

## Explanations to Form 1023

See Attached Eagle Lake Guardians **Narrative of Activities** with this application for further description of Eagle Lake Guardians activities. Also enclosed is a recent **research paper** "Long-term captive breeding does not necessarily prevent establishment: lessons learned from Eagle Lake rainbow trout Gerard Carmona-Catot, Peter B. Moyle and Rachel E. Simmons.

### Part I

**(5)** Eagle Lake Guardians began our State filing process near the end of 2010. All start up fees were donated by the officers individually forming the nonprofit through the State of California. We did not begin to receive public money until 2011. Having had our Articles of Incorporation and Bylaws authorized by the State of California December 8, 2010 it was well beyond the time we could begin any fundraising or membership solicitation so we had no income between 12-08-10 and 12-31-10. 24 people did sign up requesting to be contacted when we could begin accepting cash for memberships. The tourist and fishing season for the year was over and would not begin again until the last weekend in May 2011. It was January 25<sup>th</sup> when we began soliciting for memberships. The Fourth of July Weekend was our first fundraiser. Due to the changes after the State election of a new governor, the State Franchise Tax Board sent us a letter stating that they were in the middle of reorganizing staff, over loaded and needed to extend their response time an extra 90 days. After that 90 days expired we still did not have an answer so we called the FTB once again and found a person who was aware of our papers, where our file was located and that we had been delayed over 180 days. He retrieved our file and expedited our application and paperwork. Within days, we had the rest of our paperwork which allowed us to secure a bank account with US Bank in August. We were upfront with our members that we were having to wait to get the bank account before we could accept checks so our first few members donated cash which was logged in a ledger immediately. All cash was counted by two officers, any expense had to be authorized by two officers.

### Part III

**(1)** Exempt Purpose: Articles of Incorporation, page 1, section II (A) (B) Also SEE NARRATIVE PART IV ATTACHED  
**2(a)** Dissolution provision clause: Articles of Incorporation, page 1, section V

### Part IV

See enclosed Eagle Lake Guardians Narrative of Activities, 2012 newsletter, fundraiser flyer, membership application.

### Part V

**(b)** Agreed to no compensation for officers.

**4(g) Articles of Incorporation page 1, Section I "Not organized for the private gain of any one person".** No officer receives compensation. When we began organizing Eagle Lake Guardians we all agreed that **we would not compensate ourselves for forming a nonprofit group to help protect and enhance Eagle Lake and her environment for the future. It is also our home.** If, by chance ANYONE is EVER compensated other than for expense on services hired by the officers, it will be documented in our meeting minutes and posted on our website. Our state papers indicate that our officers are not compensated in any way. **Only the public and the lake can benefit from our cause** which is to enhance and protect Eagle Lake water levels, water quality, Heritage trout fishery and avian habitat.

**5(b)** No compensation to officers. No employees. No conflicts of interest. Articles of Incorporation; Article II(A). "not organized for the private gain of any one person". We are very aware of what conflict of interests are and policing ourselves will not be a problem. Our meetings are open and all topics are brought up publically.

**5(c)** The business we will be working with or supplying grants to are not private businesses but government agencies.

**8(a-f)** No officers are compensated. No employees. No contracts. Articles of Incorporation Page 1, Article V

**9(a-f)** We have verbally discussed several needs of the lake to improve the water level at public meeting at USFS Headquarters with LNF District Ranger Ann Carlson, District Ranger. One project discussed was the watershed of Pine Creek, Eagle Lake's main seasonal tributary. During years of good water there was plenty of water to share, however after years of drought the water diversions may be negatively affecting the lake and fishery. After that meeting she attended our last meeting Nov 1 where we discussed many aspects of the future. We also discussed with Mike Berry of CA Department of Fish and Game regarding enhancing the fishery and assisting in the pursuit of a truly native spawn. He and CDFG Environmental Biologist Paul Divine attended our last public meeting. We are all excited about starting a new joint venture to help Eagle Lake, its heritage trout fishery and avian habitat. Scientists and the public can work together to benefit all. Eagle Lake has needed the formation of a group of anglers to benefit all it has to offer the public. Working together with the agencies is the way to get it done. Discussions have been at our open meetings. The sooner we get started the better. **SEE ENCLOSED MEETING MINUTES OF 11-1-11**

## **Part VIII**

**2(a)** Main objective here is to work with government agencies to assist in funding by small grants, larger if we're lucky in this economy, to complete needed projects that will help Eagle Lake environment and ecology. Work with Resource Advisory Committee, Eagle Lake Interagency Board and UC Davis Scientists. Our future goal is to be able to offer matching funds or grants to assist federal and state agencies in protecting and enhancing California's premier Heritage trout fishery of Eagle Lake. We also added that we may need to seek legal advice or legal action if we have too. Repairs to the creeks, fish barriers, egg collection facilities and historical attributes are some of the projects discussed. We will not change legislation, but resolutions or determinations made 10- to 40+ years ago may need revalidation or revocation due to current drought conditions and climate change are going to be part of the equation. We all know we have to work together. Some projects are smaller and won't cost as much as others. The agencies will be involved all the way. Bylaws page 1, section II "objective"

**3(a)** Raffles, Auctions & Donation Boxes. No other gaming.... Tickets will be sold in advance and at fundraisers, need not be present at fundraiser to win. Tickets are drawn from a tumbling/mixing device and drawn by a child/person from the crowd. If no one is available, tickets will be drawn by a person of choice by either the secretary, president or treasurer of the nonprofit. All proceeds go into the general fund for use on projects relating to enhancing & protecting Eagle Lake water level, water quality, fishery and avian habitat which may include seeking legal advice or legal action. Large gifts donated may be auctioned AT specified fundraising event. Auctions will be performed at the fundraiser by officers of the corporation or by person(s) selected by the officers of the corporation. Services exceeding a reasonable amount will be auctioned. Another example of an item with a special raffle or auction would be a donated heirloom quilt. No less than two fundraisers a year. Personally soliciting for donations during the summer \$1000. Cost of one fundraiser raffle \$350 for prizes for estimated income \$3500. Cost of BBQ fundraiser \$175 for estimated income \$500. Yearly estimate \$5000 each fundraiser X 2 = \$10,000 yearly gross.

**3(c)** California, Lassen County, Eagle Lake.

**4(a)** We're in a summer resort area with great trout fishing for a heritage trout so our main fundraising is done between May and October. Fundraisers include BBQ and raffle in which proceeds are donations. Raffle's are conducted by the officers and stated in our description and above. If someone donates a service we will conduct an auction during the fundraiser and advertise it as such if donated prior to the event. If we're lucky and we receive large scale items we may have a separate raffle. Need not be present to win contact info will be located on the ticket being drawn. Drawings for ALL raffles are during the fundraiser. A raffle extending the season will be drawn at the last fundraiser event of the season. Larger items will be auctioned or separately raffled. We have donation boxes at participating stores around Eagle Lake where people can donate spare change. We will verbally promote Eagle Lake Guardians and solicit for donations wherever and whenever possible.

**4(d)** California, Lassen County Eagle Lake. We do our own fundraising.

**6(b)** Protecting and enhancing Eagle Lake will not only benefit the lake's environment and ecology but it will benefit the local economy by attracting more and new visitors to the lake, Lassen County as well as to the State of California. Articles of Incorporation: Article II(B)

**7(c)** No contracts or business relationships to cause problems.

**13(a)** We have verbal bonds of group support with Plumas Audubon. No financial support has been granted either way. Nothing in writing. Eagle Lake Ranger District Ranger Ann D Carlson has attended out meeting discussing support for Guardians and a willingness to work together to protect and enhance Eagle Lake and its Heritage trout. She can be

reached at 530-252-5810 or email [adcarlson@fs.fed.us](mailto:adcarlson@fs.fed.us) . Mike Berry of CA Department of Fish and Game (Redding CA office) has also attended our meeting and is also eager to work with Eagle Lake Guardians to enhance and protect the Heritage trout (Eagle Lake Trout is a unique subspecies of rainbow trout that is adapted to living in water with a pH of 9+ but is also very adaptive to most all fresh waters) Mike Berry can be contacted [MBerry@dfg.ca.gov](mailto:MBerry@dfg.ca.gov). See attached **minutes of 1-11-11**.

**13(b)** Main objective here is to work with government agencies to assist in funding by small grants, larger if we're lucky in this economy, to complete needed projects that will help Eagle Lake environment and ecology. Work with Resource Advisory Committee. Our future goal is to be able to offer matching funds or grants to assist federal and state agencies in protecting and enhancing California's premier Heritage trout fishery of Eagle Lake including the watershed and avian habitat. We also added that we may need to seek legal advice or legal action if we have too in order to clear up any water rights disputes. Not legislation, but resolutions or determinations made 10- to 40+ years ago may need revalidation or revocation due to current drought conditions and climate change are going to be part of the equation. However, any legislation will be at the directive of the principle agency involved based on new or previous documentation, not by Eagle Lake Guardians. **Articles of Incorporation, page 1 Article IV (B)**

**13(c)** Nothing in writing but we have discussed our cause with federal and state agencies who have had representatives attend our meeting. USFS Lassen National Forest Eagle Lake Ranger District Ranger Ann Carlson, Mike Berry and Paul Divine for CDFG have verbally discussed a bright future privately and openly at our public meeting. SEE **11-1-11 Meeting minutes enclosed with explanation to Part V, 9(b)**.

**13(f)(II)** Grant amounts will be determined by how much money we can raise for the cause and we hope to reach \$10K or more each year. When we are able to give a grant it will most likely be to a government agency for a specific project benefiting the lake's habitat. In that event, we will meet the requirements. The agency will come up with the grant project request as per each individual project. Lines of communication have been opened and we don't foresee the government refusing to communicate in these matters. Reports and updates have not been a problem in the past. Since our projects are local we (officers, locals and some Eagle Lake Guardians )will be physically watching and documenting any project performed with the assistance of our grant. We will inquire if needed. We will also seek written or email updates from the specific agency involved. The results will be posted on our website and included in our newsletter. We will negotiate individual projects with the agencies involved. We can only hope to raise a substantial amount of money in this current economy.

**13(g)** We will work closely with the specific government agency regarding project progress and completions. We have worked with the government officials as volunteers and simply as engaged citizens for decades. This is why we understand the needs of our unique fishery. We have an egg collection facility on our main tributary Pine Creek where CDFG artificially spawns the Eagle Lake trout for the lake as well as many other lakes in the state as well as other states. Our Eagle Lake trout has not had a native spawn for well over 60 years but it has been artificially sustained ever since. Agency programs for establishing a native spawn exist but funding for water studies, repairs, watershed diversions and needed projects have been hit hard by budget cuts and limited funding. We hope to help the government get back on track. By working together we believe we can prioritize projects and start one at a time. Officers and members will also check progress visually on site. Progress reports will be requested by Eagle Lake Guardians to any or all agencies working on a specific project in which our grant was used.

**15-22** See enclosed **Eagle Lake Guardians Narrative of Activities** and cause. Also see enclosed Articles of Incorporation for Public Benefit Nonprofit for Eagle Lake Guardians and Bylaws.

## **Part IX**

New start up nonprofit. Eagle Lake is a seasonal resort area which runs from Memorial Day Weekend to Dec 31 Our fundraising activities are limited to May thru Sept vacationing season. We began letting people know we were ready to start accepting memberships January 2011. By March word was getting outside the local communities and more people were joining up. We estimated cautiously due to the state of the economy on our state papers however we even surprised ourselves when more donations came in than we had hoped for considering the state of the economy. We now feel that a goal of grossing \$10,000 or more is a reachable goal. We hope to do better every year but only time will tell.

**(9)** Donation boxes at registers of local businesses. Public can put money in a locked box with label indicating Eagle Lake Guardians including tax ID numbers. Only an officer of Eagle Lake Guardians will have a key and will check the boxes a couple times a month. Donations will be counted by officer AND business representative at the time of collection. Counter's will both sign a receipt as to the amount collected, date and signatures and will accompany the cash to the treasurer. The receipts will be retained by Eagle Lake Guardians.

**Itemized Expenses not classified**

**22)** mailing and office supplies. Will be seeking nonprofit postage rates when possible. Nearing 200 members we need to keep in contact with and expecting that number to rise. Laminating membership cards.

**Part X**

**5(g)** We are a public charity for public purposes operated by volunteers who do not receive payment for services in operations, and are only funded by public donations. I believe we qualify as a 501(c)3 classification. **Articles of Incorporation, page 1 Article IV (A) (Enclosed)**

**Part XI**

(3) We believe we will exceed \$10,000 per year gross receipts. We are anxious to get this application expedited so we can prepare our taxes for 2011 as soon as we possibly can.

**Enclosed:**

Form 1023

Form 1023 Explanations to questions

Narrative of Activities Eagle Lake Guardians for 1023

**RESEARCH PAPER**, 18 pages This paper explains in great detail what has been done and what needs to be done to preserve Eagle Lake and in specific, Eagle Lake trout: Long-term captive breeding does not necessarily prevent establishment: lessons learned from Eagle Lake rainbow trout Gerard Carmona-Catot, Peter B. Moyle and Rachel E. Simmons

Articles of Incorporation for Eagle Lake Guardians from the State of California

Constitution and Bylaws of Eagle Lake Guardians

Federal EIN Confirmation

January 2012 Newsletter

Meeting Minutes 11-1-11 Regarding cooperation with CDFG and USFS LNF

Membership Application

Flyer for Fundraiser (our first)

State Franchise Tax Board Application

State Franchise Tax Board Application Explanations

RW:va

Eagle Lake Guardians