



FEE TITLE DONEE RECOMMENDATION BURNNEY GARDENS PLANNING UNIT

EXECUTIVE SUMMARY

The Stewardship Council was created to oversee PG&E's Land Conservation Commitment, as set forth in the Settlement and Stipulation,¹ 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 Burney Gardens planning unit, located in Shasta County, consists of 15 parcels encompassing approximately 1,612 acres of land. All 1,612 acres have been identified by PG&E as lands outside of Federal Energy Regulatory Commission (FERC) project boundaries and not necessary for its current and future utility operations. Therefore, the entire planning unit was made available for fee title donation. The Stewardship Council solicited statements of qualification and land stewardship proposals (LSPs) from organizations qualified to receive a donation of land at this planning unit. No LSPs were submitted by any organization. As a result, the Stewardship Council staff made the following recommendation, which was endorsed by the Watershed Planning Committee:

PG&E to retain fee title to all lands in the Burney Gardens planning unit, consisting of approximately 1,612 acres within 15 parcels (parcels 272-286).

If this recommendation is adopted by the Stewardship Council Board (Board), Stewardship Council staff would work with PG&E and the selected conservation easement holder to develop the conservation easement. A recommendation for a prospective conservation easement holder will be made as part of a separate recommendation to the Watershed Planning Committee and Board. At a later date, a draft Land Conservation and Conveyance Plan (LCCP) will be presented to the Planning Committee and Board for consideration and approval. The proposed LCCP would be made available for public review and comment before it is approved by 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 Burney Gardens planning unit is located in Shasta County and is approximately 13 miles south of the town of Burney at an elevation of almost 5,000 feet. PG&E originally purchased the planning unit lands to create a reservoir, but the reservoir was never developed. As a result, there

¹ 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").

is no hydropower infrastructure onsite. The planning unit is surrounded entirely by private lands used for timber production and grazing.

The Burney Gardens planning unit consists mostly of wooded lands, with some meadows and seasonal creeks. Dry Burney Creek which runs through the property, is a seasonal creek that provides only limited aquatic and riparian habitat. In the spring and early summer, the Burney Gardens area is wet from snowmelt and springs, forming seasonal wetlands and vernal pools. Because the Burney Gardens planning unit is not associated with a FERC Project, limited habitat and species information is available. However, observations have been made of various wildlife species such as elk, deer, quail, mountain lion, black bear and flying squirrel and it is likely that this planning unit serves as a migration corridor for the Cow Creek deer herd.

The open space and natural landscape of the Burney Gardens planning unit contribute to the rural character of Shasta County. Open space values are found throughout Burney Gardens due to the lack of development and recreation facilities. In addition, the high mountain meadows of the planning unit provide excellent views of Burney Mountain, Covey Butte, and Magee Peak.

Very little recreation takes place on the planning unit, except for hunting, possibly some light fishing use, and unauthorized OHV use. The planning unit is difficult to access, and has a short recreation season due to its location and heavy snow loads.

There is one Timber Management Unit (TMU) that covers most of the planning unit. The TMU consists of 1,417 timbered acres; however, PG&E does not own the timber or timber rights on Parcels 273, 278, 283 and 284. The last timber harvest occurred in the late 1980s.

The primary use of this planning unit is for cattle grazing. The only facilities onsite are range improvements, consisting of waterholes, fencing, and corrals. The current grazing lessee has been grazing cattle at Burney Gardens for 55 years. The cattle are grazed from early to mid June through early October, depending on weather and snow conditions. The current grazing license associated with this planning unit is set to expire on December 31, 2013.

Both historical and archaeological resources occur within the Burney Gardens planning unit. A cultural resource survey was conducted in 1991 for PG&E's Timber Harvest Management Plan, which identified seven sites, and one site containing both prehistoric and historic resources. The planning unit is an important tribal place and is located within the ancestral territory of the Pit River Tribe. In addition, remains of the 1880s homestead and two other homesteads are still visible.

b. Donee Evaluation Process

The Stewardship Council received statements of qualifications (SOQs) from four organizations interested in acquiring fee title to lands available for donation. A list of organizations that submitted an SOQ is attached. Based on a review of the SOQs, all four organizations were invited to submit an LSP for lands in the Burney Gardens planning unit; however, none of these organizations elected to do so.

II. EVALUATION

a. PG&E Retention

According to PG&E, its management of the watershed lands is guided by a number of considerations, including optimizing benefits to PG&E customers, shareholders, and the environment. The retention of the Burney Gardens planning unit by PG&E would likely result in the continuation of the current management regime, at least in the near term, subject to a newly established conservation easement. Future management of the lands and the preservation and enhancement of the BPVs is likely to be affected by a partnership between PG&E and the Burney Hat Creek Forest and Watershed Working Group. This partnership is involved in restoring a portion of a meadow that is located within the Burney Gardens planning unit. This restoration work will include measures to reduce and control lodgepole pine encroachment on the meadow, which is a potential enhancement measure identified in Volume II of the LCP.

b. Requirements of the Settlement and Stipulation

The Stewardship Council's recommendation that PG&E retain fee title to all the lands within the planning unit is subject to compliance with the requirements of the Land Conservation Commitment. Several of these requirements are highlighted below.

- A conservation easement would be established on all lands within the Burney Gardens planning unit.
- PG&E currently manages one grazing lease on the property. The conservation easement will recognize that agricultural uses are one of the beneficial public values that are to be protected. Additionally, the conservation easement will include provisions that ensure the existing economic uses are permitted to continue.
- The conservation easement will include an express reservation of right 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, compliance with any Federal Energy Regulatory Commission (FERC) license, FERC license renewal or other regulatory requirements.

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 planning unit is attached.

V. NEXT STEPS FOLLOWING BOARD'S RECOMMENDATION

If the Board adopts this recommendation on March 7, 2012, the Stewardship Council would work with PG&E and the selected conservation easement holder to develop the conservation easement. The conservation easement will be part of the LCCP developed for the planning unit. The proposed LCCP would be made available for public review and comment before it is

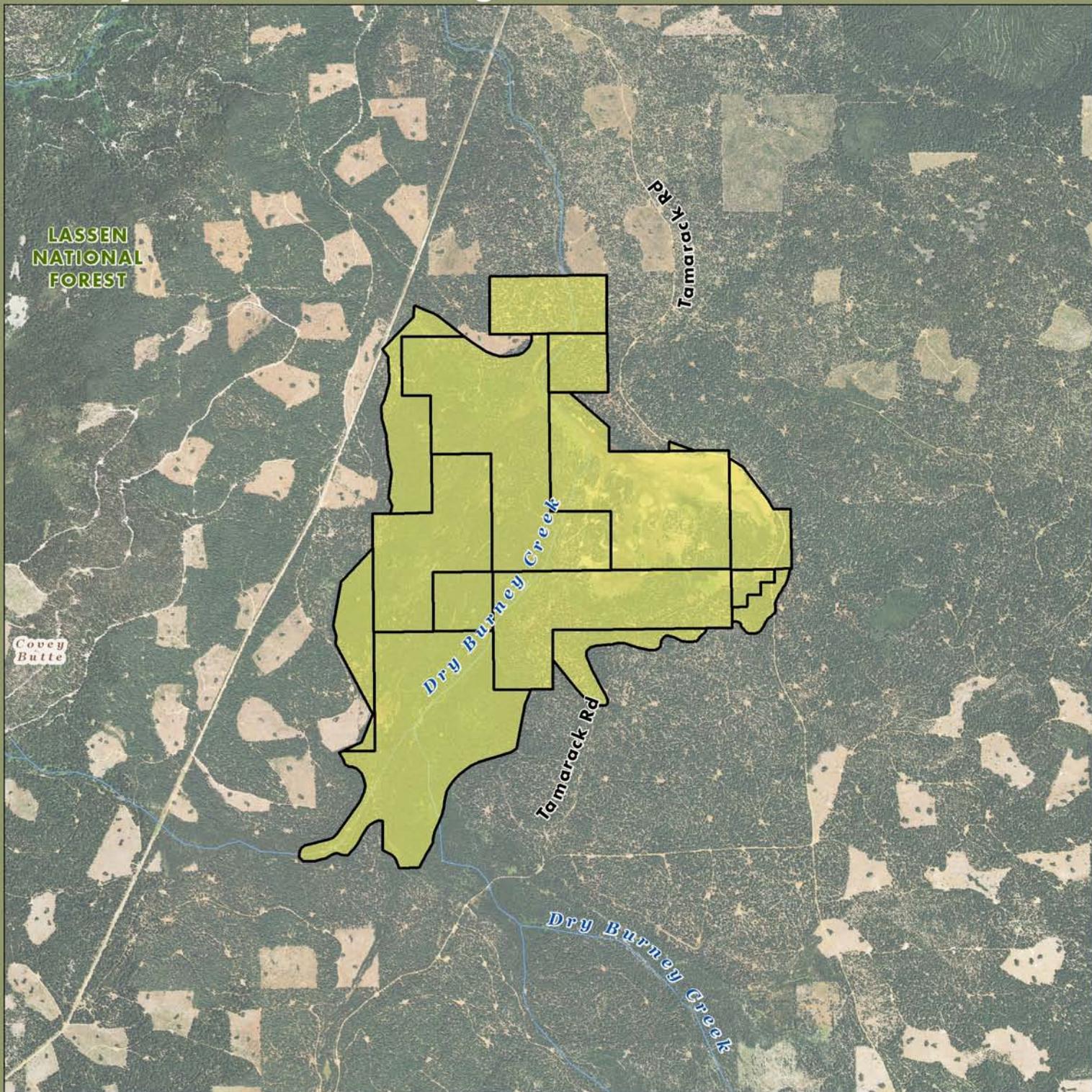


approved by the Board. Adoption of the LCCP by the Board would be the final step in the Stewardship Council's process for selecting donees.

ATTACHMENTS AND REFERENCE MATERIAL

- Burney Gardens Planning Unit Map
- LCP Volume II Planning Unit Report for Burney Gardens Planning Unit
- Organizations that Submitted SOQs for Lands Available in the Burney Gardens Planning Unit
- Summary of Key Public Outreach Activities and Public Comments Associated with the Burney Gardens Planning Unit

Burney Gardens Planning Unit



 PG&E Lands Preliminarily Designated for Donation

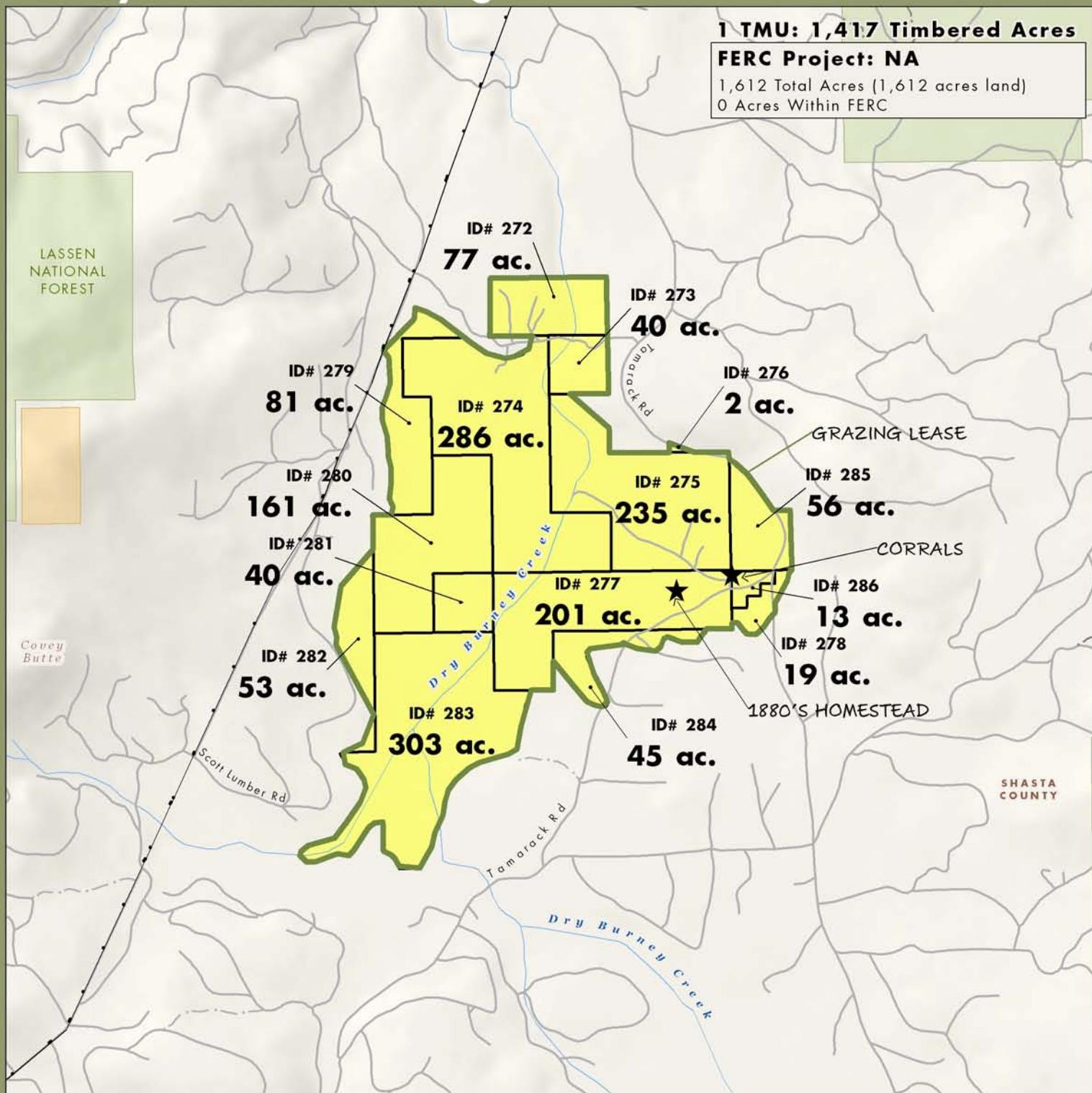
Imagery: NIAP 2009

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.

0 0.5 1 Miles 

October 2010
AECOM

Burney Gardens 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.

0 0.5 1 Miles



October 2010



BURNEY GARDENS PLANNING UNIT

Cow-Battle Creek Watershed

Existing Conditions & Uses

Overview

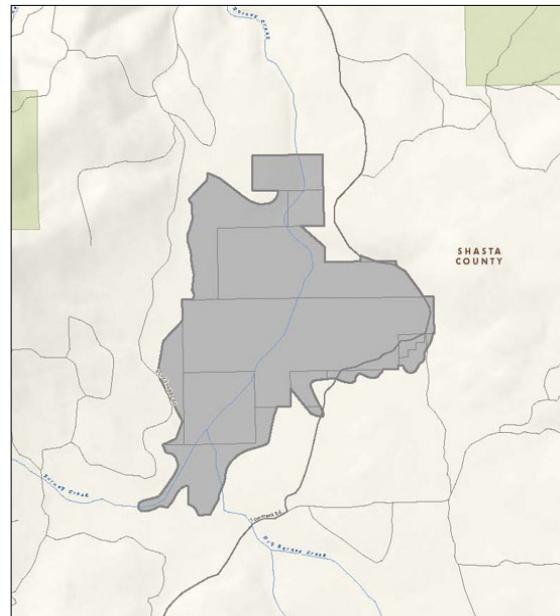
- Formerly homesteaded scenic mountain meadows and forestland surrounded by private timber and grazing lands
- 1,611 acres in Shasta County
- No FERC Project associated with this planning unit

The Burney Gardens Planning Unit is located in Shasta County, approximately 13 miles south of Burney and 22 miles northeast of the rural community of Whitmore. PG&E purchased planning unit lands to create a reservoir, but the reservoir was never developed. There is no hydropower infrastructure onsite and the planning unit is not associated with a FERC Project.

The Burney Gardens area is at an elevation of almost 5,000 feet and is entirely surrounded by private lands used for timber production¹ and grazing. There are a few scattered BLM parcels north and west of the planning unit and a small block of Lassen National Forest land to the west around Snow Mountain, with the main portion of Lassen National Forest to the east (see Figure CB-1). The Thousand Lakes Wilderness Area is approximately five miles away.



Wet & dry meadows grazed by livestock



Burney Gardens Planning Unit
Shasta County

Fish, Plant, and Wildlife Habitat

Burney Gardens provides limited aquatic and riparian habitat within and along Dry Burney Creek. In the spring, the water is high enough for fish to migrate up the stream; however, as its name implies, the creek dries up during the summer and fish can be stranded in remaining pools. It is unknown what fish species live in the creek, though it is likely they are a trout species. In spring and early summer, the Burney Gardens area is wet from snowmelt and springs, forming seasonal wetlands and vernal pools. Because this area is not associated with a FERC Project, it has not been thoroughly studied; thus, there is limited information available on habitats and species.

Various wildlife species such as elk, deer, mountain quail, pileated woodpecker, badger, flying squirrel, mountain lion, black bear, and northern goshawk have been observed in the planning unit. In addition, it is likely that the Burney Gardens Planning Unit serves as a migration corridor for the Cow Creek deer herd. Although very little plant data are available, a special status plant, long-haired star tulip, was identified on a site visit.

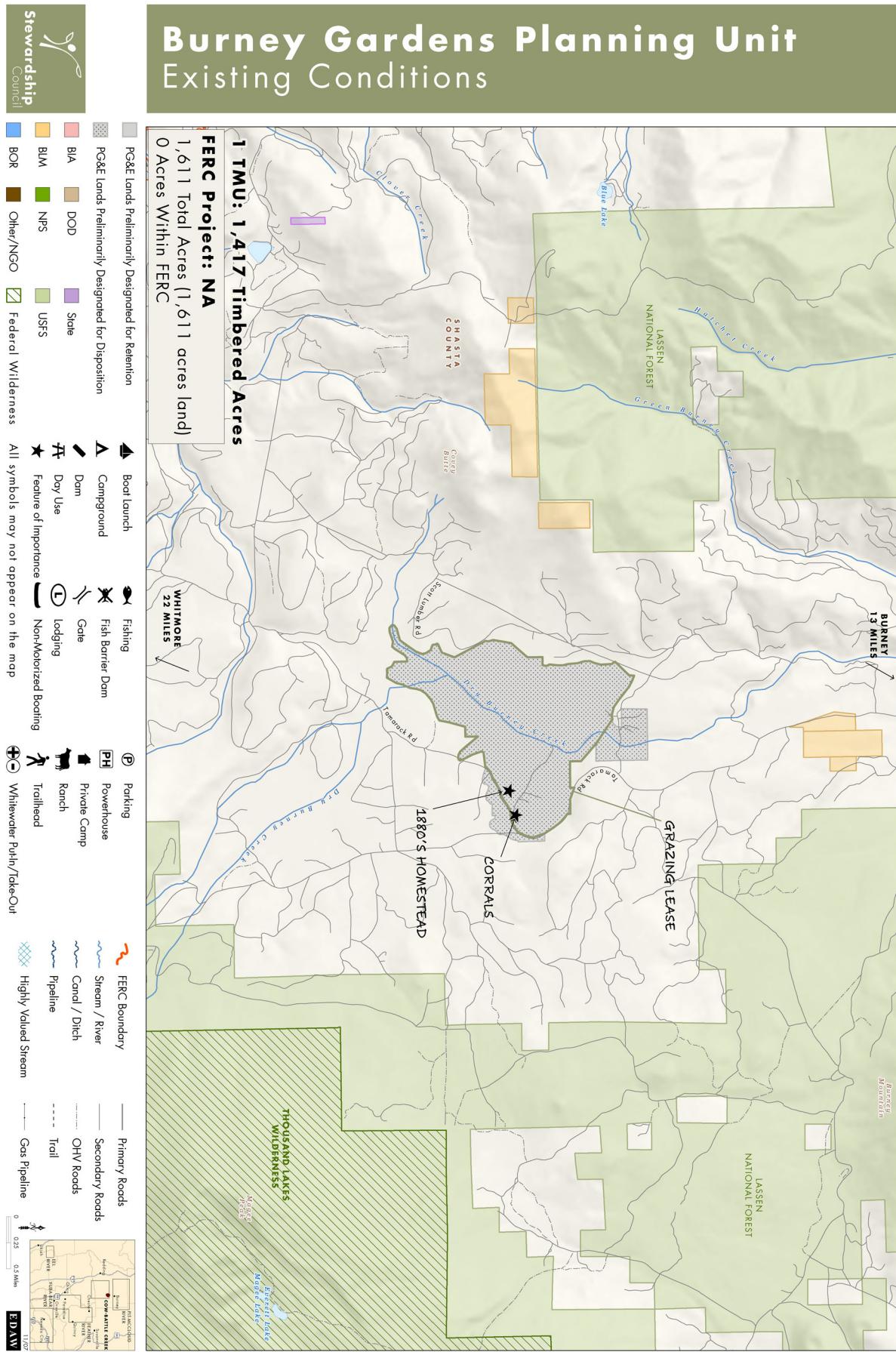


Figure CB-1

BURNEY GARDENS PLANNING UNIT

Cow-Battle Creek Watershed

Open Space

The Shasta County General Plan recognizes that agricultural lands provide privately maintained open space, contributing to both the rural character of the county and an open, natural landscape. Open space values are found throughout Burney Gardens due to lack of development and recreation facilities, as well as the primary use of these lands for grazing and timber production. In addition, the high mountain meadows of the planning unit provide excellent views of Burney Mountain, Covey Butte, and Magee Peak.

Outdoor Recreation

Very little recreation takes place on the planning unit, except for hunting, possibly some light fishing use, and unauthorized OHV use. The planning unit is difficult to find and access (via dirt roads), and has a short recreation season due to its location and heavy snow loads.²

Fishing in Dry Burney Creek is possible only in spring and very early summer while the creek conveys water. Hunting for bear and deer, as well as unauthorized OHV use, also occurs on the planning unit. Hunting is allowed after cattle have been removed from the planning unit; however, some hunters and OHV users have forced entry into the planning unit, vandalizing fences, gates, and locks.

There is little potential to enhance recreation as the site is difficult to reach and provides few recreation opportunities during a short season. The planning unit presents potential opportunities for wildlife watching; however, there are closer, more accessible opportunities nearby in Lassen National Forest. Additionally, more public access could lead to conflicts with grazing operations and impacts to the fragile meadow system.

Forest Resources

Forest resources within Burney Gardens primarily consist of lodgepole pine-fir forest.

There is one PG&E Timber Management Unit (TMU) that covers most of the planning unit and consists of 1,417 timbered acres. The TMU is currently managed under a Sustainable Timber Management prescription, meaning that sustained timber production is regarded as the highest and best use of the land, while an emphasis is also placed on protecting water quality, wildlife and fisheries habitat, soils, carbon sequestration, and cultural resources. While the majority of the planning unit consists of submerchantable lodgepole pine, a recent timber inventory shows that merchantable timber within the planning unit consists of white fir (65%), lodgepole pine (25%), and ponderosa pine (8%). The last timber harvest at Burney Gardens was in the late 1980s.

Agricultural Uses

A primary use of the Burney Gardens Planning Unit is for cattle grazing. The current grazing lessee has been grazing cattle at Burney Gardens for 55 years. Cattle are grazed at Burney Gardens from about the 10th of June to the 5th of October, depending on the weather and snow conditions. Historically, the lessee grazed about 90 head of cattle, but lodgepole pine encroachment has reduced the amount of forage available, and currently 75 to 80 head graze the planning unit.

The only facilities onsite are for range improvement and consist of waterholes, fencing, and corrals. Eight in-ground waterholes have



Cattle chute & corrals

BURNEY GARDENS PLANNING UNIT

Cow-Battle Creek Watershed



Meadow & lodgepole forest

been dug to provide water for cattle throughout the summer. There are about 15 miles of fence in the planning unit, enclosing the majority of the planning unit except for two small portions of land that are not grazed. There are corrals on the northeast side of the planning unit and a chute for loading cows into trucks for transporting.

Historic Resources

Both historical and archaeological resources occur within the Burney Gardens Planning Unit. Burney Gardens was surveyed for cultural resources in 1991 for PG&E's Burney Gardens Timber Harvesting Plan. This survey recorded seven sites, including three historic-era sites, three prehistoric sites, and one site containing both prehistoric and historic components. In a meeting with the Pit River Tribe, a tribal member stated that Burney Gardens is an important tribal place. The northern half of the planning unit is within the ancestral lands of the Atsugewi band of the Pit River Tribe.

In addition, the current grazing lessee's step-grandfather was one of the seven homesteaders to settle at Burney Gardens. Remains of the 1880s homestead are still visible within the planning unit along with remains of two other homesteads. The lessee has also found arrowheads on the property in several locations, indicating that archeological resources are present. The lessee also noted that artifact collecting occurs in the planning unit.

Stewardship Council Recommendations

The Stewardship Council recommends that the land and land uses at Burney Gardens be preserved and enhanced by focusing on habitat values, forest management, cultural resource protection, and the importance of local ranching to the area. In presenting the Recommended Concept provided here (see Figure CB-2), our objective is to preserve and enhance habitat, forest, and cultural resources while also protecting and preserving important agricultural uses.

Objective: Preserve and enhance biological, cultural, and agricultural resources and enhance sustainable forestry management.

As shown on Table CB-1, the Stewardship Council has identified a number of preservation and/or enhancement measures that may contribute to the conservation management program for the Burney Gardens 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.



Meadow penstemon

BURNEY GARDENS PLANNING UNIT

Cow-Battle Creek Watershed

Fish, Plant, and Wildlife Habitat

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

Burney Gardens offers forest and high meadow habitat for a potentially wide variety of species, though little information exists on the habitat and species found in the planning unit. 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. 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. The Stewardship Council also recommends encouraging the local Game Warden to patrol the planning unit at the beginning of hunting season to stop unauthorized hunting. We encourage close coordination with the grazing lessee, DFG, and other resource-focused organizations working in the area, and all planning should be considered in conjunction with the fuels, forest, and rangeland management plans.

Open Space

Objective: Preserve open space in order to protect natural and cultural resources and agricultural land uses.

This concept would preserve open space through permanent conservation easements. Conservation easements would describe all prohibited uses to maintain open space values, including the level of uses allowed and the requirement to maintain scenic qualities.



Meadow habitat

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 management.

The Burney Gardens Planning Unit provides lodgepole pine forest stands with some late successional trees within the greater Whitmore area, an area known for its frequent forest fires. Additionally, lodgepole pine trees in the planning unit have begun to encroach on valuable meadow habitat, also used for grazing cattle. The Stewardship Council recommends that future care and management of the property include developing a long-term vision for forest management, addressing silvicultural practices, holistic watershed management, and fuels management. Development of measures to protect remaining late successional habitat from vandalism and harvesting, as well as to reduce and control lodgepole pine encroachment on meadow areas, are also recommended. The fuels and forest management plans should be developed in conjunction with the noxious weed, rangeland, and wildlife and habitat management plans. We expect that all of these plans would be developed in coordination with adjacent landowners and lessee management and practices as appropriate.

BURNEY GARDENS PLANNING UNIT

Cow-Battle Creek Watershed

Agricultural Uses

Objective: Preserve and enhance grazing in order to support associated economic benefits, as well as to protect open space and habitat resources.

Cattle grazing in Burney Gardens has occurred for the past 55 years and contributes to both the agricultural history and local economy of the area. The Stewardship Council looks to preserve this resource and important economic use as part of the long-term management of Burney Gardens. To support this effort, we anticipate a baseline conditions report will be required to describe current agricultural, physical, and overall biological conditions of the area. From this, specific determinations can be made to identify and manage grazing practices in balance with other uses and values of the property.

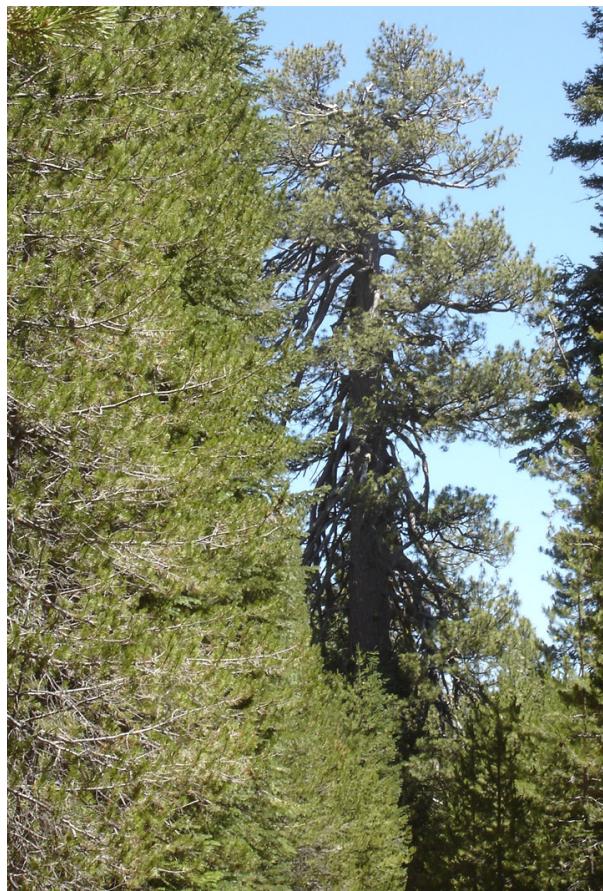
The Stewardship Council also recommends improving fencing in the planning unit to better

manage livestock movement and distribution, and allowing use of only established corridors to access cattle areas in order to protect sensitive meadow habitat.

Preservation of Historic Values

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

Burney Gardens is rich in historical resources with at least seven homesteads and contains prehistoric resources as well, though these resources have experienced some looting in the past. 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 Burney Gardens, and that appropriate management plans be developed and implemented. Throughout this effort, the Stewardship Council recommends close coordination with Native American entities.



Large ponderosa pine tree

Endnotes

¹ Adjacent landowners include Sierra Pacific Industries, Beatty and Associates, and Roseburg Resources.

² The area is accessible from the north (Burney) via Tamarack Road, a County Road, where it is a two-lane dirt road often maintained to support logging truck traffic. The area is also accessible from the south (Whitmore) via Tamarack Road, which is a four-wheel-drive road that is not well maintained or signed. In addition, many logging spur roads make the area difficult to navigate.



Burney Gardens

Registered Donees that Submitted SOQs

California Department of Forestry & Fire Protection

Pit River Tribe

Shasta County

Western Shasta Resource Conservation District

SUMMARY OF KEY PUBLIC OUTREACH ACTIVITIES AND PUBLIC COMMENTS ASSOCIATED WITH THE BURNEY GARDENS 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. The Stewardship Council did not receive any public comments concerning the Burney Gardens planning unit during public review of Volumes I and II of the LCP.

PUBLIC INFORMATION MEETING FOR THE BURNEY GARDENS PLANNING UNIT

A public information meeting was hosted by the Stewardship Council on March 24, 2011 at the Millville Grange Hall in Palo Cedro, California. The meeting concerned the following eight planning units: Battle Creek, Burney Gardens, Cow Creek, Iron Canyon Reservoir, Kilarc, Lake McCloud, Pit River, and Tunnel Reservoir. A total of 49 people attended and participated in the meeting, representing a wide variety of interests, including local and federal governments, community organizations, and community members. The meeting was advertised via an e-mail sent to contacts in our database, an announcement posted on the Stewardship Council's web site, a press release in the local newspaper, and a postcard sent to all landowners on record that reside within one mile of any PG&E parcel associated with the eight planning units that were the focus of the meeting.

The purpose of this meeting was to: (1) provide a review and update on the Stewardship Council's Land Conservation Program; and, (2) solicit additional public input on future stewardship of the eight planning units. During the meeting, participants were invited to ask questions and provide comments on the eight planning units. Stations were set up with maps, other pertinent information, and easels with blank paper. Below is a summary of comments for the Burney Gardens planning unit and Pit-McCloud watershed area that were recorded on the easels and provided on comment cards.

Burney Gardens Planning Unit

- Survey the property lines along the southern border of the planning unit
- Prior to transfer, address timber rights on the property that are held by others
- Prior to transfer, adjust property lines in coordination with adjacent landowners to address the contour line configuration

General Comments Concerning the Cow-Battle Creek Watershed Area

- Concern expressed about an organization's financial capacity to own and manage the lands available for donation
- Timely updates should be posted on the Stewardship Council's website
- Support for lands available for donation to be transferred to CAL FIRE and/or Shasta County

- Concern expressed about transferring forested lands to the US Forest Service or Pit River Tribe
- Forested lands should be managed for long-term productivity

ADDITIONAL CORRESPONDENCE SUBMITTED

The Stewardship Council also received other public comments and letters from individuals and organizations regarding the future management of the Burney Gardens planning unit, as summarized below:

- Assess and develop educational opportunities for the public and youth to learn about the Pit River Indian culture, such as signage, cultural resource center, and model villages
- Protect cultural resources including, traditional and medicinal plants, sacred sites, and human remains.
- Support for the lands available for donation to be transferred to the Pit River Tribe.
- Concern expressed over how the reserved timber rights would be accommodated by the Stewardship Council's land conservation and conveyance process.