

PROPOSED FINDING OF NO SIGNIFICANT PUBLIC INTEREST VALUE AT A 0.3 ACRE AREA AT 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 approximately 1,088 acres of Watershed Lands, all of which will be retained by PG&E (see attached map) subject to a conservation easement. A 0.3 acre area of land owned by PG&E and located within parcel 1033 on the eastern shore of the lake (see attached map) is being recommended for a finding of no significant public interest value. The 0.3 acre area is located adjacent to a private lot (APN 059-181-008) located along Lake View Drive, Bass Lake, CA. The private lot contains a residential home with a deck, studio, and fence that extends and encroaches onto the subject 0.3 acre area. The establishment of a conservation easement over the 0.3 acre area, and monitoring of such a conservation easement, would be difficult to accomplish due to the presence of the encroachment. Accordingly, the 0.3 acre area is currently being proposed for transfer from the current fee title owner, PG&E, to the private lot owner via a lot line adjustment. The lot line adjustment would change the legal boundary of the adjoining private lot to include the deck, studio, fence, and a 20 foot buffer.

EVALUATION

The subject 0.3 acre area was evaluated pursuant to the above-described process pertaining to a finding of no significant public interest value. This evaluation, among other things, consisted of a review of the following three databases:

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.
4. PG&E records concerning cultural resources and field visit by PG&E staff with expertise in archaeology and biology (pending).

The review of these databases did not identify the recorded occurrence of significant biological resources or cultural resources on the subject 0.3 acre area.



PROPOSED STEWARDSHIP COUNCIL BOARD ACTION

At the November 19, 2015 meeting of the Stewardship Council board of directors, the board will review the results of the assessment and stakeholder comments on the proposed finding of no significant public interest for a 0.3 acre area of land located within parcel 1033 on the eastern shore of Bass Lake. At that meeting, the board may make a finding that the subject lands have no significant public interest value and therefore can be conveyed by PG&E to the private landowner without a conservation easement being established on that property.

