

POSSIBLE FINDING OF NO SIGNIFICANT PUBLIC INTEREST VALUE AT PARCEL 1039 IN THE BASS LAKE PLANNING UNIT, MADERA COUNTY

INTRODUCTION

The Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council) is a private, nonprofit foundation established in 2004 pursuant to a Settlement Agreement and a Stipulation Resolving Issues Regarding the Land Conservation Commitment approved by the California Public Utilities Commission (CPUC) in Decision 03-12-035 (Dec. 18, 2003).

The Stewardship Council was created to oversee PG&E's Land Conservation Commitment, as set forth in the Settlement and Stipulation to protect over 140,000 acres of Watershed Lands and to preserve and enhance, on an overall basis, the following six beneficial public values (BPVs): protection of the natural habitat of fish, wildlife, and plants; preservation of open space; outdoor recreation by the general public; sustainable forestry; agricultural uses; and historic values. Protecting the Watershed Lands will be accomplished through (1) PG&E's grant of conservation easements to one or more public agencies or qualified conservation organizations so as to protect the natural habitat of fish, wildlife, and plants, the preservation of open space, outdoor recreation by the general public, sustainable forestry, agricultural uses, and historic values (collectively the Beneficial Public Values), and in some cases, (2) PG&E's donation of the Watershed Lands in fee to one or more public entities or qualified conservation organizations, whose ownership would be consistent with these conservation objectives.

FINDINGS OF NO SIGNIFICANT PUBLIC INTEREST VALUE

The Settlement Agreement and Stipulation anticipated the possibility that within these 140,000 acres, some parcels would not have a significant public interest value and not need to be protected by a conservation easement. Appendix E of the Settlement Agreement states:

In instances where PG&E has donated land in fee, some may be sold to private entities subject to conservation easements and others, without significant public interest value, may be sold to private entities with few or no restrictions.

Section 12.c. of the Stipulation states:

A transfer of fee simple title will include a conservation easement to preserve and/or enhance beneficial public values, as defined in Settlement Agreement paragraph 17 and Appendix E, unless: (1) the LCP includes a determination that the parcel does not have significant public value; or (2) for any other parcel, the chosen donee of fee title informs the Governing Board that applicable law or policy precludes its accepting such easement, and the Governing Board receives satisfactory assurance in another form that the parcel will be managed consistent with the purpose of the Land Conservation Commitment.

In August 2015, the Watershed Planning Committee, a committee comprised of members of the Stewardship Council Board of Directors, approved a process for making a finding of no significant public interest value on select parcels or portions of parcels of Watershed Lands. Watershed Lands being considered for such a finding will be evaluated based on several criteria and an evaluation process, including (1) an assessment of the physical condition of each parcel through review of existing information, satellite imagery, and a site visit; (2) and the review of applicable databases with historical information pertaining to biological and cultural resources that may be present on or in the immediate vicinity of the subject parcel.

BACKGROUND

The Bass Lake planning unit, located in Madera County, consists of 12 legal parcels, comprising approximately 1,086 acres of Watershed Lands. Parcel 1039, totaling approximately 0.06 acres in size, is being considered for a possible finding of No Significant Public Interest Value (NSPIV). The Sierra Foothill Conservancy (SFC) has requested Parcel 1039 be excluded from the Bass Lake planning unit conservation easement after evaluating the parcel and concluding that the parcel does not appear to contain natural or cultural resources, habitat, recreational values, or scenic/open space values.

EVALUATION

The assessment of the physical condition of parcel 1039 was conducted via a staff site visit by Steve Schweigerdt and Lauren Faccinto on March 21st, 2017 and subsequent visits by PG&E and SFC staff in May 2017, consultation with the conservation easement holder, review of the Volume II of the Land Conservation Plan including public comments that were submitted at the time of the Volume II development, and review of state cultural and biological resource databases including:

1. The California Natural Diversity Database (CNDDDB) for the occurrence of potential special status biological resources.
2. The California Historical Resources Information System (CHRIS).
3. The Native American Heritage Commission (NAHC) inventory of Native American sacred sites.

The following considerations will inform the evaluation of each subject parcel with regard to its public interest value.

1. The existing and potential future beneficial public values associated with the parcel.
2. The existing and potential future public use of the parcel.
3. The potential for future development of the site based primarily on its proximity to roads, infrastructure, and other development.
4. The size and location of the parcel with respect to other parcels in the planning unit subject to a conservation easement.
5. The ownership and use of surrounding lands.

6. The ease or difficulty of access in and around the parcel by the conservation easement holder for the purposes of monitoring.
7. The necessity of a conservation easement to protect against adverse risk to beneficial public values existing on the property.
8. Expressly stated public interest in having the property conserved.

Parcel 1039

1. Size, Location, and Parcel Dispersion: Parcel 1039 is approximately 0.06 acres in size. The parcel lies directly across from Parcel 1040, the closest parcel to be encumbered by a conservation easement held by the SFC. The attached map provides an overview of Parcel 1039.

2. Presence of Beneficial Public Values

Habitat and Forest Resources: Parcel 1039 is located less than 200 feet northeast of Bass Lake and primarily contains a paved driveway and landscaping of an adjacent land owner. The parcel itself is paved and is surrounded on either side by private residences as well as a mix of coniferous forest dominated by ponderosa pine (*Pinus ponderosa*), with a manzanita shrub understory (*Arctostaphylos* spp.).

The CNDDDB database currently has no recorded occurrences of special status species on the parcel, but does indicate occurrences of an insect species known as Leech's skyline diving beetle (*Hydroporus leechi*) within a ¼-mile of Parcel 1039. This species has a Global rank of G1, defined as critically imperiled, meaning it is at very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors. The habitat for the Leech's skyline beetle includes shallow water and pond shores; however, because there are no ponds or shallow water within Parcel 1039, there is no potential for Leech's skyline diving beetle to occur on Parcel 1039.

Within 2 miles of Parcel 1039, the CNDDDB search revealed two occurrences of Rawson's flaming trumpet (*Collomia rawsoniana*) and Abram's onion (*Allium abramsii*), both which have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1B.2, meaning they are rare, threatened, or endangered in California and elsewhere. The 2-mile buffer of Parcel 1039 also contained three wildlife species with state protected status: foothill yellow-legged frog (*Rana boylei*), a state listed species of special concern; bald eagle (*Haliaeetus leucocephalus*), a state listed endangered species; and Sierra Nevada red fox (*Vulpes vulpes necator*), a state listed threatened species. Based on the habitat in Parcel 1039 and known locations of special status species, there is no potential for Rawson's flaming trumpet (*Collomia rawsoniana*), Abram's onion (*Allium abramsii*), foothill yellow-legged frog, or Sierra Nevada red fox to occur on Parcel 1039. Although bald eagle occurrence within Parcel 1039 is unlikely, there are several large ponderosa pines adjacent to the

property within 150 feet of the edge of the lake that potentially provide marginal nesting habitat for bald eagles adjacent to Parcel 1039.

Cultural and Historical Resources: The NAHC found no specific site information in the Sacred Lands File pertaining to the subject area, but provided a list of Native American tribes to be contacted. These tribes will be contacted by the Stewardship Council when the Watershed Planning Committee approves the release of the NSPIV finding for a 30 day public review and comment period.

The CHRIS findings indicate there are no known cultural resources within Parcel 1039. The report also indicates two cultural resources are located within ¼-mile of Parcel 1039, a prehistoric bedrock milling site and the former location of the Falls Resort, which was built in the 1920s. The CHRIS findings indicate that two cultural resource investigations have been conducted within Parcel 1039, both archeological reconnaissance reports for US Forest Service timber harvests conducted in 1979 and 1981. 18 other cultural resource investigations have occurred within a ¼-mile of Parcel 1039 between 1973 and 2013 and include archeological reconnaissance reports for timber harvests, water and sewer facilities, and road improvements, as well as cultural resource reports, archeological surveys and excavations, and archeological site condition assessments of cultural resource sites within the Crane Valley Hydroelectric Project Area.

3. **Existing and Potential Public Use:** The parcel is not open to public recreation use as it is connected to a private front yard and a busy county road. Parcel 1039 is not located within the FERC boundary. Because the parcel is extremely small (.06 acres), is paved, and is connected to a private front-yard staff did not identify any recreation potential.
4. **Ownership and Use of Surrounding Lands:** Parcel 1039 is surrounded by private property and residential development. There are no unrecorded agreements for Parcel 1039.
5. **Ease of Access:** Parcel 1039 is located on County Road 432 and is easily accessible.
6. **Potential for Future Development:** Parcel 1039 is currently zoned rural mountain single family. This zone provides for one single family dwelling in a permanent structure, horticulture, agriculture, forestry, a second single family dwelling, or small residential care home. The minimum lot area is one acre within this zone. Stewardship Council staff concluded that due to the small size of the parcel, and the fact that is already paved and impacted by landscaping work, there was low development concern for Parcel 1039.
7. **Other Considerations:**
Parcel 1039 is not a scenic viewshed for the public, but is visible by the County road and by adjacent residential developments. Volume II of the LCP did not recommend any enhancement measures on Parcel 1039.

PROPOSED STEWARDSHIP COUNCIL BOARD ACTION

At its July 19, 2017 meeting, the Planning Committee will review the possible NSPIV finding pertaining to Parcel 1039. At that meeting, the Planning Committee may make a recommendation to the board to approve a finding that the subject lands have No Significant Public Interest Value, and therefore, should not be encumbered by a conservation easement. The possible finding would then be released for a 30 day public review and comment period to stakeholders including Native American tribes.

At its September 20, 2017 meeting, the Stewardship Council Board of Directors would then review the recommendation from the Planning Committee and decide whether to make an NSPIV finding. All stakeholders, including tribes, will have an opportunity to comment on the proposed NSPIV finding 30 days in advance of the board meeting where action would be taken on the finding. There will also be opportunity to comment in person at the board meeting.