

BOARD OF DIRECTORS MEETING
PUBLIC SESSION MINUTES

Anderson, CA
May 2, 2018
12:30pm – 2:30 pm

ATTENDANCE

Association of California Water Agencies
Director: Tim Quinn – Absent
Alternate: Dave Bolland – Absent

California Department of Fish and Wildlife
Director: Nancee Murray – Present
Alternate: OPEN

California Farm Bureau Federation
Director: Karen Mills – Present
Alternate: Noelle Cremers – Present

California Forestry Association
Director: Kirsten Kolpitcke – Present
Alternate: George Gentry – Absent

California Hydropower Reform Coalition
Director: Pete Bell – Present
Alternate: Richard Roos-Collins – Absent

California Public Utilities Commission
Director: Allison Brown - Present
Alternate: OPEN

California Public Utilities Commission Appointed Public Members
Director: Art Baggett Jr. – Present
Director: David Muraki – Present
Director: Chris Nota – Present

California Natural Resources Agency
Director: John Laird – Absent
Alternate: Todd Ferrara – Present

California Tribal Interests
Director: Larry Myers – Present
Alternate: Ken Tipon – Absent

Central Valley Regional Water Quality Control Board

Director: Soapy Mulholland – Present
Alternate: Bob Schneider – Absent

Office of Ratepayer Advocates

Director: Truman Burns – Present
Alternate: OPEN

Pacific Gas & Electric Company

Director: Mike Schonherr – Present
Alternate: Rebecca Doidge - Present

Rural County Representatives of California

Director: Lee Adams – Present
Alternate: John Viegas – Absent

State Water Resources Control Board

Director: DeeDee D'Adamo – Absent
Alternate: Jeffrey Parks – Present

Trust for Public Land

Director: Dave Sutton – Absent
Alternate: OPEN

U.S. Forest Service

Non-Voting Liaison: Liz Berger - Absent

STEWARDSHIP COUNCIL STAFF

Executive Director Heidi Krolick
Director of Land Conservation Jessica Daugherty
Director of Finance and Operations Aaron Robertson
Deputy Director of Land Conservation Erin Healy
Senior Project Manager Steve Schweigerdt
Senior Project Manager Chantz Joyce
Project Manager Lauren Faccinto
Office Administrator Robyn White
Finance and Compliance Administrator Debbie Daugherty

OTHERS

Mike Millington, President, Fall River Resource Conservation District
Lorena Gorbet, Treasurer, Maidu Summit Consortium
Kenneth C. Holbrook, Executive Director, Maidu Summit Consortium
Beverly Ogle, Vice Chair, Maidu Summit Consortium
Alisha Wilson, Project Manager, Maidu Summit Consortium
Ben Cunningham, Maidu Summit Consortium
Allen Lowry, Board Member, Maidu Summit Consortium

Marvena Harris, Board Member, Maidu Summit Consortium
Jane Braxton Little, Freelance Journalist
Paul Vienneau, Executive Director, Shasta Land Trust
Ayla Tucker, Administrative Analyst, Shasta County
Todd Morger, Chief Operator, Forks of Butte Hydro
Ron Camper

SUMMARY OF ACTIONS AND RESOLUTIONS TAKEN BY THE BOARD AT THIS MEETING

Adoption of the minutes of the March 13, 2018 Board of directors meeting. **(Consent calendar item)**

Adoption of the proposed Native American Donee Evaluation Guidance language: “The watershed lands subject to the Land Conservation Commitment include lands of cultural importance to tribes. The Stewardship Council acknowledges this historical connection as a unique characteristic for tribes seeking ownership of lands available for donation and recognizes the value of such connection with extra consideration when assessing the qualifications of potential donees.”

(Consent calendar item)

Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be donated to be retained by PG&E at the Butt Valley Reservoir planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation. Approval of the proposed conservation easement funding agreement in the amount of \$206,700 to Feather River Land Trust

Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be retained by PG&E at the Butte Creek planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation. Approval of the proposed funding agreement in the amount of \$456,430 to Northern California Regional Land Trust

Approval of the revised proposed Land Conservation and Conveyance Plan (LCCP) for lands to be donated to the Potter Valley Tribe at the Eel River (Trout Creek) planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation

Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be donated to the Maidu Summit Consortium at the Humbug Valley Tasmam Kojòm planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation. Approval of the proposed conservation easement funding agreement in the amount of \$270,000 to Feather River Land Trust

Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be donated to the County of Madera at the Manzanita Lake planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation. Approval of the proposed conservation easement funding agreement in the amount of \$128,765 to Sierra Foothill Conservancy

Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be donated to the University of California – Center for Forestry at the Pit River planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation. Approval of the proposed conservation easement funding agreement in the amount of \$213,896 to Shasta Land Trust. This action is conditioned upon the

University of California developing a process to engage Native American tribes for the subject property satisfactory to the Stewardship Council Watershed Planning Committee or Stewardship Council board

Approval of the proposed finding of no significant public interest value for Parcel 991, totaling approximately 1.8 acres at the North Fork Mokelumne River planning unit.

ATTENDANCE AND QUORUM

Stewardship Council Board President Art Baggett called the roll, declared a quorum, and called the meeting to order.

CONFLICT OF INTEREST DISCLOSURES

Mr. Baggett asked if any Board members had a conflict of interest with regard to any of the proposed actions. Mr. Baggett said that he had a conflict of interest with regards to Sierra Foothill Conservancy's involvement in the Manzanita Lake planning unit. Nancee Murray said she had a conflict of interest with regards to California Department of Fish and Wildlife's involvement in the Humbug Valley Tasmam Kojom planning unit. Mike Schonherr stated that although he and Rebecca Doidge did not have a conflict, they would leave the room for the NSPIV action at the North Fork Mokelumne River planning unit.

CONSENT CALENDAR

The Board approved the consent calendar items as noted above in the summary of actions and resolutions taken at Board meeting.

PRESENTATION

Mr. Baggett introduced Mike Millington, president of the Fall River Resource Conservation District (RCD). Mr. Millington provided the board with a presentation regarding the RCD's work at the McArthur Swamp planning unit.

A question was asked of Mr. Millington whether the RCD had any projects pending with Ducks Unlimited (DU), the conservation easement holder. Mr. Millington said they would be working with DU once they have written the land management plan and decided which projects would be appropriate to preserve and enhance the beneficial public values at the planning unit.

Ms. Murray asked if DU would be participating in writing or reviewing the land management plan. Mr. Millington explained there would be 3 votes for approving the land management plan. The RCD, the Pit River Tribe and a technical advisory committee. He said there was also a liaison from PG&E and DU to provide input, and DU's role is important to ensure the plan is consistent with the conservation easement terms.

FIDUCIARY COMMITTEE

Fiduciary Committee Chair, Truman Burns, reviewed the 2018 year to date budget included in the Board packet as well as the investment update. Mr. Robertson mentioned that George Berla would be attending the June board meeting. Mr. Schonherr noted that he had asked that staff provide more frequent overall cash flow analysis and assumptions against the transaction status as the Stewardship Council moves closer to dissolution.

WATERSHED PLANNING COMMITTEE

Watershed Planning Committee Chair, Soapy Mulholland explained the purpose of the committee and then turned the meeting over to Senior Project Manager Steve Schweigerdt.

Butt Valley Planning Unit (ACTION)

Mr. Schweigerdt reviewed the proposed LCCP pertaining to the 2,472 acres of land to be retained by PG&E at the Butt Valley planning unit, which includes the proposed conservation easement recommended to be held by Feather River Land Trust (FRLT), and the proposed conservation easement funding agreement in the amount of \$206,700.

After an opportunity for Board questions and discussion, the Board approved the action as described above in the summary of actions and resolutions taken at the Board meeting.

Butte Creek Planning Unit (ACTION)

Mr. Schweigerdt reviewed the proposed LCCP pertaining to the 2,179 acres of land to be retained by PG&E at the Butte Creek planning unit, which includes the proposed conservation easement (CE) recommended to be held by Northern California Regional Land Trust (NCRLT), and the proposed conservation easement funding agreement in the amount of \$456,430.

Mr. Schweigerdt explained that staff had received several public comments on the Butte Creek LCCP which are available to the Board for review. He said that some comments were centered on a concern the CE would bring more public use. He noted he had explained that the conservation easement would protect the public access that existed and staff did not anticipate a significant increase in public use as a result of the implementation of the transaction.

He also noted that some commenters wanted to ensure the CE would protect public access for the trails on the catwalks and flumes. He said that he had explained to the commenters that the catwalks and flumes are hydro facilities outside of the Stewardship Council purview and that PG&E had the right to set reasonable rules and regulations to protect public safety by restricting access to hydro facilities.

Mr. Schweigerdt then reported staff had also received a comment from a landowner who had developed a park on private property around a pond that had formed from a canal leak. PG&E had repaired the canal and the pond has dried up. Mr. Schweigerdt said that he had informed the landowner that PG&E had retained water rights for hydro operations and downstream users that are regulated by FERC and others, and the issue was outside the Stewardship Council purview.

David Muraki remarked that in reading the public comments he noted public concerns that were affecting the beneficial public values (BPVs) of the property and asked if PG&E will be addressing those issues. Mr. Schweigerdt stated that he had recommended the public work with the PG&E land agent in that area and had provided contact information to the commenters. In addition, the CE will protect the BPVs and the easement holder will be responsible for monitoring the property at least annually to ensure the terms and conditions of the CE are met.

After an opportunity for Board questions and discussion, the Board approved the action as described above in the summary of actions and resolutions taken at the Board meeting.

Eel River (Trout Creek) Planning Unit (ACTION)

Mr. Schweigerdt reviewed the revised proposed LCCP pertaining to the donation to the Potter Valley Tribe of 673 acres of land at the Eel River (Trout Creek) planning unit, which includes the proposed conservation easement recommended to be held by Mendocino Land Trust (MLT).

He explained that the LCCP had been previously approved by the board at the March 16, 2016 meeting, but that the CE had been revised to include the standard public access provision.

After an opportunity for Board questions and discussion, the Board approved the action as described above in the summary of actions and resolutions taken at the Board meeting.

Humbug Valley Tàsmam Kojòm Planning Unit (ACTION)

After Ms. Murray left the room, Mr. Schweigerdt reviewed the proposed LCCP pertaining to the donation to the Maidu Summit Consortium (MSC) of 2,325 acres of land at the Humbug Valley Tàsmam Kojòm planning unit, which includes the proposed conservation easement recommended to be co-held by Feather River Land Trust (FRLT) and the California Department of Fish and Wildlife (CDFW), and the proposed conservation easement funding agreement in the amount of \$270,000.

Mr. Schweigerdt reported that a substantive comment had been received from Edwin Wilson regarding water and timber rights. He said staff had addressed the timber rights issue with Mr. Wilson and that staff had worked with the MSC who had advised Mr. Wilson they had reached agreement with PG&E on the water rights language.

MSC board chair Ben Cunningham thanked the board for all their efforts regarding the donation.

Ken Holbrook, executive director of the MSC echoed Mr. Cunningham's gratitude and the commitment by all parties. He said that restoration will be the bulk of the work at Tàsmam Kojòm and the MSC wanted to continue to promote local recreation. Mr. Holbrook noted the CE for Tàsmam Kojòm was an innovative and forward thinking document.

Ron Camper addressed the board. He said that his family has been leasing a one acre parcel in Humbug Valley since 1934. He expressed concern for what will happen when his lease expires in three years.

Heidi Krolick informed him of a requirement governing documents that the CE honor existing agreements including existing leases and licenses. She noted that the Camper's lease is currently managed by PG&E and that this lease would be transferred to the MSC when the property changes ownership. Kenneth Holbrook, Executive Director of MSC told Mr. Camper the Consortium had many conversations at their board meetings regarding the existing leases and he had never heard

anything from any of the members of the Consortium contrary to honoring the leases over time out of respect for the multi generations that had been there. He then invited Mr. Camper to attend MSC board meetings. Mr. Camper thanked Mr. Holbrook and stated his comments had been reassuring.

Larry Myers thanked the Maidu people for their persistence, hard work and determination to see this project through. He also acknowledge PG&E for their work with the Maidu people as well.

After an opportunity for Board questions and discussion, the Board made the following conflict of interest finding:

- The Board confirmed that in good faith it agrees that the Stewardship Council will take the proposed action for its own benefit; that the proposed action is fair and reasonable to the Stewardship Council; and that, after reasonable investigation, the Stewardship Council could not have obtained a more advantageous arrangement with reasonable effort under the circumstances.

Following the conflict of interest finding, the Board approved the action as described above in the summary of actions and resolutions taken at the Board meeting.

Manzanita Lake Planning Unit (ACTION)

After Ms. Murray returned to the room and Mr. Baggett left the room, Mr. Schweigerdt reviewed the proposed LCCP pertaining to the donation to Madera County of 146 acres of land at the Manzanita Lake planning unit, which includes the proposed conservation easement recommended to be held by Sierra Foothill Conservancy (SFC), and the proposed conservation easement funding agreement in the amount of \$128,765.

Mr. Schweigerdt noted a small change to the LCCP to correctly reference the North Fork Rancheria of Mono Indians of California as a partner with Madera County in land stewardship.

After an opportunity for Board questions and discussion, the Board made the following conflict of interest finding:

- The Board confirmed that in good faith it agrees that the Stewardship Council will take the proposed action for its own benefit; that the proposed action is fair and reasonable to the Stewardship Council; and that, after reasonable investigation, the Stewardship Council could not have obtained a more advantageous arrangement with reasonable effort under the circumstances.

Following the conflict of interest finding, the Board approved the action as described above in the summary of actions and resolutions taken at the Board meeting.

Pit River Planning Unit (ACTION)

After Mr. Baggett returned to the room, Senior Project Manager Chantz Joyce reviewed the proposed LCCP pertaining to the donation to University of California – Center for Forestry of 3,203 acres of land at the Pit River planning unit and includes the proposed conservation easement recommended to be held by Shasta Land Trust (SLT) and the proposed conservation easement funding agreement in the amount of \$213,896.

Mr. Joyce introduced Paul Vienneau from SLT. Mr. Vienneau noted the uniqueness of this particular CE in that it was SLT's first research forest encounter. He thanked everyone for their hard work.

Mr. Joyce then invited UC Area Forestry Specialist Ricky Satomi to address the board. Mr. Satomi explained UC's vision for the land and explained the projects they were working on. He said that Bill Stewart had met with Darlene Machon, the Madesi Band cultural representative for the Pit River Tribe and she had been a tremendous cultural resource for them. He acknowledged how wonderful it was to have the local tribes' involvement to better protect the resources.

Larry Myers pointed out that he would like to see a formal, institutionalized plan from UC with regards to handling the protection of cultural resources. He suggested that he wanted the board to consider holding off on taking action on the LCCP until he could better understand UC's process to engage with tribes in a transparent way, and suggested that an in person meeting would be valuable.

Mr. Satomi asked Mr. Myers if there was a tribal engagement plan that could serve as a good model for UC. Mr. Myers suggested something similar to CAL FIRE's tribal engagement plan. Mr. Satomi pointed out that UC was under the same purview as CAL FIRE. Mr. Myers stated that he wanted Berkeley to bear their own responsibility and utilize the resources they had at their disposal.

Mr. Baggett suggested the action move forward conditionally. Mr. Myers said he could support a vote to move the action with specific conditions. A conversation ensued regarding what the specific conditions should be and how they would be approved.

Following a discussion, Jessica Daugherty asked for clarification of what Mr. Myers was seeking from UC. She asked for confirmation of the following request of UC: a Native American engagement process from UC; letter from the Pit River Tribe, and a letter from Joseph A. Myers Institute. Mr. Baggett noted his belief that Mr. Myers was seeking a letter of support from the Pit River Tribe, the Professor and the Center all saying they were in support of working with the Center for Forestry as necessary as appropriate. Ms. Murray said she did not want the letters to be part of the condition for approval. She felt they were helpful but did not need to be a part of the condition. Mr. Myers said that an email of support could suffice.

Mr. Satomi said that the UC could deliver their process in writing on how UC will go about their cultural engagement.

After an opportunity for Board questions and discussion, the Board conditionally approved the action on the Pit River planning unit as described above in the summary of actions and resolutions taken at the Board meeting. This action is conditioned upon the University of California developing a process to engage Native American tribes for the subject property satisfactory to the Stewardship Council Watershed Planning Committee or Stewardship Council board.

North Fork Mokelumne River planning unit – No Significant Public Interest Value Finding (ACTION)

After Mr. Schonherr and Ms. Doidge left the room, Project Manager Lauren Faccinto provided background information regarding a proposed finding of NSPIV on Parcel 991 totaling approximately 1.8 acres at the North Fork Mokelumne River planning unit.

Ms. Faccinto referred the Board members to detailed information in the Board packet and reviewed the candidate parcels and the process the NSPIV work group and the Watershed Planning Committee went through in order to determine the recommendation for the NSPIV finding. She also indicated that the proposed NSPIV finding was made available for a 30 day public review and comment period and comments were being accepted up to the May 2, 2018 Board meeting. No substantive comments were received.

After an opportunity for Board questions and discussion, the Board approved the action as described above in the summary of actions and resolutions taken at Board meeting.

Land Conservation Program Update

After Mr. Schonherr and Ms. Doidge returned to the room, Director of Land Conservation Jessica Daugherty provided the Board with an update regarding the Land Conservation Program.

FINAL PUBLIC COMMENTS

There were none.

BOARD MEMBER ANNOUNCEMENTS

There were none.

ADJOURNMENT

Mr. Baggett adjourned the meeting at approximately 2:30 p.m.

Nancee Murray, Secretary