

## FEE TITLE DONEE RECOMMENDATION HAT CREEK PLANNING UNIT

### EXECUTIVE SUMMARY

The Stewardship Council was created to oversee Pacific Gas and Electric's (PG&E) Land Conservation Commitment, as set forth in the Settlement and Stipulation,<sup>1</sup> to protect over 140,000 acres of land 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. The Stewardship Council is responsible for developing a land conservation plan and recommending qualified organizations to become involved in the future stewardship of these lands.

The Hat Creek planning unit, located in Shasta County, consists of 26 parcels encompassing approximately 3,176 acres of land, of which approximately 2,706 acres have been identified as available for fee title donation. Stewardship Council staff received and evaluated land stewardship proposals (LSPs) from two organizations interested in receiving a donation of fee title to lands located in this planning unit: the Bureau of Land Management (BLM) and the Pit River Tribe (Tribe).

Based on a review of the LSP submitted by the Pit River Tribe and follow up discussions with the Tribe, Stewardship Council staff has developed the following recommendation, which has been endorsed by the Watershed Planning Committee (Planning Committee):

**Pit River Tribe** is being recommended as the prospective recipient of fee title to approximately 850 acres available for donation within five parcels (186, 191, 192, 204 and 206), subject to compliance with all of the requirements of the Land Conservation Commitment, including the following terms:

- The Pit River Tribe, or any political subdivision of the Tribe taking fee title to the property, provide a limited waiver of sovereign immunity to ensure that the conservation easement and other agreements executed pursuant to the Land Conservation Commitment are enforceable.
- The Pit River Tribe, or any political subdivision of the Tribe taking fee title to the property, agrees not to petition the federal government to have the donated lands placed into federal trust.

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<sup>1</sup> California Public Utilities Commission Decision 03-12-035, December 18, 2003 (the "Settlement") and the Stipulation Resolving Issues Regarding the Land Conservation Commitment dated September 25, 2003 (the "Stipulation").

The Watershed Planning Committee also recommends that the Board approve the Stewardship Council funding of the future property tax obligations associated with the donation of lands to the Pit River Tribe.

If this recommendation is endorsed by the Board, Stewardship Council staff would work with the Pit River Tribe on the development of a management and funding agreement. This agreement would be developed in coordination with the development of a Land Conservation and Conveyance Plan (LCCP), and would then be presented to the Planning Committee and Board for consideration and approval.

The draft LCCP would be made available for public review and comment before it is reviewed and approved by the Watershed Planning Committee and the Board. Adoption of the LCCP by the Board would be the final step in the Stewardship Council's process for selecting donees.

## **I. INTRODUCTION AND BACKGROUND**

### ***a. Planning Unit Description***

The Hat Creek planning unit consists of approximately 3,176 acres of land currently owned by PG&E and is located in Shasta County in and around the town of Cassel. The planning unit is comprised of 26 legal parcels and includes several bodies of water including Cassel Pond, Hat Creek #1 Forebay, Baum Lake, Crystal Lake, Hat Creek, and Hat Creek #1 Canal. At an elevation of approximately 3,200 feet, the Hat Creek planning unit is an important recreation area with extensive historic and habitat resources

There is substantial diverse riparian habitat within the Hat Creek planning unit. The habitat resources are used by a variety of waterfowl, raptors, and aquatic species including great blue heron, osprey, bald eagle, bank swallow, Shasta crayfish, hardhead, bigeye marbled sculpin, and rough sculpin. A portion of the planning unit is designated as a Wild Trout stream by the California Department of Fish and Wildlife due to its abundant wild rainbow and brown trout fisheries.

This planning unit also provides open space for Shasta County and the town of Cassel. The Shasta County General Plan recognizes that rivers, creeks and associated riparian corridors, and floodplains within the county are major open space resources.

Recreation use at Hat Creek is primarily associated with fishing and duck hunting, although camping, hiking, and wildlife watching also occurs throughout the planning unit. Boating (non-motorized, electric trolling motor boats only) primarily occurs at Baum Lake as boating is prohibited at many other areas in the planning unit. The Pacific Crest Trail runs through the planning unit, primarily along the western shore of Baum Lake. Many of the recreation sites in the planning unit have been enhanced to accommodate high use during the recreation season.

The planning unit has minor forestry resources and there has been only one timber sale for this area in the last 20 years. The area has scattered second-growth Jeffrey and Ponderosa Pine stands with no plantations or late seral stage stands. The PG&E Timber Management Unit (TMU) for Hat Creek consists of 644 acres of timber, and current PG&E management activities are

restricted to mitigating for watershed and forest health issues, including emergency salvage harvesting following insect attack or a catastrophic event.

Grazing was eliminated in 2001 due to impacts to cultural resources, as well as erosive impacts to the shoreline of Baum and Crystal Lakes and the east side of Hat Creek.

The planning unit is within the Pit River Tribe's ancestral territory. There are several recorded historic and prehistoric archaeological sites within the planning unit (all within the FERC boundary). The planning unit contains the only legal Native American spearfish site in California and other important places to Native Americans, including prayer sites and a large meadow where members of the Illmawi band of the Pit River Tribe are said to have taken refuge from nearby Mt. Lassen eruptions.

The Hat Creek planning unit report, which describes the BPVs and management objectives associated with the planning unit has been excerpted from Volume II of the Land Conservation Plan (LCP) and is attached.

#### ***b. Description of Parcels 186, 191, 192, 204, 206***

##### Parcel 186

This 150 acre legal parcel of lightly wooded land is located entirely outside FERC Project boundaries and is available for fee title donation. The parcel is surrounded by other PG&E land except along the south side, which is bordered by private lands. The primary access point for this parcel is Cassel Fall River Road, which runs along the property's western boundary. There are no PG&E improvements located on this parcel.

##### Parcel 191

This 53 acre parcel of lightly wooded land is located entirely outside FERC Project boundaries and is available for fee title donation. Hat Creek runs along the western boundary of this parcel. This portion of Hat Creek is a California Department of Fish and Wildlife (DFW) designated Wild Trout stream. The parcel is completely surrounded by other PG&E lands. Access to this parcel is from the Carbon Bridge Fishing Access parking area, which is accessed from a maintained dirt road that begins on the south side of State Highway 299, between the Hat Creek and Pit River bridges. The only improvements on this parcel resulted from a slope stabilization project along Hat Creek from the property's southeast boundary corner approximately 1,000 feet west along the east shore of Hat Creek.

##### Parcel 192

This 166 acre parcel of wooded land is located entirely outside FERC Project boundaries and is available for fee title donation. The parcel is bordered to the east by PG&E land, to the north by private lands, and to the west and south by BLM land. The primary access for this parcel is Cassel Fall River Road, which runs along the parcel's eastern boundary. There are no utility improvements located on this parcel.

##### Parcel 204

This is the largest parcel within the Hat Creek planning unit, encompassing 1,289 acres. Crystal and Baum Lakes and a portion of Hat Creek are located within the parcel. The parcel contains three parking areas on the north side of Hat Creek Powerhouse No. 1 Road, between Cassel Fall

River Road and the Baum Lake access road, which serve as trail access points to Crystal Lake. A parking area and restroom for boat and fishing access to Baum Lake is located at the end of the Baum Lake access road. The Hat Creek #1-Pit #1 60 KV electric transmission line also traverses the property from the southeast to the northwest. The primary accesses to this parcel are Cassel Fall River Road, which runs along the parcel's western boundary, and Hat Creek Powerhouse No.1 Road, which runs along the southern portion of the parcel. This parcel is bordered to the north by BLM, USFS and PG&E lands, to the east by BLM land, to the south by PG&E, and to the west by private land. A portion of the parcel is under a lease to DFW for the Crystal Lake State Fish Hatchery. This lease, which is scheduled to terminate in April 2025, is on lands proposed to be retained by PG&E. The Pacific Crest Trail traverses through this parcel. Of the 1,289 acres within the parcel, approximately 330 acres are within the FERC Project boundaries and therefore will be retained by PG&E. These 330 acres include the above mentioned Crystal Lake, Baum Lake, portions of Hat Creek, the Baum Lake boat and fishing access, and most of the electric transmission line. The remaining 959 acres are not required for PG&E operations and are available for fee title donation; however, the portion of the parcel lying southeast of FERC Project boundaries and north and west of Parcel 201 has been identified as being constrained. This portion is identified as constrained due to its limited size in relation to the cost of subdividing the property and limited opportunities for enhancements to the beneficial public values due to presence of the fish hatchery in this portion of the parcel. PG&E will retain an easement on the land available for fee title donation that is occupied by the portion of the electric transmission lines located outside FERC Project boundaries.

#### Parcel 206

This 549 acre parcel consists of mostly lightly wooded land, with Hat Creek winding its way through the middle of the parcel. The portion of Hat Creek located within the parcel is a DFW designated Wild Trout stream. A slope stabilization project was completed along the northern shoreline of Hat Creek from the Carbon Bridge parking area to the western boundary line. This parcel also includes a portion of the Hat Creek #2 Powerhouse, the fishing access and restroom facilities at the powerhouse, the Carbon Bridge Fishing Access, and electric transmission lines that run east-west across the parcel. The two primary accesses for this parcel are Hat Creek Powerhouse No. 2 Road from the south and the Carbon Bridge fishing access road, which is a maintained dirt road that begins from the south side of State Highway 299, between the Hat Creek and Pit River bridges. This parcel is adjacent to USFS land to the west, BLM land to the east, and PG&E lands to the north, south, and east. Of the 549 acres within the parcel, approximately 20 acres are within FERC Project boundaries and therefore will be retained by PG&E. The remaining 529 acres are not required for PG&E operations and are available for fee title donation. PG&E will retain an easement on the land available for fee title donation that is occupied by the portion of the electric transmission lines located outside FERC Project boundaries. PG&E will also reserve water rights along Hat Creek.

### ***c. Donee Evaluation Process***

The Stewardship Council received statements of qualifications (SOQs) from seven organizations interested in acquiring fee title to lands available for donation within this planning unit. A list of organizations that submitted SOQs is attached. Of the four organizations that were invited forward (BLM, Pit River Tribe, Shasta County, USFS), the following two organizations submitted LSPs:

- BLM (Alturas Field Office); BLM subsequently withdrew from this process when it determined that it could not pursue a land donation due to requirements of the Stipulation relating to section 4(e) of the Federal Power Act .
- Pit River Tribe

In evaluating the LSPs, the following factors were considered:

- An evaluation of the potential donees' programmatic, financial, and legal capacity to maintain the property interest so as to preserve and/or enhance the beneficial public values of the planning unit;
- Anticipated funding needs of the potential donees;
- The management objectives for the Hat Creek planning unit as set forth in Volume II of the Land Conservation Plan (LCP);
- Public comments received regarding the desired qualifications of potential donees and the future stewardship of the planning unit;
- The requirements of the Settlement and Stipulation; and,
- Other relevant policies, procedures, and goals adopted by the Stewardship Council.

## II. EVALUATION

Staff evaluated the LSP and supplemental information that was submitted by the Pit River Tribe. This information included a revised LSP submitted by the Pit River Tribe in September, 2014, and a resolution adopted by the Tribe on March 4, 2015 concerning the creation of a tribal conservation district (TCD) in connection with the future management of property donated to the Pit River Tribe in the Hat Creek Planning Unit. The results of this evaluation are summarized below.

Given that the proposed TCD is only now being formed and does not currently exhibit any organizational or financial capacity, the capacity of the Pit River Tribe, as the governing body over the TCD, has been relied on to evaluate the Pit River Tribe's capacity in owning and managing the lands being recommended for donation in this planning unit.

### ***a. Donee Organizational Capacity***

The Pit River Tribe appears to possess the organizational capacity and experience to own and manage fee title to the properties recommended for donation and to preserve and enhance the beneficial public values thereon.

- The Pit River Tribe currently owns and manages the XL Ranch, approximately 9,700 acres of land, for the preservation of natural and cultural resource protection and agricultural uses.

- The Pit River Tribe has established partnerships with state and federal land agencies, and other local entities on fire management activities, noxious weeds management, habitat restoration, trail work, and archaeological restorations.
- The Pit River Tribe is a federally-recognized Native American tribe consisting of the original eleven autonomous bands that comprise the “100-mile square” ancestral boundary of the Pit River Nation. The Hat Creek planning unit is located entirely within this boundary, and was the ancestral home of the Illmawi and Atsuge Tribal bands. The Pit River Tribal Council, a sovereign government entity, consists of one member each of the eleven original bands that populated the tribal ancestral homelands.
- Through its environmental departments, the Pit River Tribe is actively involved in resource management and educational activities such as noxious weed abatement, road maintenance, forestry management, prescribed range and meadow grazing, and tribal youth educational programs.
- The Pit River Tribe’s environmental departments handle all tribal cultural resource matters pertaining to archeology, cultural site monitoring, and identification and preservation of cultural resources. The Pit River Tribe is responsible for the planning, execution, ordinance enforcement, and on-the-ground environmental resource and road management for the XL Ranch. Operations on the XL Ranch include grazing, agriculture, irrigation, hunting, noxious weed management, and prescribed burning programs.

#### ***b. Donee Financial Capacity***

The financial capacity of the Pit River Tribe was evaluated based upon a review of its 2006, 2007, and 2008 audited financial statements. Based on this review, it appears that the Pit River Tribe may have sufficient financial capacity for the lands being recommended for donation in the Hat Creek planning unit. However, staff’s final determination is contingent upon review of the Pit River Tribe’s most current financial information. Staff anticipates receiving and reviewing more current financial information prior to the Board’s consideration of this recommendation.

#### ***c. Management Objectives***

Volume II of the LCP established certain management objectives for the Hat Creek planning unit (see Volume II Planning Unit Report with attachments). The Pit River Tribe is seeking fee title to lands within the planning unit to achieve a number of proposed management activities, which are described below and appear to be consistent with the established management objectives.

The Pit River Tribe proposes to manage the property through a collaborative approach that ensures adequate protection of the beneficial public values, while honoring existing agreements and uses. Specific management activities identified in the Pit River Tribe’s proposal include:

- Conduct a comprehensive inventory and assessment of all resources to establish baseline conditions and inform management, including an inventory of noxious weeds and development of a treatment plan in coordination with PG&E.
- Develop an integrated resource management plan that address the preservation and enhancement of the beneficial public values.

- Enhance public outdoor recreation opportunities, including promoting non-motorized exploration, interpretative and educational walkways, and other components that value light footprints on the ecosystem.
- Develop a youth outdoor education program in coordination with the McArthur Swamp Management Team, a management team established for the McArthur Swamp Planning Unit.

#### ***d. Funding***

The estimated annual property tax amount associated with the 850 acres recommended for donation to the Pit River Tribe, is approximately \$3,925. The lump sum payment that would be needed to satisfy property tax neutrality if the donated lands were exempt from property taxes would be approximately \$98,125. This number was calculated based on the methodology described in the Property Tax Neutrality Methodology adopted on June 27, 2012 by the Stewardship Council. Since the Pit River Tribe would be exempt from paying property taxes on lands held in fee, it would not be necessary for the Stewardship Council to make in lieu payments to Shasta County. However, the Planning Committee is recommending to the Board that the Stewardship Council provide funding to the Pit River Tribe for future property tax obligations associated with this recommended donation. Staff's recommendation is based on the following factors: First, both PG&E and the Stewardship Council have conditioned the donation of land to the Pit River Tribe on the Tribe agreeing not to take the donated lands into trust. Thus, the Tribe would be prevented from obtaining tax exempt status for this property. Second, providing funding to Pit River Tribe would treat that entity in a similar manner to other fee donees. The Stewardship Council would work with PG&E, the Pit River Tribe, and Shasta County to determine the final payment methods and amounts necessary to satisfy the new landowner's property tax obligations.

#### ***e. Requirements of the Settlement and Stipulation***

A recommendation to donate lands to the Pit River Tribe would be subject to compliance with all the requirements of the Land Conservation Commitment. Several of these requirements are highlighted below:

- Require a determination that conveyance of these parcels would not result in an expansion of FERC license conditioning authority under Section 4(e) of the Federal Power Act (FPA), in compliance with Stipulation Section 12(b)(4). This would be accomplished by the Pit River Tribe agreeing not to petition to have the donated lands taken into trust.
- A conservation easement would be established on all lands donated to the Pit River Tribe. The conservation easement must contain a limited waiver of sovereign immunity by the Tribe to ensure the conservation easement is enforceable.
- The grant deed and conservation easement for lands that are donated would include an express reservation of rights for continued operation and maintenance of hydroelectric facilities and associated water delivery facilities, including project replacements and improvements required to meet existing and future water delivery requirements for power generation and consumptive water use by existing users, and compliance with any FERC license, FERC license renewal, or other regulatory requirements.

- The Pit River Tribe must enter into a legally binding agreement to ensure PG&E's reserved rights are protected, the conservation easement is enforceable, and other agreements with PG&E and/or the Stewardship Council would be enforceable.

#### ***f. Conservation Partners***

The permanent protection of the Hat Creek planning unit, and the future preservation and enhancement of the BPVs, may involve, and benefit from, the participation of land conservation partners. For the purposes of this recommendation, land conservation partners are defined as organizations other than the prospective fee title donee or conservation easement holder that become involved in future activities on the donated lands and that contribute to the preservation and enhancement of the BPVs. Land conservation partners may be identified in the LSPs submitted by organizations interested in a fee title donation, or during or after the development of the LCCP. Such organizations and activities may be eligible for Stewardship Council funding, depending on the type of organization, proposed activities, availability of funds, and other factors. Staff would work with the prospective organizations recommended for donation of fee title and conservation easements in this planning unit and evaluate opportunities for land conservation partners. The results of this effort would be reflected in the management and funding agreements and LCCP. The Pit River Tribe has expressed an interest in undertaking activities to preserve and enhance the BPVs in the Hat Creek planning unit.

### **III. PUBLIC COMMENTS**

The Stewardship Council has implemented a public outreach program to engage stakeholders and solicit public input on the development and implementation of the land conservation plan. A summary of key public outreach activities and public comments associated with the Hat Creek planning unit is attached.

### **IV. NEXT STEPS FOLLOWING PLANNING COMMITTEE RECOMMENDATION**

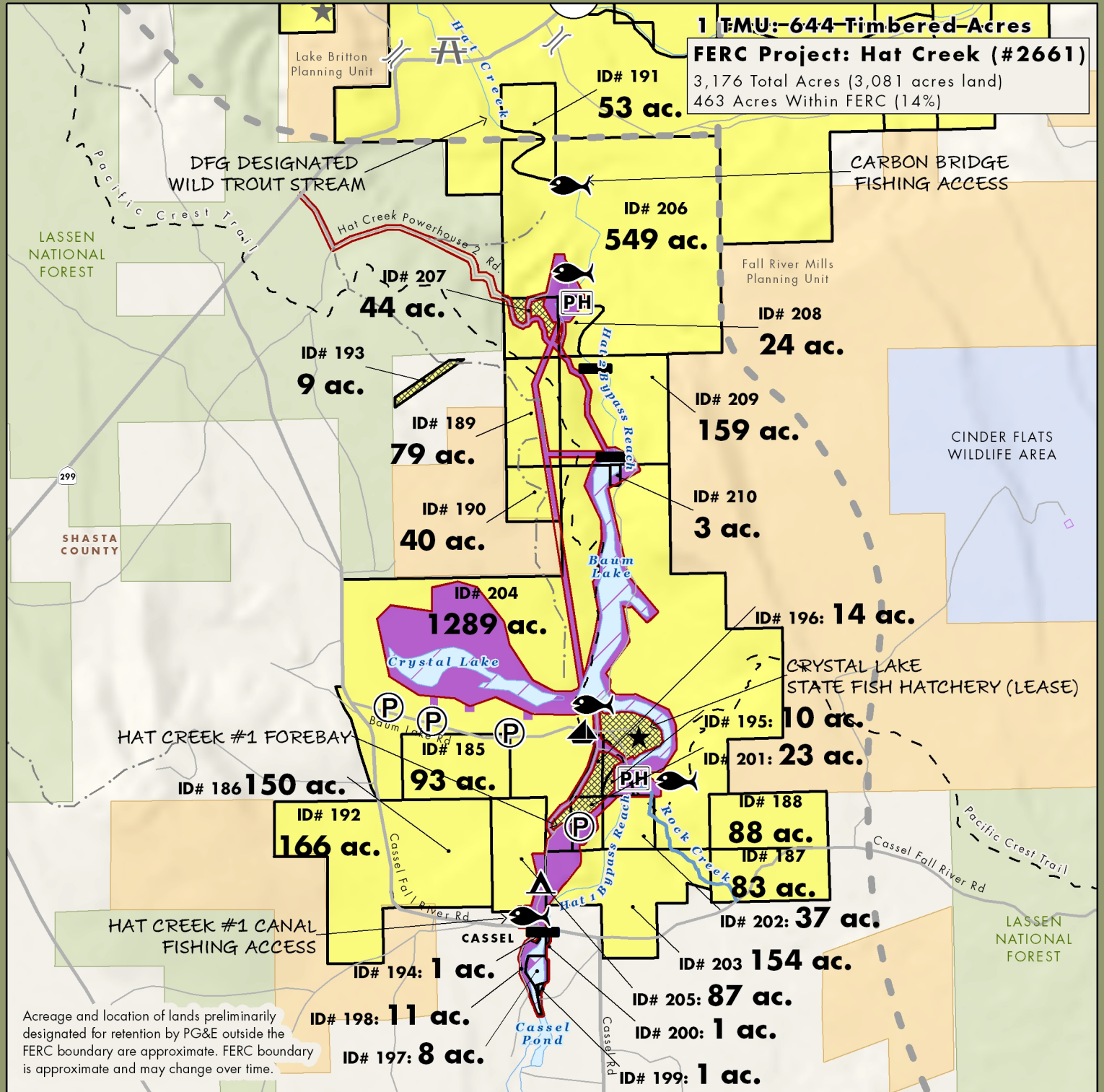
If the Board approves this recommendation on April 29, 2015, the Stewardship Council would invite the Pit River Tribe to negotiate the specific terms of the fee title transaction and the conservation easement with PG&E and the prospective conservation easement holder, respectively. The Stewardship Council would work with the Pit River Tribe to develop a management and funding agreement in coordination with the development of a Land Conservation and Conveyance Plan (LCCP) for the subject property.

Adoption of the LCCP by the Board would be the final step in the Stewardship Council's process for selecting donees. The proposed LCCP would be made available for public review and comment before it is approved by the Board.

### **ATTACHMENTS AND REFERENCE MATERIAL**

- Hat Creek Planning Unit Map
- LCP Volume II Planning Unit Report for Hat Creek Planning Unit
- List of Registered Organizations That Submitted SOQs for Lands Available in the Hat Creek Planning Unit
- Summary of Key Public Outreach Activities and Public Comments Associated with the Hat Creek Planning Unit





Acreage and location of lands preliminarily designated for retention by PG&E outside the FERC boundary are approximate. FERC boundary is approximate and may change over time.

# HAT CREEK PLANNING UNIT

## Pit-McCloud River Watershed

### Existing Conditions & Uses

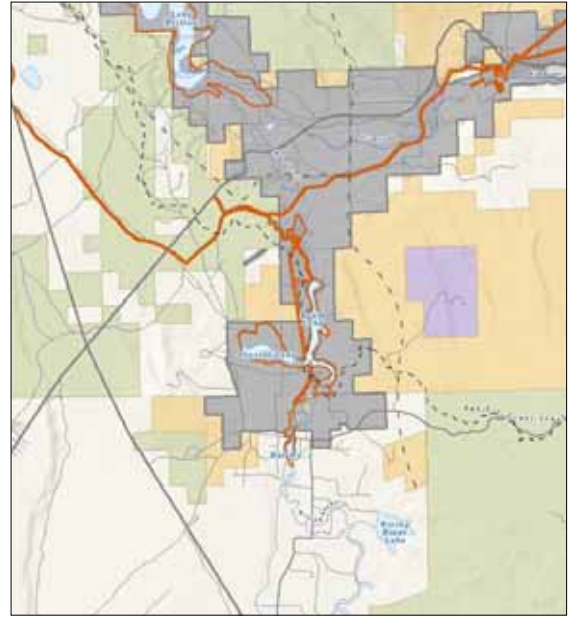
#### Overview

- Two small lakes and Hat Creek corridor that contain valuable biological and recreational resources
- 3,208 acres in Shasta County; 2,745 acres outside the FERC boundary and 463 acres inside the FERC boundary
- Comprises the Hat Creek Project (FERC #2661), New License issued November 2002

As shown in Figure PM-7, the Hat Creek Planning Unit is located in Shasta County in and around the town of Cassel. The planning unit includes several waterbodies including Cassel Pond, Hat Creek #1 Forebay, Baum Lake, Crystal Lake, Hat Creek, and Hat Creek #1 Canal. The planning unit contains lands that are part of the Hat Creek FERC Project (#2661) as well as hydropower infrastructure such as the Hat Creek #1 and 2 Powerhouses and associated penstocks, dams, canals, flumes, and intakes. The planning unit is primarily surrounded by BLM and private land, as well as USFS land in the northwest corner of the planning unit. In addition, the DFG leases land for the Crystal Lake State Fish Hatchery.



Crystal Lake



Hat Creek Planning Unit  
Shasta County

#### Fish, Plant, and Wildlife Habitat

There is substantial diverse riparian habitat within the Hat Creek Planning Unit. The habitat resources are used by a variety of waterfowl, raptors, and aquatic species including great blue heron, osprey, bald eagle, bank swallow, Shasta crayfish, hardhead, bigeye marbled sculpin, and rough sculpin. Waterfowl and other birds use the fresh water emergent wetland habitat and waterbodies for nesting, wintering, and staging. Bald eagles nest near Hat Creek and forage throughout the planning unit. The adjacent nesting territory is one of the most productive bald eagle nesting territories in the State and has been chosen to contribute nestlings for the San Francisco Zoo captive breeding program and Catalina Island reintroduction project in four different years.

Wild trout are abundant in Hat Creek and Crystal Lake. The portion of Hat Creek from Hat Creek #2 Powerhouse (north of Baum Lake) downstream to the fish barrier dam (located in the Lake Britton Planning Unit) is a DFG-designated Wild Trout stream known for its excellent wild rainbow and brown trout fisheries. The New License for the Hat Creek Project provided several biological resource enhancements and management plans.<sup>1</sup>



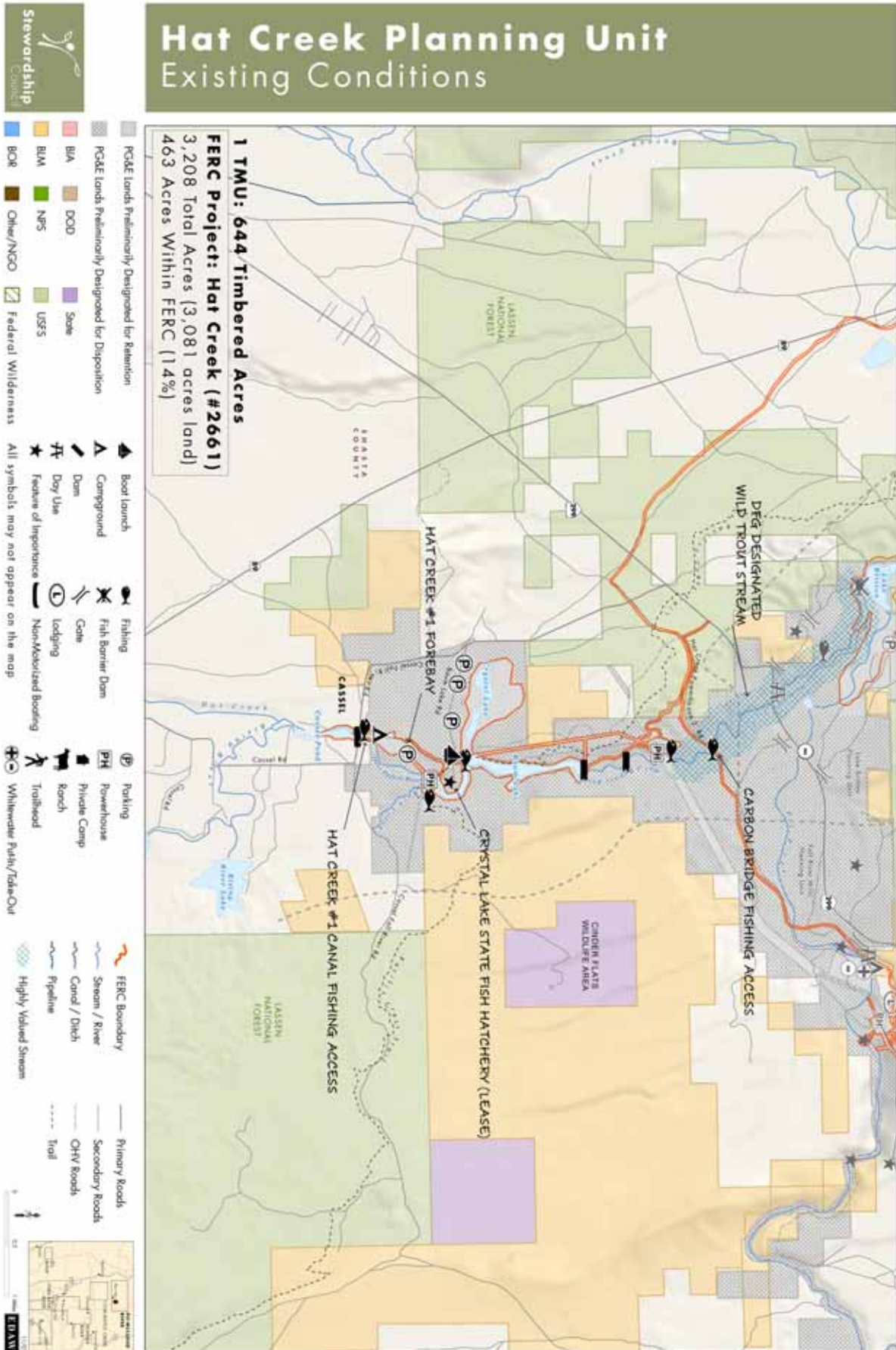


Figure PM-7

# HAT CREEK PLANNING UNIT

## Pit-McCloud River Watershed

### Open Space

The Hat Creek Planning Unit contains open space throughout the planning unit as development is limited to a few scattered recreation facilities. The Shasta County General Plan recognizes that rivers, creeks and associated riparian corridors, and floodplains within the county are major open space resources. This planning unit also provides open space for the town of Cassel and contains viewshed for the Cassel Fall River Road, a primary local thoroughfare.

### Outdoor Recreation

Recreation use at Hat Creek is primarily associated with fishing and hunting, though camping, hiking, and wildlife watching also occur in the planning unit. Fishing, in particular, is popular throughout the planning unit. Hunting, mostly for ducks, occurs around Crystal Lake. The Cassel Campground includes ADA-compliant campsites and is very popular, receiving substantial use during the recreation season. Boating (non-motorized, electric trolling motor boats only) primarily occurs at Baum Lake as boating is prohibited at many other areas in the planning unit.<sup>2</sup>

The Pacific Crest Trail runs through the planning unit, primarily along the west shore of Baum Lake. Due to the outstanding habitat, there are ample opportunities for wildlife viewing throughout the planning unit, particularly at Baum and Crystal Lakes. Many of the recreation sites have been recently enhanced, and a Recreation Management Plan (Shasta crayfish) and Public Access Management Plan were developed according to the New License Order.

### Forest Resources

The planning unit has minor forestry resources and there has been only one timber sale for this area in the last 20 years. The area has scattered second-growth Jeffrey and ponderosa pine stands with no plantations or late seral stage stands. The

PG&E Timber Management Unit (TMU) for Hat Creek consists of 644 acres of timber, and current PG&E management activities are restricted to mitigating for watershed and forest health issues, including emergency salvage harvesting following insect attack or a catastrophic event. Salvage harvesting operations were last conducted in the early 1990s to remove dead and dying trees, the result of a large disease outbreak. Hazard trees are also occasionally removed from recreation areas.

### Agricultural Uses

In the 1800s the site was a dairy farm and since then sustained heavy grazing use under two grazing leases that nearly encompassed the entire planning unit. Grazing was eliminated in 2001 due to impacts to cultural resources, as well as erosive impacts to the shoreline of Baum and Crystal Lakes, and the east side of Hat Creek downstream of Hat Creek #2 Powerhouse.

### Historic Resources

The Hat Creek Planning Unit is within the Pit River Tribe's ancestral territory. There are 15 recorded archaeological sites within the Hat Creek Project cultural resource study area (all lands within the FERC boundary). These sites include midden areas, housepit depressions, lithic scatters, milling stations, historic Baum Powerhouse, historic Camp 1 remains and



American white pelican on Baum Lake

# HAT CREEK PLANNING UNIT

## Pit-McCloud River Watershed



Kayaking on Baum Lake

caretaker's house, an historic can scatter, and historic rock alignments/post piles and artifacts. One ethnographic site is located within the planning unit – an important salmon fishing area (the only legal Native American spearfish site in California). In addition, there are other important places to Native Americans including prayer sites and a large meadow where members of the Illmawi band of the Pit River Tribe are said to have taken refuge from nearby Mt. Lassen eruptions.

All components of the Hat Creek Hydroelectric Project were found to be eligible on the NRHP as an historic district. PG&E has taken efforts to manage cultural sites as prescribed by the Hat Creek Cultural Resources Management Plan (CRMP) by eliminating grazing use, capping areas, bouldering roads, and providing parking areas to prevent damage to sites from vehicle or pedestrian use.

### Stewardship Council Recommendations

The Stewardship Council recommends that the land and land uses at Hat Creek be preserved and enhanced by focusing on biological and cultural resource values as well as popular recreation resources. In presenting the Recommended Concept provided here, our objective is to preserve and enhance cultural and important plant and wildlife resources, as well as enhance

educational opportunities and sustainable forestry management.

**Objective: Preserve and enhance biological and cultural resources while enhancing educational opportunities, the recreation experience, and sustainable forestry management.**

As shown on Table PM-4, The Stewardship Council has identified a number of preservation and/or enhancement measures that may contribute to the conservation management program for the Hat Creek Planning Unit. Additional detail and background regarding these potential measures can be found in the Supporting Analysis for Recommendations, provided under separate cover. These measures are intended to be illustrative in nature, not prescriptive, and will be amended, deleted, or augmented over time in coordination with future land owners and managers to best meet the objective for this planning unit.

### Fish, Plant, and Wildlife Habitat

**Objective: Preserve and enhance habitat in order to protect special biological resources.**

The Hat Creek Planning Unit offers a variety of habitats for both native terrestrial and aquatic



Hat Creek near Carbon Bridge Fishing Access



## HAT CREEK PLANNING UNIT

### Pit-McCloud River Watershed

species, including many special status species. In order to preserve and enhance the habitat and resources found here, the Stewardship Council recommends that baseline studies and plans be developed to gain a clear understanding of the resources at Hat Creek. These studies will likely be followed by management plans to ensure implementation of preservation and enhancement measures for specific resources. Management of the property to preserve and enhance habitat will also include addressing noxious weeds, damage from muskrats, and restoration of hydrologic function in two creeks.

The Stewardship Council also recommends improving bald eagle nesting and perching habitat, supporting Shasta Crayfish restoration efforts, and reducing habitat fragmentation through OHV road restoration and removal of unnecessary fencing. The Stewardship Council encourages close coordination with the Shasta Crayfish Technical Review Committee and other resource-focused organizations working in the region. All planning should be considered in conjunction with fuels and forest management plans as well as relevant FERC license required plans.

#### Open Space

**Objective: Preserve open space in order to protect natural and cultural resources, viewsheds, and the recreation setting.**

This concept would preserve open space values by limiting development to minor recreation enhancements, as well as through permanent conservation easements. Conservation easements would describe all prohibited uses to maintain open space values, including the level of uses allowed. This concept includes habitat restoration with little development and is therefore not expected to decrease the scenic quality of the viewsheds.



Fishing in Cassel Pond

#### Outdoor Recreation

**Objective: Enhance recreational facilities in order to provide additional educational opportunities and enhance the recreation experience.**

The Hat Creek Planning Unit provides many recreation opportunities and receives year-round recreation use. As shown in Figure PM-8, the Stewardship Council looks to enhance these opportunities by providing interpretive signage to educate visitors on the valuable natural resources within the planning unit. We recommend enhancements focus on interpretive signage along the Pacific Crest Trail, improvements to fishing-related signage, increased opportunities for youth education and recreation, and providing minimal additional day use facilities.



Emergent wetland habitat near Crystal Lake

# HAT CREEK PLANNING UNIT

## Pit-McCloud River Watershed

### Sustainable Forestry

**Objective: Develop and implement forestry practices in order to contribute to a sustainable forest, preserve and enhance habitat, as well as to ensure appropriate fuel load and fire management.**

The forestlands of the Hat Creek Planning Unit provide valuable habitat and are located adjacent to the community of Cassel. The Stewardship Council recommends that future care and management of the property include developing a long-term vision for forest management in the area, which addresses silvicultural practices, holistic watershed management, fuels management, and fire management and response. The fire management and response, fuels, and forest management plans should be developed in conjunction with the noxious weed and wildlife and habitat management plans. We expect that all of these plans would be developed in conjunction with adjacent landowners, DFG, BLM, and USFS management and practices as appropriate.

### Preservation of Historic Values

**Objective: Identify and manage cultural resources in order to ensure their protection.**

Various prehistoric and historic cultural resources are known to be present within the

planning unit, and there is a high likelihood that additional cultural resources are present. The Stewardship Council aims to support an increased understanding of these resources and ensure they are appropriately protected. To meet this objective, we recommend that cultural resource studies be conducted to understand the resources found at Hat Creek (particularly outside the FERC cultural resource study area where less information is available) and that appropriate management plans be developed and implemented. Throughout this effort, the Stewardship Council recommends close coordination with Native American entities. Development of the cultural resources management plan should be consistent with the Hat Creek Project CRMP.

### Endnotes

<sup>1</sup> New License Order habitat measures include flushing flows, gravel augmentation, fish monitoring, monitoring and protection of Shasta crayfish, bank swallow protection, and development of a Final Hat Creek Bald Eagle Nesting Territory Management Plan.

<sup>2</sup> In relicensing, the area was found to have low whitewater boating potential.



Annual grassland near Hat Creek



## **Hat Creek Planning Unit**

### **Registered Organizations that Submitted Statements of Qualifications for Lands Available for Donation**

County of Shasta

Fall River Resources Conservation District

Environmental Education Council of Marin

Pit River Tribe

Spring Rivers Foundation

US Forest Service - Lassen National Forest

US Bureau of Land Management



## SUMMARY OF KEY PUBLIC OUTREACH ACTIVITIES AND PUBLIC COMMENTS ASSOCIATED WITH THE HAT CREEK PLANNING UNIT

### PUBLIC REVIEW OF VOLUMES I AND II OF THE LCP

The Draft Land Conservation Plan (LCP) Volumes I and II were released in June 2007 for a 60-day public comment period. During this time, the Stewardship Council held ten public meetings to publicize the availability of the Draft LCP and to encourage public comment. During public review of Volumes I and II of the LCP, six comments were submitted concerning the Hat Creek Planning Unit. Comments were received via email, the Stewardship Council website, and hardcopy letters. The comments were reviewed and responded to individually, and the text in the Draft LCP was revised as appropriate.

Public comments emphasized the following regarding the future management of the property:

- Include adjacent tribal lands and members in any emergency action planning efforts.
- Conduct ethnographic surveys to identify and enhance habitat for traditional use plants.
- Acknowledge traditional uses of the area by Astuge and Illmawi bands of the Pit River Tribe.

### PUBLIC INFORMATION MEETING FOR THE HAT CREEK PLANNING UNIT

A public information meeting for the Fall River Mills, Fall River Valley, Hat Creek, and Lake Britton planning units was hosted by the Stewardship Council on October 29, 2009 at the Veterans of Foreign Wars Hall in Burney, California. A total of 33 people attended and participated in the meeting, representing a wide variety of interests, including local and federal governments, community organizations, and community members. The primary purpose of this meeting was to solicit public input on the development of the Land Conservation and Conveyance Plans (LCCP) to preserve and enhance the Fall River Mills, Fall River Valley, Hat Creek, and Lake Britton planning units.

During the meeting, participants were invited to provide comments at the four planning unit stations, focusing on two topics: the potential priority measures proposed for the above listed planning units, and important qualifications of future land owners and conservation easement holders. A summary of the public comments concerning the Hat Creek Planning Unit is provided below.

#### **General Comments/Potential Priority Measures to Preserve and Enhance the BPVs**

- Enhance recreation for multiple-uses, not just fishing
- Enhance trail access to the river
- Ensure trails are safe for non-vehicle users
- Employ rules of conduct to protect private property owners
- Keep southernmost parcels pristine
- Open space is critical to preserving the integrity of the area

### **Important Qualifications of Future Landowners and Conservation Easement Holders**

- Local organization
- Tribal for cultural preservation

### **ADDITIONAL CORRESPONDENCE SUBMITTED**

The Stewardship Council also received other public comments and letters from individuals and organizations regarding the future management of the Hat Creek Planning Unit, as summarized below:

- Prohibit OHV use due to potential impacts on wildlife habitat and soils.
- Remove noxious weeds and preserve wetland areas.
- Enhance management of cultural resources and designate area as an archaeological district due to the significance and density of cultural resources located on the property.
- Assess and develop educational opportunities for the public and youth to learn about the Pit River Indian culture, such as signage, a cultural resource center, and model villages.
- Concern that increased public access will impact sensitive riparian habitat.
- Support for the lands available for donation to be transferred to the Pit River Tribe.