

POSSIBLE FINDING OF NO SIGNIFICANT PUBLIC INTEREST VALUE AT PARCELS 852, 867 and 868 IN THE BEAR RIVER PLANNING UNIT, PLACER and NEVADA COUNTIES

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 Bear River planning unit, located in Nevada and Placer counties, consists of 44 legal parcels, comprising approximately 6,763 acres of Watershed Lands. Parcels 852, 867 and 868, totaling approximately 2 acres in size, are being considered for a possible finding of no significant public interest value. The Bear Yuba Land Trust (BYLT) and Placer Land Trust (PLT) have been recommended to hold conservation easements on portions of the Bear River planning Unit. Both Land Trusts have requested to exclude Parcels 852, 867 and 868 from the Bear River planning unit conservation easement because of their small size, geographic dispersion, and lack of natural and cultural resources, recreational values, and scenic/open space values.

EVALUATION

The assessment of the physical condition of parcels 852, 867 and 868 were conducted via a staff site visit by Steve Schweigerdt and Lauren Faccinto on May 4, 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 852

1. Size, Location, and Parcel Dispersion: Parcel 852 is approximately .06 acres in size. The parcel lies approximately 1 mile north of Parcel 853, the closest parcel to be encumbered by a conservation easement held by the Bear Yuba Land Trust (BYLT). However, it can take an additional 30 minutes to access the parcel as a result of difficult, unpaved access roads. The attached maps provide an overview of Parcel 852 and its location in relation to the Bear River planning unit.

2. Presence of Beneficial Public Values

Habitat and Forest Resources: Parcel 852 is located on a cleared mountain side with only disturbed grasses and small shrubs present within the parcel. The parcel is consistently cleared to maintain a tower that was erected to reflect communications signals to and from the Drum Powerhouse. The nearest undisturbed area is located 60 feet east of the parcel and contains montane hardwood species, including oak, pine and fir species.

The CNDDDB database currently has no recorded occurrences of special status species on or within a ¼-mile or two miles of Parcel 852.

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 No Significant Public Interest Value (NSPIV) finding for a 30 day public review and comment period.

The CHRIS report indicates there are no known cultural resources within Parcel 852 and one cultural resource located within ¼-mile of Parcel 852, Liberty Hill Ditch, which is within the Lowell Hill Mining District and was a primary water provider for gold mining activities from the 1860s to the 1920s. One cultural resource investigation was conducted within Parcel 852, an archeological survey conducted by Sierra Pacific Industries for the Ursus Timber Harvesting Plan in 2010, but did not result in any findings on the parcel. Two other cultural resource investigations have occurred within a ¼-mile of Parcel 852 and include an investigation of the Overland Emigrant Trail in 1949 by the State of California and an

archeological inventory for the Lowell/Excelsior Hazard Trees project in 1998 by the US Forest Service.

3. **Existing and Potential Public Use:** Parcel 852 is entirely surrounded by private land and is inaccessible to the public. It is not adjacent to any recreational areas and does not fall within the FERC boundary. Because it is very small, difficult to access, and surrounded by dense, private forest, staff did not identify any recreational potential on the parcel.
4. **Ownership and Use of Surrounding Lands:** Parcel 852 is surrounded by forested land owned by Sierra Pacific Industries. There is no nearby residential development. There are no recorded agreements for Parcel 852.
5. **Ease of Access:** There is vehicular access to Parcel 852 via small dirt roads used primarily by Sierra Pacific Industries and PG&E to access remote properties. These roads are difficult to drive on and are often impassable.
6. **Potential for Future Development:** Parcel 852 is currently zoned FR-160. This zone provides areas for protection, production and management of timber and timber support uses, including but not limited to, equipment storage and temporary offices, low intensity recreational uses, and open space. Stewardship Council staff concluded that due to the size of the parcel (.06 acres) and its location, there is low development potential for Parcel 852.
7. **Other Considerations:**
Parcel 852 is not a scenic viewshed for the public. Volume II of the LCP did not recommend any enhancement measures on Parcel 852.

Parcel 867 and 868

1. **Size, Location, and Parcel Dispersion:** Parcels 867 and 868, approximately 1 acre each in size, are located in the unincorporated community of Alta. The parcels lie about 1 mile southwest of Parcel 865, the closest parcel to be encumbered by a conservation easement held by Placer Land Trust (PLT). The attached map provides an overview of Parcel 867 in relation to the Bear River planning unit.
2. **Presence of Beneficial Public Values**

Habitat and Forest Resources: Parcels 867 and 868 are entirely encumbered by PG&E's Alta Service Center. The parcels are paved, contain multiple structures, and do not contain any significant habitat or forestry value. The parcels are surrounded by a mix of privately owned rural buildings, roads, and forest.

The CNDDDB database currently has no recorded occurrences of special status species on or within a ¼-mile of parcels 867 and 868. However, one occurrence of a special status species is located within 2 miles of the parcels, the foothill yellow-legged frog (*Rana boylei*), a state listed species of special concern. There is no potential for foothill yellow-legged frogs to occur on Parcel 867 because there is no aquatic habitat that could support this species on the parcel.

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 on or within a ¼-mile of parcels 867 and 868. The CHRIS findings indicate that seven cultural resource investigations have occurred within a ¼-mile of the parcels including:

- Central Pacific Transcontinental Railroad, Sacramento to Nevada State Line (information compiled after 1968);
- Cultural Resources Assessment of the Proposed Placer County Septic Disposal System (1981);
- Class III Cultural Resource Inventory for AT&T Fiber Optic Facilities (1988);
- Archeological and Historical Resource Survey for the Blue Canyon Timber Harvesting Plan (1995);
- Archeological and Historical Resource Survey for the Alta Bonny Nook Timber Harvesting Plan (1996);
- Heritage Resources Report for the Pacific Fiber Link/Williams Fiber Optic Cable System (1999); and
- Cultural Resource Monitoring Report for Qwest Network Construction Site (2006).

- 3. Existing and Potential Public Use:** Parcels 867 and 868 are entirely encumbered by PG&E's Alta Service Center. The Service Center is fenced, protected by locked gates, and is accessible only to PG&E employees and authorized visitors. There is no record of public use or recreation on the site and staff did not identify any recreational potential.
- 4. Ownership and Use of Surrounding Lands:** The parcels are entirely surrounded by private property. There are recorded easement agreements for adjacent roads including a Placer County highway. Parcel 868 also contains an electric distribution line that travels north and south through the parcel and a telecommunication line that enters the parcel from the north.
- 5. Ease of Access:** Access to Parcel 867 and 868 are available from the Placer County maintained Alta Bonnyook Road and Alta Power House Road.

6. Potential for Future Development: Parcel 867 and 868 are currently zoned Neighborhood Commercial-Design Historic (C1-Dh). This zone is for small-scale, day-to-day convenience shopping and services for residents of the immediate neighborhood, with special regulations to protect historic buildings and areas that have unique aesthetic characteristics. This parcel is already developed.

7. Other Considerations:

Parcels 867 and 868 are not a scenic viewshed for the public, but are visible by adjacent residential developments. Volume II of the LCP did not recommend any enhancement measures on Parcel 867 or 868.

PROPOSED STEWARDSHIP COUNCIL BOARD ACTION

At its July 19, 2017 meeting, the Planning Committee will review the possible NSPIV finding pertaining to Parcels 852, 867 and 868. 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 a finding of No Significant Public Interest Value. 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.