



## MEMORANDUM

To: Board of Directors  
From: Heidi Krolick and Ric Notini  
Date: September 8, 2011  
RE: Humbug Valley Enhancement Projects

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### SUMMARY

The Watershed Planning Committee recommends that the board of directors approve the following actions:

- To fund up to two enhancement projects in the Humbug Valley planning unit to be implemented by the Maidu Summit Consortium (Summit) prior to the Stewardship Council board making a possible fee title donee recommendation for the lands in that planning unit in an amount not to exceed \$200,000 assuming the Stewardship Council, Summit, and PG&E reach agreement on the projects and the grant terms
- To delegate authority to the Watershed Planning Committee to approve the terms of the grant agreement with the Summit related to those enhancement projects
- To delegate authority to the Executive Director to enter into an initial grant agreement with the Summit for pre-project planning activities related to future enhancements in the Humbug Valley planning unit in an amount not to exceed \$5,000

In addition, staff recommends that the board of directors shorten the dispute notice period from 30 business days to five business days following distribution of the minutes of the board meeting for each of the above recommended actions.

Approval of this recommendation would allow the Summit an opportunity to further demonstrate their capacity to manage a land conservation project and develop and implement enhancements.

### BACKGROUND

The Humbug Valley planning unit in the Upper Feather River Watershed consists of four legal parcels comprising a total of approximately 2,325 acres, all of which are available for fee title donation. In November 2010, the Stewardship Council received two competing land stewardship proposals (LSPs) for this planning unit; one from the California Department of Fish and Game (CDFG) and one from the Summit.

The Summit is a 501(c) (3) nonprofit organization that involves nine Mountain Maidu groups, including two federally recognized tribes (Greenville Rancheria and Susanville Indian Rancheria). Each of the Summit's members appoints a board member and the Summit's bylaws provide that decisions are to be made by majority vote. Although Summit members have been working together since 2002, currently the Summit as an entity does not own any land and has functioned utilizing efforts from a variety of volunteers.<sup>1</sup> The Summit has also submitted LSPs for the Lake Almanor and North Fork Feather River planning units.

## PROPOSED ENHANCEMENT PROJECTS

Given the large size (over 2,000 acres), significant resource value, and high public interest in the Humbug Valley planning unit, staff recommends that the Stewardship Council board not recommend a prospective fee title donee at Humbug Valley until the Summit's capacity to own and manage the lands in Humbug Valley can be better evaluated. To further evaluate the Summit's capacity, the Stewardship Council and PG&E are proposing to provide the Summit with the opportunity to conduct up to two projects that would protect and/or enhance one or more of the beneficial public values of the lands at Humbug Valley.

On August 25, 2011, staff met with Summit representatives to discuss the opportunity. Summit representatives were receptive to the idea of developing one or two enhancement projects at Humbug Valley. A number of potential project ideas were discussed including the planning and possible implementation of:

- An interpretive trail
- An enhancement project on a portion of the site (e.g., fuel reduction, noxious weed removal)
- Fencing to protect cultural resources
- Yellow Creek Campground enhancements
- A Cultural Resource Management Plan
- Directional signage leading from Highway 89 to Humbug Valley

Staff will work with the Summit and PG&E to further refine the project concepts before the Summit would be requested to prepare a project proposal. Upon approval of the proposal, PG&E has agreed to allow this work to be conducted while it is still the landowner, and prior to any recommendation on fee title donation. Stewardship Council staff proposes to consult with the Summit on the costs associated with the enhancement projects, which may be adjusted if the Summit can utilize volunteer efforts as indicated in their LSP. The selected projects would have value regardless of future land ownership in Humbug Valley.

It is anticipated that the Summit could complete the selected projects within a 12 month time frame,<sup>2</sup> assuming that project implementation does not require California Public Utilities Commission approval of a Section 851 application or trigger a lengthy CEQA process.

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<sup>1</sup> Some of the Summit members, such as the Greenville Rancheria and the Susanville Indian Rancheria, own and manage property.

<sup>2</sup> Since Humbug Valley is under snow for several months of the year, the projects could take longer to complete than in an area with year round access.

Therefore, pursuing this approach would not likely delay completion of the Stewardship Council's fee title donee recommendation at Humbug Valley much beyond the anticipated date for completion of all fee title donee recommendations on the remainder of the planning units (December 2012).

Success would be measured by looking at the following performance measures: (1) the ability of the Summit's members to reach agreement on project design and implementation plans and schedules, (2) their ability to negotiate and enter into a third party use agreement with PG&E and a grant agreement with the Stewardship Council, (3) their level of collaboration with other stakeholders, and (4) their ability to manage, implement, and complete each phase of the project in a timely and high quality manner. The Summit's successful completion of the selected projects would be considered by the Stewardship Council board in deciding whether to recommend them as the prospective fee title holder at Humbug Valley or elsewhere, but it would not necessarily be the sole determinative factor.

The Stewardship Council's funding agreement with the Summit for the selected projects would include specific timelines for completion of project phases, including the planning and design phases. Funds would not be released for the next phase until the Summit had provided evidence of successful completion of the prior phase. The Stewardship Council could reserve the right to discontinue all future grant payments if the Summit fails to meet an agreed upon deadline.

#### **NEXT STEPS/ACTION REQUESTED**

If the board of directors approves the Watershed Planning Committee's recommendation, then the next step would be for the Stewardship Council to enter into a grant agreement with the Summit in an amount not to exceed \$5,000 to help defray the Summit's costs to prepare a grant application using a Request for Proposal developed by Stewardship Council staff. If PG&E and the Stewardship Council accept the Summit's proposal, the Watershed Planning Committee (if delegated authority) would approve the terms of a grant agreement with the Summit for the enhancement project(s).