B, in which disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the PLUMAS BROPHY FIRE PROTECTION DISTRICT.
- B. Pursuant to Government Code §81008 and 2 California Code of Regulations §18730(b)(4), all designated employees shall file Statements of Economic Interest (FPPC Form 700) with the PLUMAS BROPHY FIRE PROTECTION DISTRICT. Statements for all designated employees shall be retained by the agency which shall make the statements available for public inspection and reproduction.
- C. Designated employees are set forth in Appendix A, attached hereto and incorporated herein by reference. Disclosure categories are set forth in Appendix B, attached hereto and incorporated herein by this reference.

APPENDIX A: DESIGNATED POSITIONS

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
Members of the Board of Directors	1
Fire Chief	1
General Counsel	1
Consultants*	1

- * A "consultant" is an individual who meets the definition of a "consultant" as defined in §18701 of the FPPC Regulations (2 California Code of Regulations §18701).

Consultants to the District shall be subjected to disclosure under Category 1, subject to the following limitation:

The Board of Directors may determine in writing that a particular consultant, although a "Designated Employee" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of Category 1. In such cases, the Board of Directors may designate a different disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. The Board of Directors designation must be filed in advance of the disclosure by the consultant with the Plumas Brophy Fire Protection District's Conflict of Interest Code and filed with the code reviewing body, and must be delivered to the consultant along with a copy of the Conflict of Interest Code and the manual and forms for disclosure (FPPC Form 730).

EXHIBIT B: DISCLOSURE CATEGORIES

Disclosure Category 1:

A member, officer, consultant or employee holding a position assigned in Disclosure Category 1 shall report:

- All investments and business positions in business entities and sources of income within the boundaries of the jurisdiction of the District.

When a member, officer or employee who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income that do business within the boundaries of the jurisdiction of the District, or have done business in the jurisdiction within the past two (2) years. In addition to the other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

- All interest in real property in the jurisdiction, which was acquired by, lease, or otherwise used by the Plumas Brophy Fire Protection District.

When a member, officer or employee who holds a designated position is required to disclose interests in real property, he/she shall disclose the type of real property described below if it is located in whole or in part within, or not more than two (2) miles outside the boundaries of the jurisdiction, or within two (2) miles of any land owned or used by the Plumas Brophy Fire Protection District.


- His/her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

When a member officer or employee who holds a designated position is required to disclose his/her business position, he/she shall disclose his/her position in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two (2) years.

Adopted by the Plumas Brophy Fire Protection District Board of Directors on January 8, 2015.

Dated: _____

1 8 15


Chair
Plumas Brophy Fire Protection District
Board of Directors

The County of Yuba

B O A R D O F S U P E R V I S O R S

JANUARY 13, 2015



The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Griego
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher - All present.
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve MOVED: Andy Vasquez SECOND: Randy Fletcher
 AYES: Andy Vasquez, Randy Fletcher, John Nicoletti, Mary Jane Griego, Roger Abe
 NOES: None ABSENT: None ABSTAIN: None

A. Administrative Services

1. (001-15) Approve Airport lease agreement with OPTEC Solutions and authorize Chair to execute. Approved.
2. (002-15) Approve Airport ground lease renewal and permit with Reach Air Medical Services and authorize Chair to execute. Approved.

B. Board of Supervisors

1. (003-15) Approve appointment of Supervisor Ron Sullenger as the Sutter County Alternate Director to Feather River Air Quality Management District Board for 2015. Approved.
2. (004-15) Approve letters of support for Sutter County Office of Education California Career Pathways Trust Grant, and for Camptonville Community Partnership's Joint Wood Innovations Grant and authorize Chair to execute. Approved.

C. Clerk of the Board of Supervisors

1. (005-15) Approve minutes from the meetings of December 9 and 16, 2014. Approved as written.

D. Community Development and Services

1. (006-15) Adopt resolution authorizing Public Works Director to execute Right of Way Certifications for federally funded projects with CalTrans. Public Works Director Mike Lee responded to inquiries and clarified the certification process regarding clearance prior to construction.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-002, which is on file in Yuba County Resolution Book No. 46.

E. Emergency Services

1. (007-15) Adopt resolution proclaiming the existence of an ongoing local drought emergency in the County of Yuba. Adopted Resolution No. 2015-001, which is on file in Yuba County Resolution Book No. 46.

F. Health and Human Services

1. (008-15) Authorize soliciting request for proposals for Children's Services Differential Response Program services funded by Child Abuse Prevention Intervention and Treatment, Community Based Child Abuse Prevention Programs, and County Children's Trust Fund. Approved.

G. Sutter-Yuba Mental Health Services

1. (009-15) Approve memorandum of understanding with Blue Cross of California Partnership Plan, Inc. and the Counties of Sutter and Yuba for coordination of services for Medi-Cal Managed Care and authorize Chair to execute. Approved.

IV. PUBLIC COMMUNICATIONS:

The following individuals spoke:

- Planning Director Wendy Hartman - Draft County Development Code - Zoning Map released for public comment
- Mr. Nick Spaulding - Consistency of Stormwater Ordinance to General Plan
- Ms. Cathy LeBlanc - Bio Energy Grant Steering Committee appointment

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. (010-15) Appoint Board representative and alternate to Rural County Representatives of California and California Home Finance Authority for 2015.

MOTION: Move to appoint Roger Abe representative
MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to appoint Andy Vasquez alternative

MOVED: John Nicoletti SECOND: Roger Abe

AYES: John Nicoletti, Roger Abe, Andy Vasquez, Mary Jane Griego, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

2. (011-15) Consider appointing one individual to the Fish and Game Advisory Commission for a term ending January 13, 2019 and take action as appropriate. Following Board discussion, the following individuals spoke:

- Mr. Buck Weckman
- Mr. Bill Hodges
- Mr. Terry Oakes
- Mr. Steaven Reynolds
- Ms. Danarae Reed
- Mr. Dale Whitmore

MOTION: Move to appoint Dale Whitmore

MOVED: John Nicoletti SECOND: Mary Jane Griego

AYES: John Nicoletti, Mary Jane Griego

NOES: Andy Vasquez, Roger Abe, Randy Fletcher

ABSENT: None ABSTAIN: None

Motion Failed.

MOTION: Move to appoint Kaitlyn Irwin

MOVED: Andy Vasquez SECOND: Roger Abe

AYES: Andy Vasquez, Roger Abe, John Nicoletti, Mary Jane Griego, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

3. (012-15) Consider Yuba County doe hunt and take action as appropriate. Following Supervisor Vasquez recommending eliminating the doe hunt within the County and board discussion, the following individuals spoke:

- Mr. Dale Whitmore
- Mr. Steaven Reynolds
- Mr. Bill Hodges
- Ms. Danarae Reed

Supervisor Nicoletti moved to follow state recommendations for hunts in Yuba County.

Motion failed for lack of a second.

Supervisor Vasquez moved to eliminate doe hunt in all hunts and initiate a study of number of either sex deer within county followed by workshop, and to seek funding for study.

Motion failed for lack of a second.

With no further motions, the matter died.

B. County Administrator

1. (014-15) Receive presentation regarding financing a portion of project costs for Sheriff's Yuba Street Facility and provide direction as appropriate. (Ten minute estimate) County Administrator Robert Bendorf and Consultant Jeff Small provided a Power Point presentation recapping the following and responded to Board inquiries:
 - Sheriff's Facility Estimated Project Costs \$10,000,000
 - Financed Project Costs \$6,000,000 and Financing Parameters
 - Estimated Project Sizing for Certificates of Participation
 - Estimated Annual Debt Service of \$290,000 through 2020 with \$410,000 from 2021-2045
 - Certificate of Participation Repayment Sources
 - Financing Structure
 - Interest-only payments for five years
 - Five year call protection
 - Premium bond structure

MOTION: Move to approve proceed with the financing and issuance of bonds which included the bond insurance aspect

MOVED: Roger Abe

SECOND: Andy Vasquez

AYES: Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

C. Administrative Services

1. (015-15) Approve conditional award of contract to Randy Hill Construction, apparent low bidder, for construction of new Sheriff's facility, pending approval of the financing for the project; and adopt resolution delegating final execution of the contract with Randy Hill Construction to the Purchasing Agent once financing is in place, final negotiations are complete, and upon review and approval by County Counsel. (Ten minute estimate) Director Doug McCoy recapped the process for bids and selection of the low bidder, Randy Hill and responded to Board inquiries.

MOTION: Move to approve

MOVED: John Nicoletti

SECOND: Andy Vasquez

AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

VI. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

- A. (524-14) Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and re-enacting Chapter 10.30 regarding requirements of the National Flood Insurance Program and Community Rating System. (Second Reading continued from December 9, 2014) (Land Use and Public Works Committee recommend approval) (Ten minute estimate) (Roll Call Vote) Supervisor Abe requested and with Board consensus, the matter was postponed to March 24, 2015.

VII. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. (016-15) Four notices from State of California Fish and Game Commission regarding the Tricolored Blackbird, central valley and ocean salmon sport fishing, mammal hunting regulations, and Clear Lake hitch. Received.

- B. (017-15) Yuba Sutter Regional Conservation Plan Notice of Preparation for Environmental Impact Report and Scoping meetings January 6, 2015 at 3:00 pm to 5:00 pm and 6:00 pm to 8:00 pm, at the Yuba County Government Center, Wheatland Room; and public comment period December 12, 2014 through January 25, 2015. Received.
- C. (018-15) Two notices from Yuba County Auditor-Controller inclosing Independent Audit of the financial records for Wheatland Cemetery District for year ending June 30, 2014, and Browns Valley Irrigation District for year ending December 31, 2013. Received.
- D. (019-15) Health and Human Services Public Health End of Year Report for 2014. Director Jennifer Vasquez responded to Board inquiries. Received.

VIII. BOARD AND STAFF MEMBERS' REPORTS

Supervisor Vasquez: Received consensus to bring back for discussion the Stormwater Ordinance at future meeting

Supervisor Nicoletti:

- Memorial Adjournment - Mr. Donald - "Short Stack" Oliver
- Received update on Regional Conservation Plan
- Sycamore Ranch gathering of Tri- Akim Maidu Tribe January 29 at 11:00 a.m.

Supervisor Abe:

- Sierra Sacramento Valley EMS meeting January 9, 2015
- Memorial Adjournment - Mr. Wesley Goforth

Supervisor Fletcher:

- North Yuba Grow
- Memorial Adjournment - Mr. Russell Young

County Administrator Robert Bendorf: Panel participant at upcoming CSAC event in San Diego

- IX. CLOSED SESSION: The Board retired into closed session at 12:01 p.m. and returned at 1:30 p.m. with all present as indicated above. There was not report.

- A. Personnel pursuant to Government Code §54957 - Public Appointment/Health Officer Recruitment No report.

X. RECESS TO 1:30 P.M.

- A. (020-15) Adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and abatement costs and penalties and the recording of lien in the amount of \$114,804.84 regarding 10137 Clark Ranch Way, Dobbins, CA owned by Karen Ungles Robins. (Thirty minute estimate) The clerk administered the oath to those individuals planning to give testimony.

Chief Code Enforcement Officer Jeremy Strang presented a PowerPoint presentation on the following:

- Property description and location
- Number of Greenhouses and plant count
- Map of property location, number and size of plants
- Administrative Chronology of Case

- Compliance inspection
- Notice of Violation
- Cost accounting and penalties

Mr. Strang responded to Counsel Roberto Marquez, representing Karen Robins and Gary McQuary, inquiries regarding fines, fees the structure.

Mr. Marquez questioned Mr. McQuary regarding residency, number of plants and when plants were removed.

Mr. McQuary responded to inquiries from Chief Deputy Counsel John Vacek.

MOTION: Move to adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and abatement costs and penalties and the recording of lien in the amount of \$114,804.84

MOVED: John Nicoletti SECOND: Andy Vasquez

AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

XI. RECESS TO 3:00 P.M.: The Board recessed at 2:10 p.m. and reconvened at 3:00 p.m. with all present as indicated above.

A. (545-14) Conduct workshop on updating Marijuana Cultivation Ordinance and provide staff direction. (Continued from December 9, 2014) (Community Development and Services/County Counsel) (60 minute estimate) Chief Deputy Counsel John Vacek recapped previous Board discussion and submittal of fourth version for discussion.

Following Board discussion, the following individuals spoke:

- Ms. Deirdre Escherman, Challenge
- Mr. Lewis Poullin, Brownsville
- Ms. Jean Wyatt
- Mr. Frank Chimienti, Foothills
- Ms. Karen Liggett, Marysville
- Mr. Zach Cross, Loma Rica
- Mr. Lee Boutt, Olivehurst
- Mr. Brook, Browns Valley
- Ms. Kathie Thelen, Browns Valley
- Mr. James Hall, Oregon
- Ms. Barbara Chiono, Marysville
- Mr. Ken Odom, Browns Valley
- Mr. Tom Wahl, Paradise
- Mr. Buck Weckman, Foothills
- Mr. Frank Cecil, Browns Valley
- Ms. Virginia Black
- Mr. Eric Salerno
- Mr. Bernie Zaboski, Browns Valley
- Mr. Chris Ashe, Fifth District
- Ms. Colene Weckman, Browns Valley
- Mr. Hezekiah Allen, Growers Association, Sacramento
- Mr. Joseph Fegan, Clipper Mills
- Mr. Michael Maletta, Marysville

- Mr. Russell Ensslin, Linda
- Mr. Gene Weckman, Brownsville
- Ms. Mary Salvato, Olivehurst
- Ms. June Muncy
- Ms. Jolie Perca
- Ms. Marcia Cecil, Browns Valley
- Mr. Oz Neitzer, Wheatland
- Mr. Rick Reiss, Edgewater
- Ms. Carol Tindall

Sheriff Durfor provided comments regarding grows, the current ordinance, the need to be more assertive and lack of enforcements resources.

Board members recapped their recommendations for inclusion in a draft ordinance that would be brought back for a Board workshop scheduled February 10, 2015 at 3:00 p.m.

Chair Griego formed an Ad Hoc Committee appointing Supervisor Nicoletti and herself as representatives to assist staff with cultivation ordinance considerations.

XII. RECESS TO 6:00 P.M.: The Board recessed at 5:48 p.m. and reconvened at 6:00 p.m. with all members present as indicated above.

- A. (013-15) Direct staff to initiate Proposition 218 process to propose increase to water rates for River Highlands Gold Village. (Thirty minute estimate) Director Kevin Mallen advised the previous meeting discussed both water and sewer and this discussion would be water only.

Principal Engineer Dan Peterson recapped the following and responded to Board inquiries:

- State law requires moving to metered rate
- Grants require metered rates as prerequisite
- Proposed metered water rates
- Typical water consumption
- Monthly water charge by use
- Water System annual expenses

The following individuals spoke:

- Mr. Greg Bock
- Ms. Claire Convery
- Ms. Carol Lawrence
- Ms. Cathy Kirby
- Mr. Jones
- Ms. Denise Walker
- Ms. Vicki Sagaral
- Ms. Susie Rosa
- Mr. Jim Edfrey
- Mr. Jones
- Ms. Kelly

Mr. Peterson recapped the Proposition 218 process for noticing, public hearing, protesting rate increase, and implementation should new rates be implemented and responded to public comments and inquiries.

County Administrator Robert Bendorf commented on the County's initial intervention in 2009 and subsequent grant funding for sewage and water for the district.

Finance and Administration Director Sean Powers responded to Board and public inquiries regarding funding and reserves.

Mr. Mallen discussed the reserve fee purpose and provided an option of lowering the fee to \$15 and the implications of lowering the fee.

MOTION: Move to staff to initiate Proposition 218 process to propose increase to water rates with a reserve rate of \$15 MOVED: John Nicoletti SECOND: Andy Vasquez

AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

XIII. ADJOURN: 7:55 p.m. in memory of Mr. Donald -"Short Stack" Oliver, Mr. Wesley Goforth, and Mr. Russel Young.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone – (530) 749-5436 • Fax – (530) 749-5434
915 8th Street, Suite 125
Marysville, California 95901
www.co.yuba.ca.us



E 045-15
749-5440

CODE ENFORCEMENT
749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454

HOUSING & COMMUNITY SERVICES
749-5460 • Fax 749-5464

PLANNING
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

February 3, 2015

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS

SUBJECT: Approve Contract for Construction Support Services with Dokken Engineering, Inc. for the SR 70 / Feather River Blvd. Interchange Project and Authorize Board Chair to Execute

RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors approve the Contract for Construction Support Services for the SR 70 / Feather River Blvd (FRB) Interchange Project and authorize the Board Chair to execute the contract.

BACKGROUND:

Yuba County is replacing the existing signalized at-grade intersection at SR 70 and Feather River Blvd with a grade separated interchange. Construction of the project is underway and as is standard with large projects, a contract is executed with the design engineer to review/approve submittals and shop drawings, prepare working drawings for change orders and produce modifications for the plan set.

DISCUSSION:

Additional work from the design engineer includes temporary traffic signal design, ADA modification/updates, submittal review for overpass items, and providing information for change order negotiations with the contractor.

COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed as this project is included in the Public Works Budget.

FISCAL IMPACT:

The \$73,390 contract will be funded by PLSP (\$54,290), and TCIF (\$19,100).

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AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT for design services ("Agreement") is made as of the Agreement Date set forth below by and between the County of Yuba, a political subdivision of the State of California ("the COUNTY"), and

**DOKKEN ENGINEERING
"CONSULTANT"**

In consideration of the Services to be rendered, the sums to be paid, and each and every covenant and condition contained herein, the parties hereto agree as follows:

OPERATIVE PROVISIONS

1. SERVICES.

The CONSULTANT shall provide those services described in Attachment "A", Provision A-1. CONSULTANT shall provide said services at the time, place and in the manner specified in Attachment "A", Provisions A-2 through A-3.

2. TERM.

Commencement Date: January 27, 2015

Termination Date: January 27, 2018

The term of this Agreement shall become effective on January 27, 2015, and shall continue in force and effect for a period of three (3) year(s), unless sooner terminated in accordance with the terms of this Agreement.

Notwithstanding the term set forth above, and unless this contract is terminated by either party prior to its termination date, the term of the Agreement may be automatically extended up to ninety (90) days. Any Notice of Termination during this automatic extension period shall be effective upon a ten (10) day written notice to the other party. The purpose of this automatic extension is to allow for continuation of services, and to allow County time in which to complete a novation or renewal contract for CONSULTANT AND COUNTY approval.

CONSULTANT understands and agrees that there is no representation, implication, or understanding that the services provided by CONSULTANT pursuant to this Agreement will be purchased by COUNTY under a new agreement following expiration or termination of this Agreement, and CONSULTANT waives all rights or claims to notice or hearing respecting any failure to continue purchase of all or any such services from CONSULTANT.

3. PAYMENT.

COUNTY shall pay CONSULTANT for services rendered pursuant to this Agreement at the time and in the amount set forth in Attachment "B". The payment specified in Attachment "B" shall be the only payment made to CONSULTANT for services rendered pursuant to this Agreement. CONSULTANT shall submit all billings for said services to COUNTY in the manner specified in Attachment "B".

4. FACILITIES, EQUIPMENT AND OTHER MATERIALS AND OBLIGATIONS OF COUNTY.

CONSULTANT shall, at its sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement, unless an exception to this requirement is provided in Attachment "A", Provision A-4.

5. ADDITIONAL PROVISIONS.

Those additional provisions unique to this Agreement are set forth in Attachment "C".

6. GENERAL PROVISIONS.

The general provisions set forth in Attachment "D" are part of this Agreement. Any inconsistency between said general provisions and any other terms or conditions of this Agreement shall be controlled by the other term or condition insofar as it is inconsistent with the general provisions.

7. DESIGNATED REPRESENTATIVES.

Michael G. Lee, is the representative of the COUNTY and will administer this Agreement for the COUNTY. Richard Liptak is the authorized representative for CONSULTANT. Changes in designated representatives shall occur only by advance written notice to the other party.

8. ATTACHMENTS.

All attachments referred to herein are attached hereto and by this reference incorporated herein. Attachments include:

Attachment A - Services
Attachment B - Payment
Attachment C - Additional Provisions
Attachment D - General Provisions
Attachment E - Insurance Provisions
Attachment F - Fee Proposal

9. TERMINATION.

COUNTY and CONSULTANT shall each have the right to terminate this Agreement upon ten (10) days written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have executed this

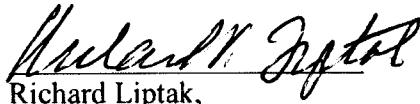
Agreement on _____, 2015.

"COUNTY"

"CONSULTANT"

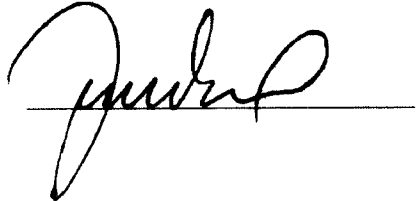
COUNTY OF YUBA

Chairman
Board of Supervisors


Richard Liptak,
President


Risk Manager

APPROVED AS TO FORM:
COUNTY COUNSEL



ATTACHMENT A

A.1 SCOPE OF SERVICES AND DUTIES.

The services to be provided by CONSULTANT and the scope of CONSULTANT's duties include the following:

Scope of Services

Task 1 – Construction Support

The Dokken Engineering team will be available during construction to respond to questions related to the design plans and specifications and provide clarification when requested. As part of this task, the Dokken Engineering team will:

- ***Request for Information (RFI)*** – The Dokken Engineering team will be available during construction to respond to questions specifically related to the design plans and specifications and provide clarification when requested. All RFI's will be coordinated through Yuba County or its Construction Manager.
- ***Review Shop Drawings*** – The Dokken Engineering team will review and comment on the prestressing, girder bearing pads, and precast culvert shop drawings submitted by the Contractor. In accordance with standard protocol, it is assumed that Yuba County, its Construction Manager, or Caltrans will review and comment on all other submittals from the Contractor, including but not limited to, forming systems (including form liners), concrete mix design, falsework, bar reinforcement, and railings.
- ***Review Change Order Requests*** – The Dokken Engineering team will review potential change orders and provide advice to Yuba County or its Construction Manager. Dokken will prepare necessary drawings and back up calculations for change orders to be issued to the Contractor.
- ***Site Visits*** – The Dokken Engineering team will visit the site at the request of Yuba County or its Construction Manager to assist in resolving questions. This initial scope of work assumes two (2) site visits throughout the duration of construction.
- ***As-Built Plans*** – The Dokken Engineering team will revise and issue a final set of plans reflecting "As-Built" conditions as depicted on red-marked plans provided by the Contractor.
- ***Administration*** – Throughout construction, the Dokken Engineering team will continue to provide associated project management services including subconsultant management and

Task 2 – Temporary Signal Design

The Dokken Engineering team will prepare temporary signal plans for the addition of traffic signal indications for southbound traffic on SR 70 at locations north of the overcrossing false work during Construction Stage 1. Temporary traffic signal plans will be submitted to Yuba County and Caltrans for review. Any comments by the review agencies will be incorporated into final PS&E.

Deliverables:

- One sheet of 1"=20' existing signal layout plan
- One sheet of no scale existing signal equipment and conductor schedules
- One sheet of 1"=20' temporary signal layout plan
- One sheet of no scale temporary signal equipment and conductor
- Ten sheets of no scale temporary signal construction details

The Dokken Engineering team will prepare temporary signal plans for the addition of traffic signal indications for southbound traffic on SR 70 at locations north of the overcrossing false work during Construction Stage 1. Temporary traffic signal plans will be submitted to Yuba County and Caltrans for review. Any comments by the review agencies will be incorporated into final PS&E.

A.2. TIME SERVICES RENDERED.

The services will be provided on such dates and at such times as specified by the county. Specific date(s) to be mutually agreed upon by the COUNTY and DOKKEN ENGINEERING.

A.3. MANNER SERVICES ARE TO BE PERFORMED.

As an independent Contractor, CONSULTANT shall be responsible for providing services and fulfilling obligations hereunder in a professional manner. COUNTY shall not control the manner of performance.

A.4. FACILITIES FURNISHED BY COUNTY.

CONSULTANT shall, at his/her sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement.

COUNTY OF YUBA

ATTACHMENT B

PAYMENT

COUNTY shall pay CONSULTANT as follows:

B.1 BASE CONTRACT FEE. COUNTY shall pay CONSULTANT a contract fee not to exceed seventy three thousand three hundred ninety dollars (\$73,390); CONSULTANT shall submit requests for payment after completion of services or no later than the tenth (10th) day of the month following provision of services. In no event shall total compensation paid to CONSULTANT under this Provision B.1 exceed eighty thousand seven hundred twenty nine dollars (\$80,729) without a formal written amendment to this Agreement approved by the COUNTY.

B.2 TRAVEL COSTS. COUNTY shall not pay CONSULTANT for meals, lodging or other travel costs not included in this Agreement unless said costs are approved in advance by the COUNTY representative (Operative Provision 7) and then COUNTY shall pay CONSULTANT per diem rates in effect on the date of invoice upon presentation of invoices.

B.3 AUTHORIZATION REQUIRED. Services performed by CONSULTANT and not authorized in this Agreement shall not be paid for by COUNTY. Payment for additional services shall be made to CONSULTANT by COUNTY if, and only if, this Agreement is amended by both parties in advance of performing additional services.

ATTACHMENT C

OTHER TERMS

There are no applicable provisions under this Attachment C for this Agreement.

ATTACHMENT D

GENERAL PROVISIONS

D.1 INDEPENDENT CONTRACTOR STATUS. At all times during the term of this Agreement, the following apply:

D.1.1 All acts of CONSULTANT shall be performed as an independent Contractor and not as an agent, officer or employee of COUNTY. It is understood by both CONSULTANT and COUNTY that this Agreement is by and between two independent parties and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture or association.

D.1.2 CONSULTANT shall have no claim against COUNTY for employee rights or benefits, including, but not limited to, seniority, vacation time, vacation pay, sick leave, personal time off, overtime, medical, dental or hospital benefits, civil service protection, disability retirement benefits, paid holidays or other paid leaves of absence.

D.1.3 CONSULTANT is solely obligated to pay all applicable taxes, deductions and other obligations, including, but not limited to, federal and state income taxes, withholding and Social Security taxes, unemployment and disability insurance and Workers' Compensation and Medi-Care payments.

D.1.4 As an independent Contractor, CONSULTANT is not subject to the direction and control of COUNTY except as to the final result contracted for under this Agreement. COUNTY may not require CONSULTANT to change its manner of doing business, but may require it to redirect its efforts to accomplish what it has agreed to do.

D.1.5 CONSULTANT may provide services to others during the same period service is provided to COUNTY under this Agreement.

D.1.6 If in the performance of this Agreement any third persons are employed by CONSULTANT, such persons shall be entirely and exclusively under the direction, supervision and control of CONSULTANT. All terms of employment including hours, wages, working conditions, discipline, hiring and discharging or any other term of employment or requirements of law shall be determined by the CONSULTANT.

D.1.7 As an independent Contractor, CONSULTANT hereby indemnifies and holds COUNTY harmless from any and all claims that may be made against COUNTY based on any contention by any third party that an employer-employee relationship exists by reason of this Agreement.

D.2 LICENSES, PERMITS, ETC. CONSULTANT represents and warrants to COUNTY that it has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for CONSULTANT to practice its profession. CONSULTANT represents and warrants to COUNTY that CONSULTANT shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, and approvals which are legally required for CONSULTANT to practice its profession at the time the services are performed. Failure of the CONSULTANT to comply with this provision shall authorize the COUNTY to immediately terminate this agreement notwithstanding any other provision in this agreement to the contrary.

D.3 TIME. CONSULTANT shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for the satisfactory performance of CONSULTANT's obligations pursuant to this Agreement. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the party.

D.4 INDEMNITY. CONSULTANT shall defend, indemnify, and hold harmless COUNTY, its elected and appointed councils, boards, commissions, officers, agents, and employees from any liability for damage or claims for damage for personal injury, including death, as well as for property damage, which may arise from the intentional or negligent acts or omissions of CONSULTANT in the performance of services rendered under this Agreement by CONSULTANT, or any of CONSULTANT's officers, agents, employees, contractors, or sub-contractors.

D.5 CONTRACTOR NOT AGENT. Except as COUNTY may specify in writing, CONSULTANT shall have no authority, express or implied, to act on behalf of COUNTY in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement to bind COUNTY to any obligation whatsoever.

D.6 ASSIGNMENT PROHIBITED. CONSULTANT may not assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no legal effect.

D.7 PERSONNEL. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that COUNTY, in its sole discretion, at any time during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT to perform services pursuant to this Agreement, CONSULTANT shall remove any such person immediately upon receiving written notice from COUNTY of its desire for

removal of such person or persons.

D.8 STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged. All products of whatsoever nature which CONSULTANT delivers to COUNTY pursuant to this Agreement shall be prepared in a first class and workmanlike manner and shall conform to the standards or quality normally observed by a person practicing in CONSULTANT's profession.

D.9 POSSESSORY INTEREST. The parties to this Agreement recognize that certain rights to property may create a "possessory interest", as those words are used in the California Revenue and Taxation Code, §107. For all purposes of compliance by COUNTY with Section 107.6 of the California Revenue and Taxation Code, this recital shall be deemed full compliance by the COUNTY. All questions of initial determination of possessory interest and valuation of such interest, if any, shall be the responsibility of the County Assessor and the contracting parties hereto. A taxable possessory interest may be created by this contract; and if created, the party in whom such an interest is vested will be subject to the payment of property taxes levied on such an interest.

D.10 TAXES. CONSULTANT hereby grants to the COUNTY the authority to deduct from any payments to CONSULTANT any COUNTY imposed taxes, fines, penalties and related charges which are delinquent at the time such payments under this Agreement are due to CONSULTANT.

D.11 TERMINATION. Upon termination of this Agreement as otherwise provided herein, CONSULTANT shall immediately cease rendering service upon the termination date and the following shall apply:

D.11.1 CONSULTANT shall deliver copies of all writings prepared by it pursuant to this Agreement. The term "writings" shall be construed to mean and include: handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing and form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.

D.11.2 COUNTY shall have full ownership and control of all such writings or other communications delivered by CONSULTANT pursuant to this Agreement.

D.11.3 COUNTY shall pay CONSULTANT the reasonable value of services rendered by CONSULTANT to the date of termination pursuant to this Agreement not to exceed the amount documented by CONSULTANT and approved by COUNTY as work accomplished to date; provided, however, COUNTY shall not in any manner be liable for lost profits which might have been made by CONSULTANT had CONSULTANT

completed the services required by this Agreement. In this regard, CONSULTANT shall furnish to COUNTY such financial information as in the judgment of the COUNTY is necessary to determine the reasonable value of the services rendered by CONSULTANT. In the event of a dispute as to the reasonable value of the services rendered by CONSULTANT, the decision of the COUNTY shall be final. The foregoing is cumulative and does not affect any right or remedy which COUNTY may have in law or equity.

CONSULTANT may terminate its services under this Agreement upon thirty (30) days written notice to the COUNTY, without liability for damages, if CONSULTANT is not compensated according to the provisions of the Agreement or upon any other material breach of the Agreement by COUNTY.

D.12 NON-DISCRIMINATION. Throughout the duration of this Agreement, CONSULTANT shall not unlawfully discriminate against any employee of the CONSULTANT or of the COUNTY or applicant for employment or for services or any member of the public because of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sex or sexual orientation. CONSULTANT shall ensure that in the provision of services under this Agreement, its employees and applicants for employment and any member of the public are free from such discrimination. CONSULTANT shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900, et seq.). The applicable regulations of the Fair Employment Housing Commission implementing Government Code Section 12900, set forth in Chapter 5, Division 4 of Title 2 of the California Code of Regulations are incorporated into this Agreement by reference and made a part hereof as if set forth in full. CONSULTANT shall also abide by the Federal Civil Rights Act of 1964 and all amendments thereto, and all administrative rules and regulations issued pursuant to said Act. CONSULTANT shall give written notice of its obligations under this clause to any labor agreement. CONSULTANT shall include the non-discrimination and compliance provision of this paragraph in all subcontracts to perform work under this Agreement.

D.13 REHABILITATION ACT OF 1973/AMERICANS WITH DISABILITIES ACT OF 1990. In addition to application of the non-discrimination provision of this Agreement, above, CONSULTANT agrees to comply with all provisions of section 504 et seq. of the Rehabilitation Act of 1973, and with all provisions of the Americans with Disabilities Act of 1990, and all amendments thereto, and all administrative rules and regulations issued pursuant to said Acts, pertaining to the prohibition of discrimination against qualified handicapped and disabled persons, in all programs or activities, as to employees or recipients of services.

D.14 OWNERSHIP OF INFORMATION. All professional and technical information developed under this Agreement and all work sheets, reports, and related data shall become the property of COUNTY, and CONSULTANT agrees to deliver reproducible copies of such documents to COUNTY on completion of the services hereunder. The COUNTY agrees to indemnify and hold CONSULTANT harmless from any claim arising out of reuse of the

information for other than this project.

D.15 WAIVER. A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.

D.16 COMPLETENESS OF INSTRUMENT. This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made express or implied.

D.17 SUPERSEDES PRIOR AGREEMENTS. It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations, or agreements, written or oral, between the parties hereto.

D.18 CAPTIONS. The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

D.19 DEFINITIONS. Unless otherwise provided in this Agreement, or unless the context otherwise requires, the following definitions and rules of construction shall apply herein.

D.20.1 NUMBER AND GENDER. In this Agreement, the neuter gender includes the feminine and masculine, and the singular includes the plural, the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

D.20.2 MANDATORY AND PERMISSIVE. "Shall" and "will" and "agrees" are mandatory. "May" is permissive.

D.20 TERM INCLUDES EXTENSIONS. All references to the term of this Agreement or the Agreement Term shall include any extensions of such term.

D.21 SUCCESSORS AND ASSIGNS. All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

D.22 MODIFICATION. No modification or waiver of any provision of this Agreement or its attachments shall be effective unless such waiver or modification shall be in writing, signed by

all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.

D.23 COUNTERPARTS. This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

D.24 OTHER DOCUMENTS. The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

D.25 PARTIAL INVALIDITY. If any term, covenant, condition or provision of this Agreement is held by a Court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

D.26 JURISDICTION. It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a Court of competent jurisdiction in the County of Yuba, State of California.

D.27 CONTROLLING LAW. The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

D.28 TIME IS OF THE ESSENCE. Time is of the essence of this Agreement and each covenant and term a condition herein.

D.29 AUTHORITY. All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

D.30 CONFLICT OF INTEREST. Neither a COUNTY employee whose position in COUNTY enables such employee to influence the award of this Agreement or any competing Agreement, nor a spouse or economic dependent of such employee, shall be employed in any capacity by CONSULTANT herein, or have any other direct or indirect financial interest in this Agreement.

CONSULTANT may be subject to the disclosure requirements of the COUNTY conflict of interest code if in a position to make decisions or influence decisions that could have an effect on the CONSULTANT's financial interest. The County Administrator shall determine in writing if CONSULTANT has been hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the Yuba County Conflict of Interest Code.

D.32 NOTICES. All notices and demands of any kind which either party may require or desire to serve on the other in connection with this Agreement must be served in writing either by personal service or by registered or certified mail, return receipt requested, and shall be deposited in the United States Mail, with postage thereon fully prepaid, and addressed to the party so to be served as follows:

If to "COUNTY":

Michael G. Lee, Director of Public Works
Department of Public Works
County of Yuba
915 8th Street, Suite 125
Marysville, CA 95901

With a copy to:

County Counsel
County of Yuba
915 8th Street
Suite 111
Marysville, CA 95901

If to "CONSULTANT":

Richard Liptak, President
Dokken Engineering
110 Blue Ravine Road, Suite 200
Folsom, CA 95630

ATTACHMENT E
INSURANCE REQUIREMENTS

E.1 MINIMUM SCOPE OF INSURANCE. CONSULTANT shall produce and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, his agents, representatives, employees or subcontractors. If CONSULTANT fails to maintain the Insurance provided herein, COUNTY may secure such insurance and deduct the cost thereof from any funds owing to CONSULTANT.

E.1.1 Coverage shall be at least as broad as:

- a. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01).
- b. Insurance Services Office Form Number CA 00 01 covering Automobile Liability, code 1 (any auto).
- c. Worker's Compensation insurance as required by the State of California and Employer's Liability Insurance.
- d. Errors & Omissions Liability Insurance appropriate to the consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

E.1.2 Minimum Limits of Insurance. CONSULTANT shall maintain limits no less than:

- | | | |
|--|---|--|
| 1. General Liability: (including operations, products and completed operations.) | \$1,000,000 | Per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability: | \$1,000,000 | Per accident for bodily injury and property damage. |
| 3. Workers' Compensation: | As required by the State of California. | |

4. Employer's Liability:	\$1,000,000	Each accident, \$1,000,000 policy limit bodily injury by disease, \$1,000,000 each employee bodily injury by disease.
5. Professional Errors and Omissions Liability:	\$1,000,000	Per occurrence

E.1.3 Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the COUNTY. At the option of the COUNTY, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the COUNTY, its officers, officials, employees and volunteers; or the CONSULTANT shall provide a financial guarantee satisfactory to the COUNTY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

E.1.4 Other Insurance Provisions. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(a) The COUNTY, its officers, officials, employees, and volunteers are to be covered as insured's with respect to liability arising out of automobile's owned, leased, hired or borrowed by or on behalf of the contractor; and with respect to liability arising out of work or operations performed by or on behalf of the CONSULTANT including materials, parts or equipment furnished in connection with such work or operations. General Liability coverage shall be provided in the form of an Additional Insured endorsement (CG 20 10 11 85 or equivalent) to the CONSULTANT's insurance policy, or as a separate owner's policy.

(b) For any claims related to this project, the CONSULTANT's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the COUNTY, its officers, officials, employees, or volunteers shall be excess of the CONSULTANT's insurance and shall not contribute with it.

(c) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) day's prior written notice has been provided to the COUNTY.

E.2 Waiver of Subrogation. CONSULTANT hereby agrees to waive subrogation which any insurer of contractor may acquire from contractor by virtue of the payment of any loss. CONSULTANT agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the COUNTY for all work performed by the contractor, its employees, agents and subcontractors.

E.3 Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII unless otherwise acceptable to the COUNTY.

E.4. Verification of Coverage. CONSULTANT shall furnish the COUNTY with original certificates and endorsements effecting coverage required by this clause. The endorsements should be forms provided by the COUNTY or on other than the COUNTY's forms, provided those endorsements or policies conform to the requirements. All certificates and endorsements are to be received and approved by the COUNTY before work commences. However, failure to do so shall not operate as a waiver of these insurance requirements. The COUNTY reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

E.6 Sub-contractors. CONSULTANT shall require and verify that all sub-contractors maintain insurance meeting all the requirements stated herein.

FEE PROPOSAL

ATTACHMENT F



Feather River Boulevard/SR 70 Interchange Project Construction Services Work Hours and Fee Estimate




Task	DOKKEN ENGINEERING								Y&C		DEA		Total	
	PM	PE	Associate	Assistant	Total Hours	Labor Budget	Misc Expenses	Total Budget	Total Labor Hours	Task Budget	Total Labor Hours	Task Budget	Labor Hours	Budget
	Rates													
Task 1 - Construction Support														
RFIs	40	24	24	60	148	\$16,640	\$0	\$16,640	34	\$4,150	30	\$4,890	212	\$25,680
Shop Drawings	6	8			14	\$1,940	\$0	\$1,940	9	\$1,650	24	\$4,060	47	\$7,650
Change Order Requests	8	16	16	24	64	\$6,640	\$0	\$6,640			24	\$4,060	88	\$10,700
Site Visits	8		8		16	\$2,120	\$0	\$2,120	12	\$2,200	10	\$2,900	38	\$7,220
As-Builts	8		12	100	120	\$10,500	\$0	\$10,500	6	\$550	42	\$4,970	168	\$16,020
Administration	36				36	\$6,120	\$0	\$6,120					36	\$6,120
Total Budget	106	48	60	184	398	\$43,960	\$0	\$43,960	61	\$8,550	130	\$20,880	589	\$73,390

Office of Yuba

County Counsel

MEMO

Date: February 3, 2015

To: Yuba County Board of Supervisors
 From: John Vacek, Chief Deputy County Counsel 
 Re: Continental-Pacific Industries Lease Addendum
 Agenda Item for February 3, 2015 Board of Supervisors Meeting

Recommendation: Consider County approval of amendment of lease agreement between Continental-Pacific Industries, Inc. (Lessor) and Century Nationwide, Inc. (Lessee).

Continental-Pacific Industries, Inc. is the original lessee, from the County of Yuba, of a piece of property located at 1401 Melody Road (located in the Airport industrial area in Olivehurst at the corner of Arboga Road and Melody Road). Since 2008 Continental-Pacific has sub-leased the property to Century Nationwide, Inc., whose principal is a man named Hsin Wei Hsu. The County is not a party to the lease to Century Nationwide, but the terms of the original lease between the County and Continental-Pacific require the County to approve any sub-lease or amendments to sub-leases. Mr. Hsu's business objective on the property is to run a recycling business. The original plan was apparently to operate a business recycling cans, bottles, and metals, but Mr. Hsu is seeking to include automobile dismantling in his business operations. In 2008 the sub-lease between Continental-Pacific and Century Nationwide was approved by the Board of Supervisors.

Auto dismantling is heavily regulated by the State of California for a variety of reasons. The State agency charged with that regulation is the Department of Motor Vehicles (DMV). Mr. Hsu has related to Supervisor Nicoletti that DMV is requiring, as part of his permitting process, that the County specifically approve his lease on the property to include storage of tires for recycling and storage of automobiles for wrecking and dismantling. Mr. Hsu has submitted a lease amendment in which those proposed uses of the property are specifically addressed and which contains a signature block for County approval.

In October of 2014 the Yuba County Staff Development Committee approved a Conditional Use Permit for Century Nationwide to operate an auto dismantling business on the property, so the proposed business operation is consistent with applicable County land use policies and regulations.



County of Yuba

Community Development & Services Agency

915 8th Street, Suite 123, Marysville, CA 95901

Planning Department

Phone: (530) 749-5470

Fax: (530) 749-5434

Web: [http:// www.co.yuba.ca.us](http://www.co.yuba.ca.us)

October 3, 2014

Century Nationwide, Inc
Attn: Roger Hsu
1401 Melody Road
Olivehurst, CA 95961

RE: Conditional Use Permit CUP 2014-0002

Dear Century Nationwide, Inc,

On October 1, 2014 the Yuba County Staff Development Committee (SDC) approved the above referenced project, subject to the attached conditions of approval. The decision of the SDC may be appealed to the Board of Supervisors within ten (10) days beginning the day after approval, or October 13, 2014. You have twenty-four (24) months from the date of approval to initiate the use permit under the guidelines specified in Yuba County Ordinance Code Section 12.10.260. Said permit may be effectuated following the ten (10) day appeal period. This use permit, if not initiated, will expire on October 1, 2016.

If you have any questions, please do not hesitate to contact me at (530) 749-5470.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Perkins", is written over the word "Sincerely,".

Kevin Perkins
Planner III

Enclosures:

Conditions of Approval

cc:

Van Boeck, Public Works
Paul Donoho, Environmental Health
Assessor

**FINAL CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: Century Nationwide, Inc
Owner: Yuba County
APN: 013-410-112

Case Number: CUP 2014-0002
Approval Date:
October 1, 2014

ACTIONS FOR CONSIDERATION: Staff recommends that the Staff Development Committee/Zoning Administrator take the following actions:

- I. After review and consideration, make a determination that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities).
- II. Approve conditional use permit CUP 2014-0002 subject to the conditions shown below, or as may be modified at the public hearing, making the following findings, pursuant to County of Yuba Title XII Sections 12.10.230:
 - a. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood.

The proposed project site is located in an Industrial zoning district near the Yuba County Airport. The expansion of an existing scrap metal and CRV recycling business by adding vehicle recycling would be consistent with the surrounding industrial uses in the neighborhood and other industrial zoned property in the Yuba County. The project proposes all vehicular dismantling and fluid storage will occur within an existing building; once dismantled the vehicles would be stored outside until a mobile car crusher crushes and removes the vehicles from the project site. Surrounding properties store large construction vehicles and equipment and the current scrap metal recycling business located on the site has the ability to accept vehicles as scrap metal.

- b. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The proposed project has been conditioned to meet all requirements of Yuba County. All storage of hazardous materials that could be detrimental to the health, safety, and welfare of any onsite or off-site residents will be collected and stored inside an existing building. The existing building will be conditioned to have a collection catch basin to ensure all vehicular fluids are caught in the basin and not spilled on the ground or have the ability to flow into any drainage basins. In addition to the applicant being required to meet all County storm water, LEA, and CUPA standards, the project has been conditioned to receive a CA State Waterboard Industrial Discharge Permit.

- c. The site for the proposed use is adequate in size and shape to accommodate said use and all of the yards, setbacks, walls or fences, and other features required in

**FINAL CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: Century Nationwide, Inc
Owner: Yuba County
APN: 013-410-112

Case Number: CUP 2014-0002
Approval Date:
October 1, 2014

order to adjust said use to those existing or permitted future uses in the neighborhood.

The project site is 25.11 acres in size and consists of an existing industrial complex that houses businesses that include Century Nationwide's existing scrap metal, tire, and CRV recycling and a recently approved distillery. The proposed project site plan demonstrates that the project site is large enough to accommodate the addition of vehicular recycling. The site is fully fenced with 6' tall chain link fencing and project setbacks will not be an issue due to all buildings that would be utilized for the business currently exists. The project will be conditioned to keep all vehicles screened from roadways and away from an existing drainage facility that runs along the eastern property boundary.

- d. The proposed use is consistent with the General Plan and any adopted Area or Specific Plan.

The project is consistent with both the General Plan land use designation and zoning for the site. The project is designated Employment by the County's General Plan and the project site is zoned General Industrial.

STANDARD CONDITIONS:

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
2. As a condition of approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Staff Development Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
3. The Conditional Use Permit may be effectuated at the end of the ten (10) appeal period which is October 13, 2014. Conditional Use Permit CUP 2014-0002 shall

**FINAL CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: Century Nationwide, Inc
Owner: Yuba County
APN: 013-410-112

Case Number: CUP 2014-0002
Approval Date:
October 1, 2014

be designed and operated in substantial conformance with the approved conditional use permit as outlined in the approved site plan and project description (Attachment 1) filed with the Community Development & Services Agency and as conditioned or modified below. No other expansion of uses are authorized or permitted by this use permit.

4. This Conditional Use Permit approval shall be effectuated within a period of twenty-four (24) months from this date and if not effectuated shall expire on October 1, 2016. Prior to said expiration date; the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of twelve (12) months.
5. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements provided by Title XII of the Yuba County Ordinance Code.
6. All prior conditions of approval and project description for CUP2011-0001 for operation of the CRV, scrap metal, and tire recycling operation shall remain in effect.

PUBLIC WORKS DEPARTMENT:

7. Applicant shall submit a drainage plan to provide for on-site and off-site storm water drainage for the project prior to acceptance of any material covered under this conditional use permit. Applicant shall construct such drainage facilities in order to prevent pollutants in runoff from entering any storm drain system. Drainage plan shall include the retrofit of drainage facilities in areas where dismantling or storage of waste liquids will take place. Drains in these areas shall discharge to an approved oil-water separator before entering into the storm drain system or into a sump and oil-water separator prior to the connection to the sanitary sewer system.
8. Applicant shall apply for National Pollution Discharge Elimination System (NPDES) – Industrial Stormwater General Permit from the California Central Valley Regional Water Quality Control Board (CV-RWQCB) prior to acceptance of any material covered under this conditional use permit.
9. Applicant shall provide areas that are used for automobile dismantling, draining of fluids, cleaning parts, storing salvaged parts, or storing drained fluids indoors

**FINAL CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: Century Nationwide, Inc
Owner: Yuba County
APN: 013-410-112

Case Number: CUP 2014-0002
Approval Date:
October 1, 2014

or on concrete surfaces, or other less porous material, that are covered and surrounded by berms to control stormwater runoff and run-on.

10. Vehicles stored outdoors need to be stored, at minimum, 25 feet away from the existing drainage facility that runs along the eastern boundary of the project site.
11. Applicant shall construct a commercial driveway approach to Melody Road that is closest to the dismantling operations per Yuba County Standards Detail #200 (Standard Driveway).
12. Any improvement work within the County right-of-way shall be accomplished under an encroachment permit issued by the Public Works Department.

ENVIRONMENTAL HEALTH DEPARTMENT:

13. Applicant will be required to obtain all State, local LEA, and CUPA permits required for the operation of a vehicular recycling business.
14. The material being handled (CRV, scrap metal, tires, and vehicles) shall be stored and treated as a product or may be subject to being classified as waste and subject to all regulations for storing and disposal of solid waste.
15. The product shall be stored and maintained in such a manner as to prevent and control vermin and insect infestations.
16. As described in the project description of the staff report, all vehicles brought to the site must be first drained of all fluids in an approved indoor drainage facility, prior to being stored outdoors.
17. All fluids collected from the fluid draining of vehicles shall be stored indoors and in leak free containers. Said fluids shall be removed from the project site from State registered hazardous waste hauler.

PLANNING DEPARTMENT:

18. Minor modifications to the final site configuration and/or business plan may be approved by the Community Development & Services Agency Director.
19. The proposed addition of vehicular recycling to the existing scrap metal, tire, and CRV recycling business shall be operated in substantial conformance with the

**FINAL CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: Century Nationwide, Inc
Owner: Yuba County
APN: 013-410-112

Case Number: CUP 2014-0002
Approval Date:
October 1, 2014

approved conditional use permits as described in the project description and the proposed site plan filed with the Community Development & Services Agency. No other expansion of uses are authorized or permitted by this use permit

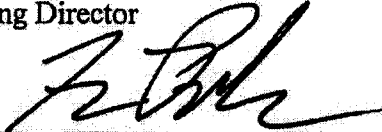
20. Permits from the Building Department shall be secured prior to the construction of any structure.
21. All vehicles stored outdoors shall be screened from view of Melody Road. Such screening can be achieved either by solid fencing or landscape screening consisting of screen trees or shrubs (reaching a minimum of 8 feet in height at maturity) of planted with a 30-foot spacing per section 12.87.035(3)(b) of the Yuba County Zoning Ordinance. All shrubs and bushes shall be maintained so as not to exceed 6 feet in height.
22. The landscape planter adjacent to Melody Road shall be improved with a combination of bark and drought tolerant ground cover/bushes to meet the landscape requirements of section 12.87.035(3) of the Yuba County Zoning Ordinance.
23. Stored uncrushed vehicles shall not be stacked. Crushed vehicles may be stacked but shall not exceed 8 feet in height unless placed within a storage container. Stacked vehicles shall meet all OSHA and Fire department requirements for stacking of products. The number of vehicles on site at any given time shall not exceed 200 uncrushed and 200 crushed. All vehicles must be stored to the north of all existing buildings as indicated in the approved site plan. No vehicles (crushed or uncrushed) shall remain on the property longer than three months, unless the vehicle has a title issue that cannot be resolved within three months. Vehicles with title issues shall not remain on the property longer than 45 days from when title is cleared.
24. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense or as agreed by PG&E. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject area.
25. Any and all physical improvements associated with this Conditional Use Permit shall be maintained to the standards specified in these Conditions of Approval set forth for this use permit. Failure to maintain said physical improvement(s) in said manner may be used as grounds for revocation of this use permit.

**FINAL CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: Century Nationwide, Inc
Owner: Yuba County
APN: 013-410-112

Case Number: CUP 2014-0002
Approval Date:
October 1, 2014

Wendy Hartman,
Planning Director

A handwritten signature in black ink, appearing to read 'K. Perkins', written over a horizontal line.

Kevin Perkins, Planner III

ADDENDUM III DATED JANUARY 21, 2015
TO THE STANDARD INDUSTRIAL/COMMERCIAL MULTI-TENANT LEASE
DATED SEPTEMBER 30, 2008
AND
TO THE ADDENDUM II DATED FEBRUARY 14, 2011
BY AND BETWEEN
CONTINENTAL-PACIFIC INDUSTRIES, INC AS LESSOR
AND
CENTURY NATIONWIDE, INC AS LESSEE
FOR THE PROPERTY LOCATED AT
1401 MELODY ROAD, OLIVEHURST, CALIFORNIA

The purpose of this Addendum is to amend paragraph 1.8 of the original lease executed on or about September 30, 2008, regarding the permissible/agreed use of the leased premises.

61. **1.8 – Agreed Use.** Storage of cans, metal, plastic bottles, and tires for recycling, and automobiles for wrecking/dismantling in accordance with all Federal, State, County, and City laws at Lessee's expense. Lessee may, at its sole expense, acquire permits/licenses from relevant government agencies to operate the afore-mentioned businesses without further approval by Lessor.

62. **Yuba County Approval:** This Lease Addendum must be approved by Yuba County. By this approval, Yuba County also rectifies and confirms its approval of the original Lease dated September 30, 2008, and the Addendum II dated February 14, 2011 executed by and between Lessor and Lessee, as mentioned earlier.

Yuba County Approval


Name

Date

Title

AGREED AND ACCEPTED:

LESSOR: Continental –Pacific Lumber Industries, Inc.

APPROVED AS TO FORM
ANGIL P. MORRIS-JONES
COUNTY COUNSEL
BY: 

By: _____

Paul Taylor, President

Date

LESSEE: Century Nationwide, Inc.

By: 

Hsin Wei Hsu, President



Date

ADDENDUM II DATED JANUARY 21, 2015
TO THE STANDARD INDUSTRIAL/COMMERCIAL MULTI-TENANT LEASE
DATED SEPTEMBER 30, 2008
AND
TO THE ADDENDUM II DATED FEBRUARY 14, 2011
BY AND BETWEEN
CONTINENTAL-PACIFIC INDUSTRIES, INC AS LESSOR
AND
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Yuba County Approval

Name

Date

Title

AGREED AND ACCEPTED:

LESSOR: Continental-Pacific Lumber Industries, Inc.

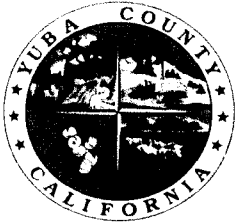
By: Paul Taylor
Paul Taylor, President

Jan 23 2015
Date

LESSEE: Century Nationwide, Inc.

By: Hsin Wei Hsu
Hsin Wei Hsu, President

Jan 23 2015
Date



COUNTY OF YUBA

OFFICE OF EMERGENCY SERVICES

ROBERT BE. 047-15
COUNTY ADMINL.
DIRECTOR OF EMERGENCY SERVICES

SCOTT BRYAN
EMERGENCY OPERATIONS MANAGER

HOLLY POWERS
EMERGENCY OPERATIONS PLANNER

Date: January 22, 2015

To: Yuba County Board of Supervisors

From: Scott Bryan, Emergency Operations Manager 

Re: FY 2015 Department of Water Resources Statewide Flood Grant

Recommendation

Adopt resolution authorizing the Director of Emergency Services and the Emergency Operations Manager to execute and submit an application and any required documents as required for the FY 2015 Department of Water Resources Statewide Flood Grant, including any other pertinent documents related to this program and authorize the acceptance and distribution of said funds.

Background/Discussion

The California Department of Water Resources has made available \$5,000,000 in competitive preparedness funds through the second round of the Statewide Flood Grant Program. These funds are to be utilized to increase and maintain the capacity of the Operational Areas (OA) first responders and emergency management to plan for, respond to, mitigate, and recover from high water and flood events.

Your Board has previously approved the submittal of an application for this competitive grant during in 2013 during the initial offering of this grant program. The County of Yuba was successful in receiving \$123,500 in grant funding. For the 2015 grant cycle, the Office of Emergency Services will be submitting an application for \$270,000. These funds will be utilized to complete a build out of a communications trailer, radio equipment for the City of Wheatland and on-going training and exercises for County staff.

Committee

No committee action was taken do to the routine nature of this request.

Fiscal Impact

There will be no negative impact to the County general fund.

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RESOLUTION AUTHORIZING THE)
DIRECTOR OF EMERGENCY SERVICES)
OR HIS DESIGNEE TO APPLY FOR GRANT)
FUNDS UNDER THE DEPARTMENT OF)
WATER RESOURCES FLOOD)
EMERGENCY RESPONSE PROJECTS) RESOLUTION NO. _____
PROGRAM)

WHEREAS, the Yuba County Office of Emergency Services intends to apply for grant funding from the California Department of Water Resources for the project costs and;

1. That, pursuant and subject to all the terms and provisions of the California Proposition 84 "Water Quality, Safety and Supply, Flood Control, Natural Resource Protection, Park Improvements" Bond Law and SB XX1, application by Yuba County be made to the California Department of Water Resources to obtain a grant for the Yuba County Operational Area Joint Communications Trailer Project and further training and exercises for the Emergency Operations Center Management Team.
2. That the Director of Emergency Services and/or his designee is hereby authorized and directed to prepare the necessary data, make investigations, sign and file such application with the California Department of Water Resources, and take such other actions as necessary or appropriate to obtain grant funding.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the _____ day of _____ 2015.

AYES:

NOES:

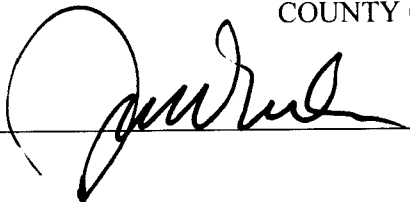
ABSENT:

ABSTAIN:

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

APPROVE AS TO FORM:
COUNTY COUNSEL





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The County of Yuba

Department of Administrative Services

Doug McCoy - Director



048-15

AIRPORT	741-8248
BUILDING & GROUNDS	749-7880
FACILITIES MANAGEMENT	749-7880
INFORMATION SERVICES	749-7881
PRINT SHOP	749-7880
PURCHASING	749-7880
TELECOMMUNICATIONS	749-7880

(530) 749-7880
FAX (530) 749-7836

February 3, 2015

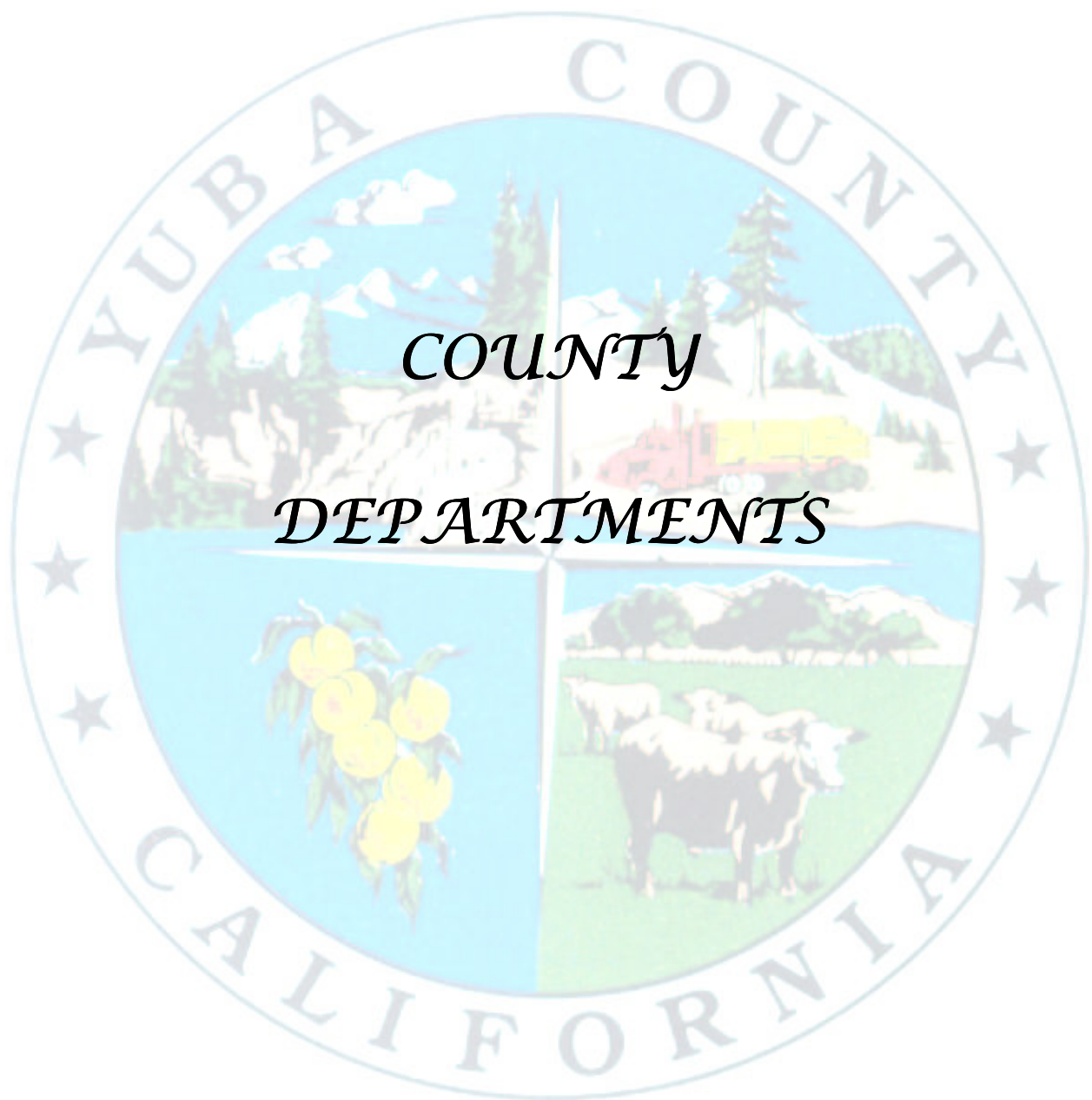
TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: Doug McCoy, Director of Administrative Services *DM*

SUBJECT: PRESENTATION OF THE 2014 STATE FAIR AWARDS PLAQUE

The Marysville High School Future Farmers of America and the State Fair representatives will provide a brief presentation to the Board along with the 2014 awards plaque for participation in the 2014 State Fair.

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COUNTY
DEPARTMENTS

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The County of Yuba

Office of Clerk of the Board of Supervisors



To: Board of Supervisors

From: Donna Stottlemeyer, Clerk of the Board

A handwritten signature in black ink, appearing to read "D. Stottlemeyer", is written over the "From:" line.

Subject: Yuba County Planning Commission – District Five Representative

Date: February 3, 2015

Recommendation

Appoint individual to the Yuba County Planning Commission as the District Five representative for a term ending January 15, 2019.

Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information and is updated monthly. This is a scheduled vacancy due to the expiration of Ms. Meldine Rodda's term. Application have been received from Warner C. Phillips and Edward Ritchie which are attached for your review. Supervisor Fletcher recommends appoint of Mr. Warner C. Phillips.

In light of the expressed interest, it would be appropriate to make the appointment at this time.

Fiscal Impact

None for appointment. Planning Commissioners receive \$75 per meeting attended.

Committee Action

None required.

/rf

attachment

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The County of Yuba

RECEIVED

DEC 4 2014

Application for Board/Commission/Committee
Appointed by the Board of Supervisors

Clerk/Board of Supervisors



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Yuba Co. Planning Commission

APPLICANT NAME:

Warner C. Phillips

MAILING ADDRESS -
(Street/P.O. Box, City, Zip):

[Redacted] Marysville CA 95901

PHYSICAL ADDRESS
(Street, City, Zip):

Same

TELEPHONE:

HOME:

[Redacted]

WORK:

[Redacted]

EMAIL ADDRESS:

[Redacted]

OCCUPATION/PROFESSION:
SUPERVISOR/ DISTRICT
NUMBER:

Civil Engineer - Retired
District 5

REASONS YOU WISH TO
SERVE ON THIS BODY:

At Request of new District 5 supervisor

QUALIFICATIONS:

Professional engineer

LIST PAST AND CURRENT
PUBLIC POSITIONS HELD:

County Engineer, Public Works Director
County Surveyor

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Warner C. Phillips
SIGNATURE

12/4/14
DATE

THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____

The County of Yuba

RECEIVED

DEC 9 2014



Application for Board/Commission/Committee
Appointed by the Board of Supervisors

Clerk/Board of Supervisors

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Planning (District 5)

APPLICANT NAME:

Edward Ritchie

MAILING ADDRESS -
(Street/P.O. Box, City, Zip):

[Redacted] Loma Rica 95901

PHYSICAL ADDRESS
(Street, City, Zip):

[Redacted] Marysville Ca 95901

TELEPHONE:

HOME: 5 [Redacted]

WORK: [Redacted]

EMAIL ADDRESS:

[Redacted]

OCCUPATION/PROFESSION:
SUPERVISOR/DISTRICT
NUMBER: 5

Construction and equipment operations Professional - District Manager

REASONS YOU WISH TO
SERVE ON THIS BODY:

Community Service.

QUALIFICATIONS:

LIST PAST AND CURRENT
PUBLIC POSITIONS HELD:

Current WIB Board Member, NCCG

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

[Signature]

DATE

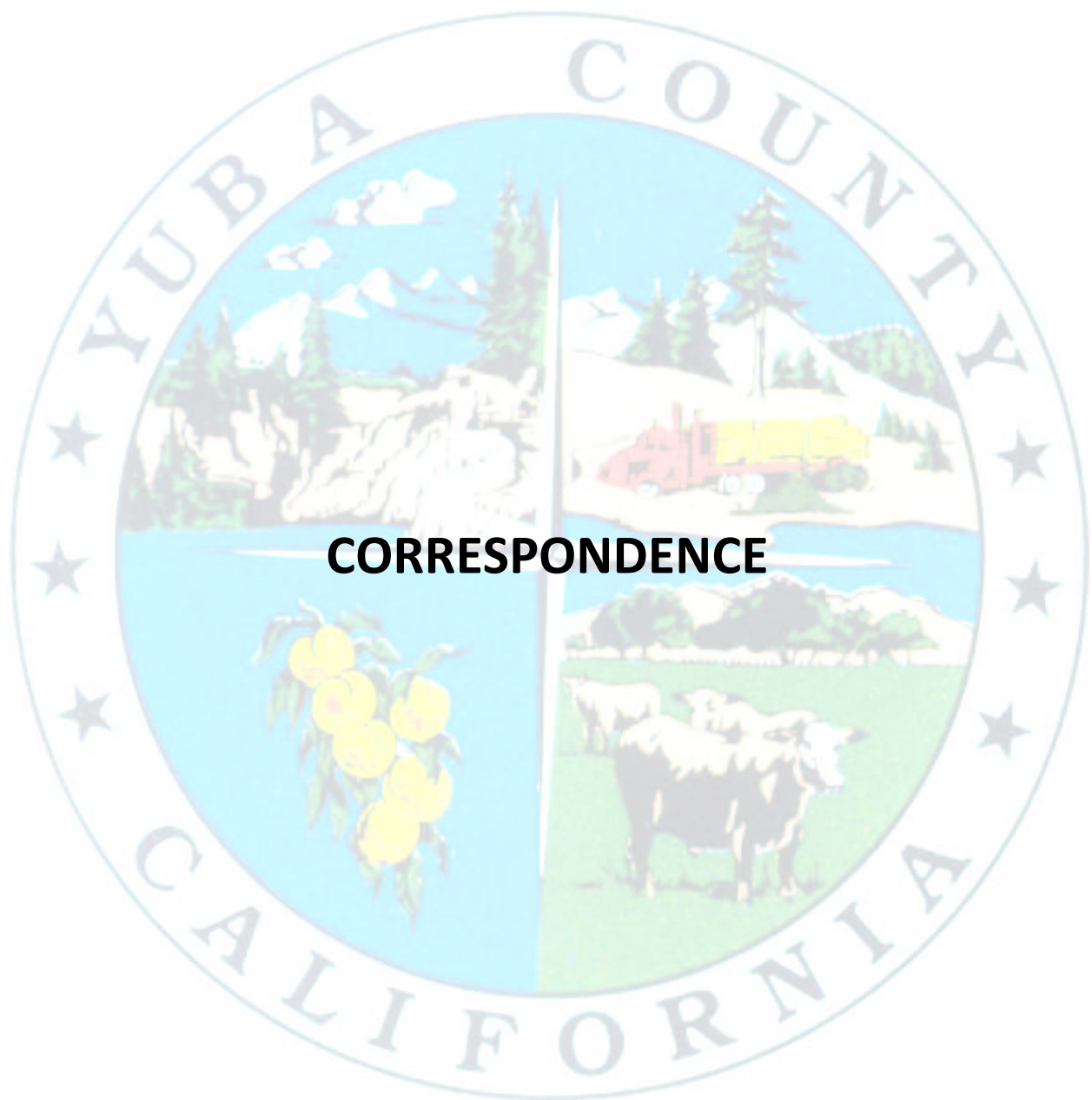
12-9-2014

THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____





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Commissioners
Michael Sutton, President
 Monterey

Jack Baylis, Vice President
 Los Angeles

Jim Kellogg, Member
 Discovery Bay

Richard Rogers, Member
 Santa Barbara

Jacque Hostler-Carmesin, Member
 McKinleyville

STATE OF CALIFORNIA
 Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
 1416 Ninth Street, Room 1320
 Sacramento, CA 95814
 (916) 653-4899
 (916) 653-5040 Fax
www.fgc.ca.gov

RECEIVED

JAN 23 2015

Clerk/Board of Supervisors

January 13, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Sections 311, 353, 464, 465, 475, and 485; repealing Section 355; and, adding Section 250.1, Title 14, California Code of Regulations, relating to the prohibition on the use of lead projectiles and ammunition using lead projectiles for the take of wildlife with firearms, which will be published in the California Regulatory Notice Register on January 16, 2014.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Craig Martz, Department of Fish and Wildlife, phone (916) 653-4674, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Caren Woodson
 Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 355, 356, 3003.1, 3004.5, 3800, 4009.5, and 4150 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 206, 207, 215, 220, 355, 356, 2005, 2055, 3003.1, 3004.5, 3683, 3800, 3950, 4000, 4001, 4002, 4003, 4004, 4009.5, 4150, and 4902 of said Code, proposes to amend 311, 353, 464, 465, 475, and 485; repeal Section 355; and, add Section 250.1, Title 14, California Code of Regulations, relating to prohibition on the use of lead projectiles and ammunition using lead projectiles for the take of wildlife with firearms.

Informative Digest/Policy Statement Overview

Informative Digest/Policy Statement Overview

Assembly Bill 711 (Chapter 742, Statutes of 2013) was signed by the Governor on October 11, 2013, and took effect on January 1, 2014. This legislative action amended Section 3004.5 of the Fish and Game Code, and requires the Fish and Game Commission (Commission) to promulgate regulations to ban the use of lead ammunition when taking any wildlife with a firearm not later than July 2019. The new law expands the existing requirement to use nonlead ammunition within the California condor range and requires the Commission to:

- Promulgate regulations by July 1, 2015, that phase in the requirements of Section 3004.5;
- Require partial or full implementation of the new regulations, if practicable, before July 1, 2019; and
- Maintain existing condor range restrictions and nonlead certification process until the new regulations are implemented.

The Department of Fish and Wildlife (Department) held a series of 16 public meetings throughout the state between January and August 2014. In addition, the Department provided presentations at the Commission's Wildlife Resources Committee (WRC) meetings in January, July, and September 2014 outlining proposals to phase in the required use of nonlead ammunition for the taking all wildlife with a firearm by July 2019.

The Department's revised regulatory recommendation, shown below, was presented at the Commission's September 2014 WRC meeting.

Phase 1 - Starting July 1, 2015, nonlead ammunition will be required for taking all wildlife on state Wildlife Areas and Ecological Reserves. These Department lands constitute approximately 925,000 acres in California, with high ecological values and relatively large numbers of hunters. In addition to hunters on Department lands, nonlead ammunition will be required for hunters taking Nelson bighorn sheep anywhere in California. This requirement will affect a small number of hunters as very limited numbers of Nelson bighorn sheep tags are issued annually. In 2014, fourteen tags were issued in California.

Phase 2 - Starting July 1, 2016, nonlead ammunition will be required when taking upland game birds with a shotgun, except for dove, quail, and snipe, and any game birds taken on licensed game bird clubs. In addition, nonlead ammunition will be required when

using a shotgun to take resident small game mammals, furbearing mammals, nongame mammals, nongame birds, and any wildlife for depredation purposes. It will still be legal to take these animals with traditional lead rimfire and lead centerfire ammunition during phase 2. These revisions will allow partial implementation as required due to availability of nonlead shotgun ammunition as required by existing federal waterfowl regulations. The exception for permitted licensed game bird clubs takes into account the use of domesticated game birds at these facilities.

Phase 3 - Starting July 1, 2019, nonlead ammunition would be required when taking any wildlife with a firearm.

The proposed regulatory changes are intended to implement AB 711 while balancing the statutory requirements and deadlines with the complex nature of ammunition production, retail availability and consumer demand. The proposed regulations generally rely on more readily available nonlead rifle and shotgun ammunition during the first three years of the transition in order to give ammunition manufacturers more time to meet the increased demand for nonlead ammunition in California after July 1, 2019.

Proposed Changes

Amend Division 1, Subdivision 2, Title 14, CCR.

The title of the subdivision will be expanded to Game, Furbearers, Nongame, and Depredators.

Add Section 250.1, Title 14, CCR.

This new section will include the existing nonlead requirements that apply when taking specified wildlife in the California condor range and new requirements to phase in the statewide nonlead mandate pursuant to Section 3004.5 of the Fish and Game Code.

Subsection (a) describes the general purpose of the regulation.

Subsection (b) defines "projectile," "nonlead ammunition," "nonlead projectile," and makes it clear that shotgun ammunition containing pellets composed of materials approved as nontoxic by the U.S. Fish and Wildlife Service, as identified in Section 507.1 of these regulations, is considered certified. These provisions increase public understanding and enhance the clarity of the regulation.

Subsection (c) includes general provisions.

- (1) It is unlawful to possess any projectile containing lead in excess of the amount allowed in these regulations and a firearm capable of firing the projectile while taking or attempting to take wildlife.
- (2) The possession of a projectile containing lead in excess of the amount allowed in these regulations without possessing a firearm capable of firing the projectile is not a violation of this section.
- (3) This section is not intended to prohibit the possession of concealable firearms containing lead ammunition, provided that the firearm is possessed for personal protection and is not used to take or assist in the take of wildlife.

Subsection (d) specifies the phased approach to prohibit the use of lead ammunition when

taking wildlife, as required by the amendments to Section 3005.5 of the Fish and Game Code.

Phase 1 - Effective July 1, 2015, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking:

- (A) Nelson bighorn sheep as authorized by Fish and Game Code Section 4902;
- or
- (B) All wildlife in any wildlife area or ecological reserve, as described in sections 551, 552 and 630 of these regulations.

Phase 2 - Effective July 1, 2016, it shall be unlawful to use, or possess with any shotgun capable of firing, any projectile(s) not certified as nonlead as described in subsection (b)(3) when taking:

- (A) Upland game birds as included in Fish and Game Code Section 3683, except for dove, quail, snipe, and any game birds taken under the authority of a licensed game bird club as provided for in sections 600 and 600.4 of these regulations;
- (B) Resident small game mammals as defined in Section 257 of these regulations;
- (C) Fur-bearing mammals as defined by Fish and Game Code Section 4000;
- (D) Nongame mammals as defined by Fish and Game Code Section 4150;
- (E) Nongame birds as defined by Fish and Game Code Section 3800; or
- (F) Any wildlife for depredation purposes, regardless of whether the take is authorized by a permit issued pursuant to sections 401 or 402 of these regulations.

Phase 3 - Effective July 1, 2019, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking any wildlife for any purpose in this state.

Subsection (e) continues the existing restrictions on the use of lead ammunition in the condor range, as required by subdivision (i) of Fish and Game Code Section 3004.5. These restrictions are currently set forth in subsection (h) of Section 353 and subsection (f) of Section 475. This section will be repealed when the statewide ban on the use of lead ammunition when taking wildlife goes into effect on July 1, 2019.

Subsection (f) contains the language specifying the nonlead ammunition certification process moved and updated from existing Section 355.

Amend Section 311, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 353, Title 14, CCR.

This section will be amended to remove subsection (h) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section. Other proposed amendments will revise the current exceptions in subsection (a) into two subsections (definitions and exceptions) along with minor changes to improve clarity and consistency of the regulations.

Amend Section 464, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 465, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 475, Title 14, CCR.

This section will be amended to remove subsection (f) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section.

Amend Section 485, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Repeal Section 355, Title 14, CCR.

This section is proposed to be repealed since the ammunition certification process is integrated in subsection (f) of the new Section 250.1, Title 14, CCR.

Benefits of the Proposed Regulations

The benefits of the proposed regulations to the environment are through the elimination of a source of toxic lead substances that may be deleterious to wildlife and sustainable management of California's wildlife resources.

The proposed regulations are neither inconsistent nor duplicative of existing State or federal regulations. The proposed regulation will complement federal law because, unlike federal regulations prohibiting use of nontoxic shot when taking waterfowl, the proposed regulations will prohibit use of lead ammunition when taking any wildlife. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the prohibition on the use of lead projectiles and ammunition for the take of wildlife with firearms.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Resources Building Auditorium, 1416 Ninth St., in the Sacramento, California, on February 12, 2015, at 8 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference and Resort Center, 2777 Fourth St., in the Santa Rosa, California, on April 9, at 8 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 26, 2015, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the

Commission office, must be received before Noon on April 3. All comments must be received no later than April 9, 2015, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Caren Woodson at the preceding address or phone number. **Craig Martz, Department of Fish and Wildlife, phone (916) 653-4674, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission does not anticipate significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The principle businesses that are expected to be impacted by the proposed regulatory changes are manufacturers and retailers of hunting equipment and businesses that serve hunters on recreational hunting trips. The proposed implementation schedule is structured to limit expected impacts on hunters

and hunting-related businesses that may be affected by the regulation. The availability of ammunition types is a central factor that influenced the timing of the phases so as to minimize any interruption in hunting activity caused by nonlead ammunition supply deficiencies.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate significant impacts on the creation of new business or the elimination of existing businesses in California. However, some new business activity may be spurred to serve hunters' needs for nonlead ammunition, hand-loaded bullets, and practice time on shooting ranges.

The Commission does not anticipate any significant impacts on the creation or elimination of jobs within the State because the nonlead ban will be phased in to minimize any disruptions in hunting activity across four years. The multiplier for jobs in the hunting, ammunition manufacturing, and outdoor sports retail sectors is 17 jobs per million dollars in direct expenditure. Although we anticipate less disruption, if full implementation precipitates a five percent reduction in hunting activity, approximately 230 jobs could be eliminated across the state.

The Commission anticipates the potential for the expansion of businesses currently doing business in California that manufacture or sell nonlead ammunition. Hunting guides and/or shooting ranges that may aid in the acquisition of and/or the transition to the use of nonlead ammunition may also have the potential to expand.

The Commission anticipates benefits to the health and welfare of California residents through better management of toxic lead substances that may be deleterious to those who consume wild game.

The Commission does not anticipate any benefits to worker safety because this regulatory action will not impact working conditions or worker safety.

The Commission anticipates benefits to the environment through the elimination of a source of toxic lead substances that may be deleterious to wildlife.

- (c) Cost Impacts on a Representative Private Person or Business:

A representative private person could spend an average of \$184 or expect to incur approximately a seven percent increase in annual hunting equipment expenditures in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department has an estimated \$45,000 in regulation development and outreach costs in the year prior to promulgation of the regulation that will be absorbable in that year. The regulation has the potential to reduce licenses and tags sales revenue for the

Department. If full implementation precipitates a five percent decline in hunting activity, the Department license and tag sales revenue could be reduced by approximately \$1 million. However, past experience with restricting the use of lead ammunition in the condor range suggests that potential declines in license and tag sales will be less than five percent (for more detail on changes in tag sales within the condor range, please see pages 17-19 in the attached Standardized Regulatory Impact Assessment).

Any potential reduction in the number of licenses sold is not expected to significantly impact Federal Pittman-Robertson Funding allocations to the state. The impact of a potential decline in hunting activity of five percent is estimated to result in an approximately \$34,000 drop in the state's Pittman-Robertson allocation. The state may experience a decline, but it will be more a function of an anticipated drop in the total quantity of funds collected across the country.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated:

Commissioners
Michael Sutton, President
Monterey

Jack Baylis, Vice President
Los Angeles

Jim Kellogg, Member

Discovery Bay

Richard Rogers, Member

Santa Barbara

Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

January 21, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsections (b)(91.1) and (b)(195) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath/Trinity rivers sport fishing, which will be published in the California Regulatory Notice Register on January 23, 2015.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Mr. Stafford Lehr, Chief of Fisheries Branch, Department of Fish and Wildlife, telephone number (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 215, 220, 240, 315, and 316.5, of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 215, and 316.5 of said Code, proposes to amend subsections (b)(91.1) and (b)(195) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River sport fishing.

Informative Digest/Policy Statement Overview

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service.

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches are defined as adult salmon (ages 3-5) and salmon less than or equal to 22 inches are defined as grilse salmon (age 2).

Klamath River Fall-Run Chinook

Klamath River fall-run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2015 KRFC in-river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath River Basin and equitably distribute harvest while operating within annual allocations.

Klamath River Spring-Run Chinook

The Klamath River System also supports Klamath River spring-run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in-river recreational fishery is managed by general basin seasons, daily bag limit, and possession limit regulations.

KRFC Allocation Management

The PFMC 2014 allocation for the Klamath River System recreational harvest was 4,128 adult KRFC. Preseason stock projections of 2015 adult KRFC abundance will not be available from the PFMC until March 2015. The 2015 Klamath River Basin allocation will be recommended by the PFMC in April 2015 and presented to the Commission for adoption prior to its April 2015 meeting.

For public notice requirements, the Department of Fish and Wildlife (Department) recommends the Commission consider an allocation range of 0 – 67,600 adult KRFC in the Klamath River Basin for the river recreational fishery.

Current Recreational Fishery Management

The KRFC in-river recreational harvest allocation is divided into geographic areas and harvest is monitored under real time subquota management. KRSC in-river recreational harvest is managed by general season, daily bag limit, and possession limit regulations.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Proposed Changes

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

The following changes to current regulations are proposed:

KRFC QUOTA MANAGEMENT: Seasons, Bag and Possession Limits

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2015 Klamath River Basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the subquota has been met.

The proposed open seasons and range of bag and possession limits for KRFC salmon stocks are as follows:

1. Klamath River - August 15 to December 31
2. Trinity River - September 1 to December 31
3. Bag Limit - [0-4] Chinook salmon of which no more than [0-4] fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length.
4. Possession limit - [0-12] Chinook salmon of which [0-12] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

SPIT AREA MANAGEMENT

Current regulations specify that the spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closes to all fishing after 15 percent of the total adult KRFC quota has been taken downstream of the Highway 101 bridge.

In 2014 the Department also evaluated restrictive measures for the spit area which included a "no catch and release" regulation for Chinook salmon legally caught in the spit area to protect Chinook stocks from excessive catch and release mortality. The regulatory time frame did not allow for sufficient time to promulgate such a regulation change. The Department informed the Commission that it would consider this change for the 2015 regulatory cycle.

The following options are being provided for Commission consideration:

Option 1 - No catch and release fishing in Spit Area - Department Proposal

After internal discussion and Yurok Tribal coordination, the Department is proposing the following change to the 2015 fall Chinook spit area regulations:

All legally caught Chinook salmon must be retained. Once the adult Chinook component of the daily bag has been retained, the angler must cease fishing in the spit area.

This regulatory proposal does not preclude anglers from leaving the spit area and fishing other areas once their adult daily bag has been taken. Anglers may fish other areas outside of the spit to fill the grilse (Chinook salmon <22 inches) component of their daily bag limit. This regulation also does not preclude anglers from filling a daily bag composed entirely of grilse salmon while fishing the spit area.

Option 2 - All Chinook salmon must be kept in Spit Area with Blue Creek closure - Yurok Proposal

The Yurok tribe is proposing the following modifications to the Klamath River regulations in the spit area and on the main Klamath River below the confluence with Blue Creek:

- 1) No catch and release fishing allowed in the spit area to reduce pinniped predation on released fish, and
- 2) Conservation closure below the mouth of Blue Creek to reduce catch and release in a thermal refuge area and protect late-fall Chinook holding prior to entering Blue Creek.

The first modification is to the spit area at the mouth of the Klamath River to allow no release of Chinook salmon, regardless of whether they are legally caught or foul hooked. This option provides an exception from the general snagging prohibitions in Section 2.00. The second modification would add Blue Creek to the September 15 to December 31 stream mouth closures and add a new Klamath River main stem closure from June 15 to September 14 from 500 feet above to ½ mile downstream around the mouth of Blue Creek.

Option 3 – A possible combination of Options 1 and 2

The Commission may combine Option 1's prohibition on catch and release fishing in the spit area with Option 2's Blue Creek conservation closure.

- 1) All legally caught Chinook salmon must be retained. Once the adult Chinook component of the daily bag has been retained, the angler must cease fishing in the spit area.
- 2) Conservation closure below the mouth of Blue Creek to reduce catch and release in a thermal refuge area and protect late-fall Chinook holding prior to entering Blue Creek.

ADDITIONAL PROPOSED CHANGES

The name of the road listed in subsection (b)(91.1)(B)2. is proposed to be corrected from "Ishi Pishi Falls road" to "Ishi Pishi Road". Cross references are proposed to be corrected in subsection (b)(195) to reduce public confusion. Other changes are proposed for clarity and consistency.

Benefits of the Proposed Regulations

The benefits of the proposed regulations are in conformance with federal law, sustainable management of Klamath River Basin salmon resources, and promotion of businesses that rely on recreational salmon fishing in the Klamath River Basin.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Sections 200, 202, 205, 315, and 316.5, Fish and Game Code). Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of Chinook salmon in the Lower Klamath River Basin.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 12, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Friday, April 17, 2015, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations: Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, California; Department of Fish and Wildlife, Conference Room, 20 Lower Ragsdale Drive, Suite 100, Monterey, California; Department of Fish and Wildlife, Conference Room, 1933 Cliff Drive, Suite 9, Santa Barbara, California; and Department of Fish and Wildlife, Conference Room, 4665 Lampson Avenue, Los Alamitos, California. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 16, 2015. All comments must be received no later than April 17, 2015, at one of the teleconference hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Stafford Lehr, Chief of Fisheries Branch, Department of Fish and Wildlife, (916) 327-8840 or Stafford.Lehr@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person

interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to have some impact on the net revenues to local businesses servicing sport fishermen. Visitor spending may be reduced and in the absence of the emergence of alternative visitor activities, the drop in spending could induce business contraction. However, this will not likely affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulations range from no fishing of KRFC salmon in 2015; to a normal Klamath River Basin salmon season. The Commission anticipates some impact on the creation or elimination of jobs in California. The potential employment impacts range from 0 to 23 jobs which are not expected to create, eliminate or expand businesses in California. The Commission anticipates impacts on the creation, elimination or expansion of businesses in California ranging from no impact to reduced revenues to approximately 30 businesses that serve sport fishing activities. However, the possibility of growth of businesses to serve substitute activities exists. Adverse impacts to jobs and/or businesses would be less if fishing of grilse KRFC salmon is permitted than under the complete closure to all fishing. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's salmon resources.

The Commission does not anticipate any benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 13, 2015

Sonke Mastrup
Executive Director

Commissioners
Michael Sutton, President
Monterey

Jack Baylis, Vice President
Los Angeles

Jim Kellogg, Member

Discovery Bay

Richard Rogers, Member

Santa Barbara

Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

January 21, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Sections 28.20 and 28.95, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing regulations, which will be published in the California Regulatory Notice Register on January 23, 2015.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Dr. Craig Shuman, Regional Manager, Marine Region, Department of Fish and Wildlife, (805) 568-1231 or Craig.Shuman@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 219, 220, 240, and 316 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 201, 202, 203.1, 205, 207, 215, 219, 220, and 316 of said Code, proposes to amend Sections 28.20 and 28.95, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing regulations for consistency with federal rules.

Informative Digest/Policy Statement Overview

Pacific halibut is internationally managed through the Northern Pacific Halibut Act of 1982 between the United States and Canada. Pacific halibut along the United States west coast is jointly managed through authorities of the International Pacific Halibut Commission, Pacific Fishery Management Council (PFMC), and the National Marine Fisheries Service (NMFS), in conjunction with west coast state agencies. The PFMC coordinates west coast management of all recreational and commercial Pacific halibut fisheries in U.S. waters through the Pacific Halibut Catch Sharing Plan (CSP), which constitutes a framework for recommending annual management measures. NMFS is responsible for specifying the final CSP language and management measures in federal regulation (50 CFR Part 300, Subpart E and the Federal Register) and noticing them on their halibut telephone hotline. Federal regulations for Pacific halibut are applicable in State waters (zero to three miles off shore) and federal waters (three to 200 miles offshore) off Washington, Oregon and California.

For consistency, the California Fish and Game Commission (Commission) routinely adopts regulations to bring State law into conformance with federal and international law for Pacific halibut.

The November PFMC regulatory recommendation will be considered by the Commission when it takes its own regulatory action to establish the State's recreational Pacific halibut fishery regulations for 2015.

Summary of Proposed Amendments

The Department is proposing the following regulatory changes to be consistent with PFMC recommendations and the CSP for Pacific halibut regulations in 2015. This approach will allow the Commission to adopt State recreational Pacific halibut regulations to conform in a timely manner to those taking effect in federal ocean waters on or before May 1, 2015.

The proposed regulatory changes modify regulations to allow Pacific halibut to be managed under a quota management system to allow for timely conformance of federal fisheries regulations and inseason changes. A range of Pacific halibut quotas between 0 and 50,000 pounds would be considered for public notice purposes. Quota status updates and in-season changes will be disseminated and communicated to the general public through the Department's website, the Recreational Groundfish Fishing Regulations Hotline, the NMFS Area 2A halibut hotline, and made available by contacting a Department office.

The proposed regulatory changes modify the seasons to include a range from May 1 to October 31 which may include periodic closures. The final regulation will conform to the season established by federal regulations in May 2015.

Gear restrictions are proposed to be added for consistency with existing federal regulations.

The proposed regulations modify the authorized methods of take to allow for the use of harpoons to assist in the recreational take of Pacific halibut.

A cross reference is proposed to be included to clarify those ocean areas where harpoons may be used to assist in the recreational take of Pacific halibut caught using legal gear.

The benefits of the proposed regulations are consistency with federal regulations, the sustainable management of California's Pacific halibut resources, and health and welfare of anglers.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt sport fishing regulations (Fish and Game Code, Sections 200, 202 and 205) and Pacific halibut fishing regulations specifically (Fish and Game Code, Section 316). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of Pacific halibut.

The proposed regulations are neither inconsistent nor incompatible with commercial fishing regulations (Chapter 6, Title 14 CCR), State Coastal Conservancy regulations for experimental fishing gear loan program (Section 13862, Title 14, CCR), and State Board of Equalization tax regulations (Section 1602, Title 18, CCR).

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 11, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, California, on Wednesday, April 8, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 noon on April 3, 2015.** All comments must be received no later than April 8, 2015, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number.

Dr. Craig Shuman, Regional Manager, Marine Region, (805) 568-1231 or Craig.Shuman@wildlife.ca.gov, has been designated to respond to questions on the

substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory action does not substantially alter existing conditions.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs in California.

The Commission does not anticipate any impacts on the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of fish and wildlife.

The Commission anticipates benefits to the environment by the sustainable management of California's Pacific halibut resources.

The Commission does not anticipate any benefits to worker safety.

Additional benefits of the proposed regulations are consistency with federal regulations and promotion of businesses that rely on recreational Pacific halibut fishing.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 13, 2015

Sonke Mastrup
Executive Director

Commissioners
Michael Sutton, President
Monterey

Jack Baylis, Vice President
Los Angeles

Jim Kellogg, Member

Discovery Bay

Richard Rogers, Member

Santa Barbara

Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

January 21, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (b) of Section 27.65 and subsection (b) of Section 28.38, Title 14, California Code of Regulations, relating to Pacific bluefin tuna daily bag limit and tuna fillet procedures, which will be published in the California Regulatory Notice Register on January 23, 2015.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Ms. Mandy Lewis, Environmental Scientist, Department of Fish and Wildlife, Marine Region, (562) 342-7169 or Mandy.Lewis@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, and 313 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 220, 240, 313, 5508, and 5509 of said Code, proposes to amend subsection (b) of Section 27.65 and subsection (b) of Section 28.38, Title 14, California Code of Regulations, relating to Pacific bluefin tuna daily bag limit and tuna fillet procedures for consistency with federal rules.

Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) reviews the status of Pacific bluefin tuna and other west coast tuna populations using a biennial management cycle. As part of that process, it recommends fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the West Coast Highly Migratory Species Fishery Management Plan (HMS FMP). These recommendations coordinate west coast management of recreational and commercial highly migratory species fisheries in the federal fishery management zone (three to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as federal fishing regulations by the National Marine Fisheries Service (NMFS).

For consistency, the California Fish and Game Commission (Commission) routinely adopts regulations to bring State law into conformance with federal law for Pacific bluefin tuna and other federally-managed species.

Summary of Proposed Amendments

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with the PFMC recommendations for federal tuna regulations in 2015 and 2016. This approach will allow the Commission to adopt State recreational tuna regulations to timely conform to those taking effect in federal ocean waters in May 2015.

The proposed regulations decrease the Pacific bluefin tuna daily bag limit from 10 to two fish. Pacific bluefin tuna was declared overfished and a decreased bag limit is expected to reduce the recreational catch by 30 percent for 2015 and 2016, within the range recommended by the IATTC.

The proposed reduction to the Pacific bluefin tuna daily bag and possession limit creates a need for law enforcement to differentiate between Pacific bluefin tuna and other tuna species commonly landed by southern California anglers.

The proposed regulations would modify the fillet regulations to require tuna filleted on any boat or brought ashore as fillets south of Point Conception be filleted in a manner that allows for identification of the species of tuna. The final recommendation for fillet regulations for all species of tuna filleted on a vessel or brought ashore as fillets south of Point Conception requires that each fish be cut into six pieces retaining all the skin, all pieces of each fish be placed together in one bag, and the bag be labeled with the species' common name.

The benefits of the proposed regulations are consistency with federal regulation, the sustainable management of California's tuna resources, and protection of overfished stocks.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt sport fishing regulations (Fish and Game Code, sections 200, 202 and 205) and tuna fishing regulations specifically (Fish and Game Code, Section 313). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR), general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR, and regulations concerning the exchanging of sport-caught fish (Section 231, Title 14, CCR). Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of Pacific bluefin tuna.

The proposed regulations are neither inconsistent nor incompatible with existing State Department of Health Services regulations concerning canning, inspection and labeling of food and pet food (sections 12660, 12665, 12670, 12675, 12680, 12685 and 19025, Title 17, CCR), and Department of Health Services regulations concerning the California Special Supplemental Food Program for Women, Infants and Children (Section 40740, Title 18, CCR).

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 11, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, California, on Wednesday, April 8, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 noon on April 3, 2015.** All comments must be received no later than April 8, 2015, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Mandy Lewis, Environmental Scientist, Department of Fish and Wildlife, Marine Region, (562) 342-7169 or Mandy.Lewis@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption.

Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Negative economic impacts are not expected from a reduction in the Pacific bluefin tuna bag limit as fishers will likely target other tuna species after the Pacific bluefin tuna limit is met. The reduced bag limit is also not expected to substantially reduce the numbers of anglers on CPFV trips and the associated angler spending. The proposed regulations continue to allow recreational anglers to take and possess Pacific bluefin tuna in State waters, and for CPFV anglers to have their tuna catch filleted by crew members while the vessel is still at sea.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources, which may result in benefits to the health and welfare of California residents. Participation in sport fisheries opportunities fosters conservation through education and appreciation of California's fish and wildlife.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 13, 2015

Sonke Mastrup
Executive Director