

## FEE TITLE DONEE RECOMMENDATION FOR BURNEY GARDENS 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 Burney Gardens Planning Unit consists of 15 legal parcels, comprising approximately 1,612 acres, located in Shasta County. The planning unit is approximately 13 miles south of Burney and 22 miles northeast of Whitmore. There is no hydropower infrastructure onsite and the 1,612 acres within the Burney Gardens Planning Unit are available for fee title donation.

Stewardship Council staff received and evaluated land stewardship proposals (LSPs) seeking fee title donations to lands in this planning unit from two organizations: the Fall River Resource Conservation District (RCD) and the Pit River Tribe.

The Stewardship Council Board of Directors (Board) previously approved a fee title recommendation at this planning unit for Humboldt State University, who subsequently withdrew from the process.

Based on review of the LSPs, follow-up discussions with the interested organizations, and site visits, the Stewardship Council has developed the following additional fee title donation recommendation for this planning unit:

**Fall River Resource Conservation District** as the prospective recipient of fee title to approximately 1,612 acres available for donation within 15 parcels (parcels 272-286).

If this recommendation for the RCD is endorsed by the Board, Stewardship Council staff, PG&E, the Fall River RCD, and Shasta Land Trust, the organization recommended by the Board to hold the conservation easement, would negotiate the conservation easement that would be established for these watershed lands. Following the Stewardship Council's review of the proposed conservation easement, the conservation easement would be incorporated into a Land Conservation and Conveyance Plan (LCCP).

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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 draft LCCP would be made available for public review and comment before it is reviewed and approved by the 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 Burney Gardens Planning Unit consists of 15 legal parcels and totals approximately 1,612 acres of land. The planning unit is located in Shasta County and is approximately 13 miles south of the town of Burney. There is no hydropower infrastructure onsite and the planning unit is entirely available for fee title donation.

The open space and natural landscape of the Burney Gardens Planning Unit contribute to the rural character of Shasta County. The planning unit consists mostly of wooded lands, with some meadows and seasonal creeks. The surrounding lands are privately owned and used for timber lands and grazing. Burney Creek, a seasonal creek, provides only limited aquatic and riparian habitat. Limited habitat and species information is available for the planning unit, 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. A bridge owned by Sierra Pacific Industries, man-made and spring-fed watering holes, corrals, unmaintained roads, and evidence of old homesteads can be found in the planning unit. Limited recreational opportunity exists in the planning unit due to the limited access and seasonal nature of the creek. Some fishing is available while the creek is running and hunting and is allowed after the cattle have been removed from the planning unit in the fall.

The primary use of this planning unit is for cattle grazing. The cattle are grazed from early to mid June through early October, depending on weather and snow conditions. There is currently a grazing license associated with this planning unit. Consistent with the PG&E Land Conservation Commitment, agreements for economic uses must be honored; therefore, the grazing license, which encumbers lands available for fee title donation, will be assigned to the donee at closing.

There is one Timber Management Unit (TMU) that covers 1,400 acres of the planning unit. The TMU is currently managed for sustained timber production, which is regarded as the highest and best use of the land, while an emphasis is also placed on protecting the water quality, wildlife and fisheries habitat, soils, carbon sequestration, and cultural resources.

### ***b. Donee Evaluation Process***

In evaluating LSPs, the following factors are 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 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

### *Fall River RCD*

The Fall River RCD is being recommended to receive a donation of fee title to lands within the Burney Gardens planning unit as follows, subject to compliance with all of the requirements of the Land Conservation Commitment:

**Fall River Resource Conservation District** as the prospective recipient of fee title to approximately 1,612 acres available for donation within 15 parcels (parcels 272-286).

Staff's recommendation is based on a determination that the Fall River RCD appears to have sufficient financial and organizational capacity to own and manage fee title to the lands that are the subject of this recommendation. Additionally, the RCD has proposed sustainable forestry and agricultural enhancements to the planning unit, and the area is one of only a few locations across PG&E's watershed lands where the agricultural BPV has an opportunity to be enhanced.

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

The RCD was established in 1957 by the Shasta County Board of Supervisors. The RCD maintains its office in the town of McArthur and leases some of its office space to the Natural Resource Conservation Service. The RCD is a public entity responsible for resource conservation in a geographical area encompassing 1,149,000 acres across four counties, with the majority of that acreage in Shasta County. The RCD promotes watershed management practices that take into consideration: land use; soil loss and productivity; water quantity and quality; wildlife populations and habitat; and, the social and economic factors within a certain drainage basin.

As with all RCDs in California, the directors of the RCD are required to reside in their district. As representatives of their community, directors have the responsibility to assess local conservation needs and to develop programs to meet those needs. Since its establishment, the RCD Board of Directors has been comprised of individuals with varied backgrounds and experience. The experience of the current directors includes agricultural practices, forestry, land management, and knowledge of the local history and recreational opportunities in the district. Currently, the directors of the RCD are appointed by the County Board of Supervisors.

The RCD is run by its board of directors, utilizing volunteer advisory committees and consultants to assist on specific management projects to maintain low overhead expenses. The RCD currently has seven local volunteer directors and four part time employees that are partially

funded through grazing revenue and grants. These include an Executive Director, range manager, NRCS Field Technician, and outreach coordinator.

The RCD manages resources by utilizing watershed management practices, which incorporate the relationship between land use, soil loss and productivity, water quantity and quality, wildlife populations and habitat, as well as the social and economic factors within a certain drainage basin. As a public entity, the RCD is required to follow all federal and state rules pertaining to hiring, purchasing, awarding of contracts, and accounting practices.

In 2009 the RCD was awarded a grant of approximately \$190,000 from the Shasta Resource Advisory Committee (RAC) to conceive, plan, and implement a sustainable natural resources management project with a socioeconomic development goal in the Hat Creek and Burney Creek watersheds of Shasta County on portions of the Shasta/Trinity and Lassen National Forests. The RCD received an additional grant from the RAC in 2011 for approximately \$94,000 to continue with the Burney Hat Creek project.<sup>2</sup>

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

The financial capacity of the RCD was evaluated based on a review of the organization's financial statements for the past five years. Based on a review of financial statements submitted, the RCD appears to possess the financial capacity to own and manage the lands being recommended for transfer to them within the Burney Gardens planning unit.

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

Volume II of the LCP established certain management objectives for the planning unit (see Volume II Planning Unit Report with attachments). The RCD 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.

Specific management activities identified by the Fall River RCD include:

- Utilize rotational grazing for portions of the property
- Implementing specific grazing operations near wetlands
- Continue the existing meadow restoration project
- Develop a noxious weed management program
- Develop a longer term sustainable timber management plan
- Conduct a cultural resource survey
- Conduct stream restoration
- Develop a comprehensive management plan
- Make the property available for educational programs

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<sup>2</sup> *The Shasta RAC was established as part of the Secure Rural Schools and Community Self-Determination Act by Congress in 2000. The intent of the Act was to restore payments to counties that historically occurred from the federal government when timber harvesting in federal lands was high. The RAC is composed of fifteen appointed individuals, representing three categories for balanced decision making. Five individuals are grouped into either an economic, ecological, or an elected/public category. The group administers roughly \$300,000 of funds each year that are awarded through a competitive grant program.*

**d. Funding and Financial Costs**

A summary of the Fall River RCD's proposed budget, sources of funding, and funding needs associated with this donee recommendation is provided below.

*Transaction Costs*

The Fall River RCD has requested \$10,000 for transaction funding from the Stewardship Council for reimbursement of actual costs.

*Land Ownership and Management Activities and Enhancements to Beneficial Public Values*

The RCD believes that grazing and harvesting revenue from the site would eventually provide some revenue that would be used to support the long-term monitoring and management of the property as well as potential enhancements. At this time the RCD is not requesting any ownership or management funding.

*Tax Neutrality*

The estimated annual property tax amount associated with the 1,612 acres recommended for donation is approximately \$9,061. 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 \$226,533. This number was calculated based on the methodology described in the Property Tax Neutrality Methodology adopted on June 27, 2012 and amended most recently on November 15, 2017, by the Stewardship Council. Staff would work with PG&E and Shasta County to determine the lump sum payment and amounts necessary to achieve property tax neutrality.

**e. Requirements of the Settlement and Stipulation and additional requirements**

The Stewardship Council's recommendation that the Fall River RCD receive fee title to certain lands available for donation within this planning unit is subject to compliance with all the requirements of the Land Conservation Commitment. Two key requirements are highlighted below.

- The Stewardship Council would work with PG&E and Shasta County to ensure the land conveyance of these parcels achieves property tax neutrality.
- The conservation easement 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 on lands to be retained by PG&E. On lands to be conveyed to the Fall River RCD, the grant deed would reserve to PG&E similar rights for operation and maintenance of hydroelectric facilities and associated water delivery facilities.

**f. Conservation Partners**

The permanent protection of the planning unit, and the future preservation and enhancement of the BPVs, may involve, and benefit from, the participation of land conservation partners. Land conservation partners are defined as organizations other than PG&E or the conservation easement holder that become involved in future activities on the retained lands that contribute to the preservation and enhancement of the BPVs. Land conservation partners may be organizations that expressed interest in enhancement activities on the properties via a land stewardship proposal or organizations otherwise identified during or after the development of the Land Conservation and Conveyance Plan (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 recommended fee title donees and the holders of the conservation easements and evaluate opportunities for land conservation partners. The Fall River RCD has ongoing relationships with many local organizations including the Pit River Tribe, Natural Resource Conservation Service, Spring Rivers Foundation, USFS and California State Parks.

**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.

**IV. ALTERNATIVES**

In addition to evaluating the proposal submitted by the Fall River RCD, staff evaluated a proposal submitted by the Pit River Tribe. This proposal and an alternative consisting of PG&E retaining some or all of the lands available for donation are summarized below.

**Pit River Tribe:**

The Pit River Tribe submitted a land stewardship proposal seeking a fee title donation to all of the lands being made available for donation in the planning unit, which is located within the 100 square mile Ancestral Boundary of the Pit River Tribe. The Tribe's primary objective in the LSP is on enhancing ecological status of the site, and protecting the vital biological, cultural, and historical watershed resources. The Tribe identified a lack of specific surveys and studies needed to develop a management plan and proposed a number of resource surveys as a first step to understanding the site.

**PG&E Retention:**

Some or all of the lands being recommended for donation could be retained by PG&E. The retention of the 1,612 acres by PG&E would result in continuing the current management regime, subject to a newly established conservation easement. However, it should be noted that some or all of these lands could be transferred at some future date by PG&E to a new landowner. Although the new landowner would be required to manage these lands subject to the conservation easement, the type and level of management could change from PG&E's current management regime.

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

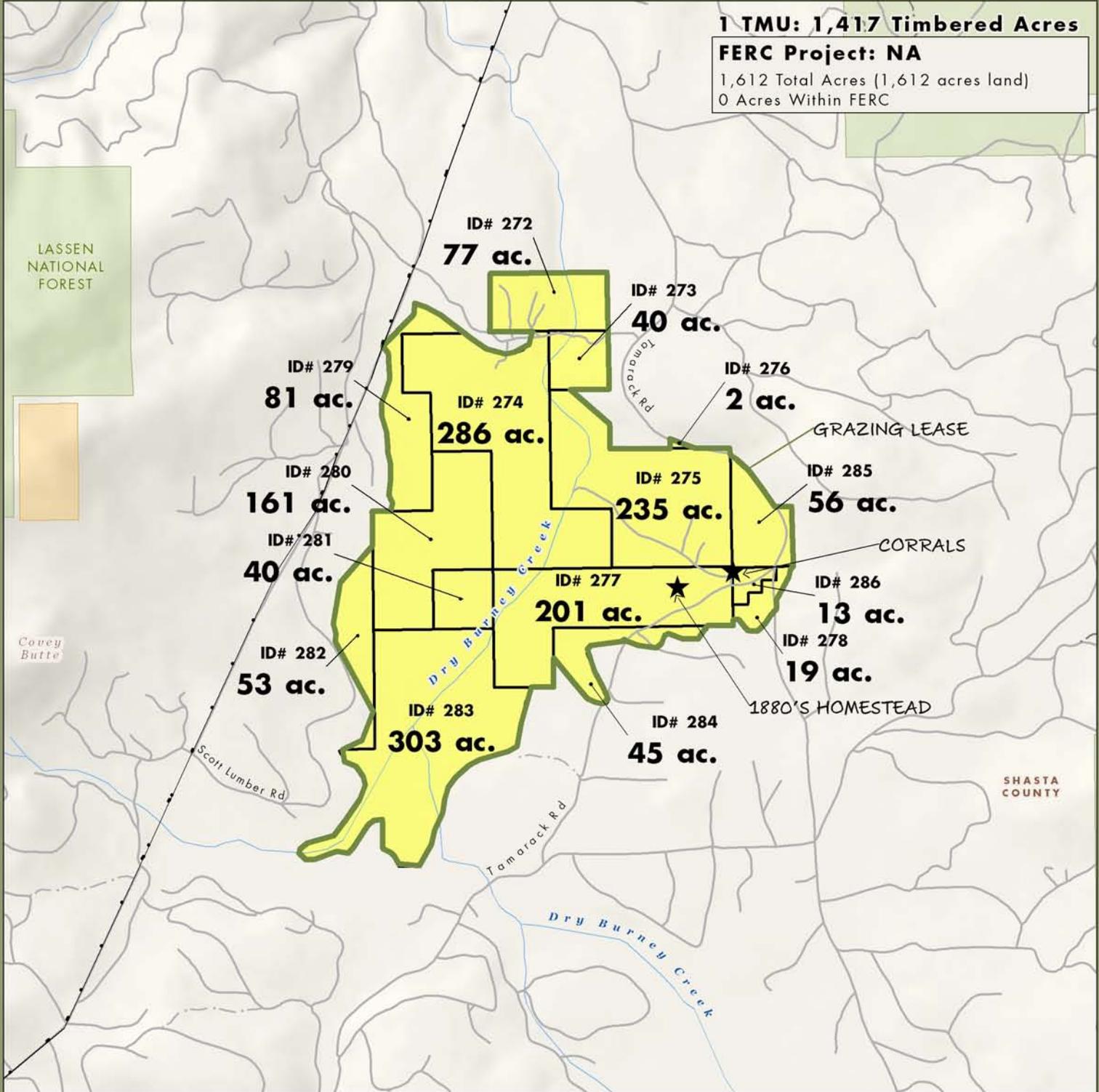
If the Planning Committee endorses staff's recommendation on July 25, 2018, the fee title donee recommendation would be brought forward for consideration by the Board at a future meeting.

### **ATTACHMENTS AND REFERENCE MATERIAL**

- Burney Gardens Planning Unit Map
- LCP Volume II Report for the Burney Gardens Planning Unit
- Summary of Key Public Outreach Activities and Public Comments Associated with the Burney Gardens Planning Unit

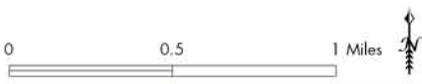
# Burney Gardens Planning Unit

**1 TMU: 1,417 Timbered Acres**  
**FERC Project: NA**  
 1,612 Total Acres (1,612 acres land)  
 0 Acres Within FERC



PG&E Lands Preliminarily Designated for Donation	BLM	Feature of Importance
Legal Parcel Boundary and Id Number	Private	OHV Road
	USFS	Gas Pipeline

Acres 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.



# BURNEY GARDENS PLANNING UNIT

## Cow-Battle Creek Watershed

### Existing Conditions & Uses

#### Overview

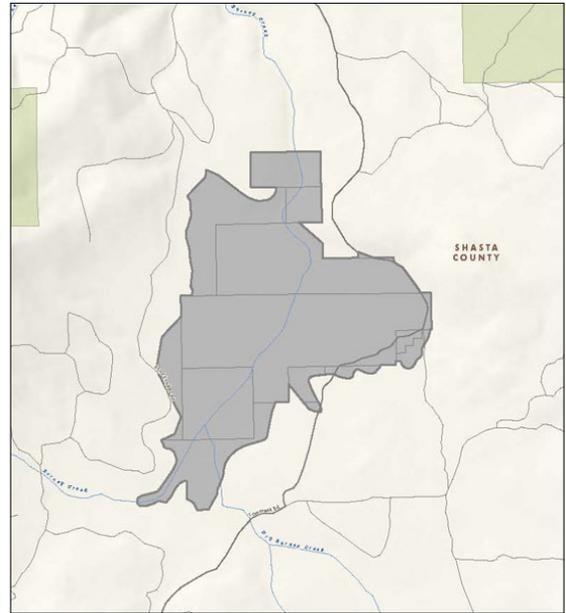
- Formerly homesteaded scenic mountain meadows and forestland surrounded by private timber and grazing lands
- 1,611 acres in Shasta County
- No FERC Project associated with this planning unit

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 production<sup>1</sup> 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.



# 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.<sup>2</sup>

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

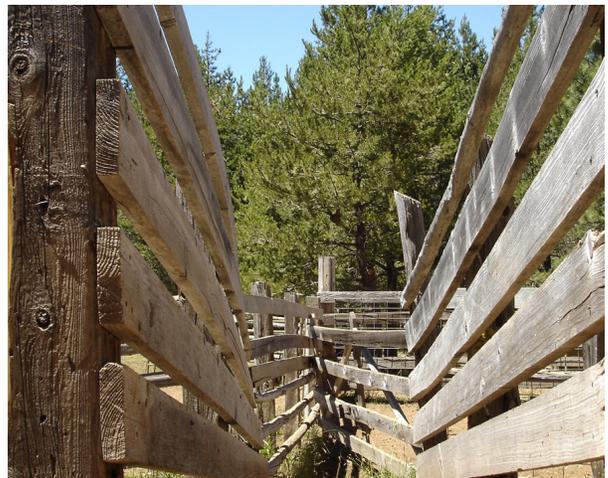
Forest resources within Burney Gardens primarily consist of lodgepole pine-fir forest.

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.

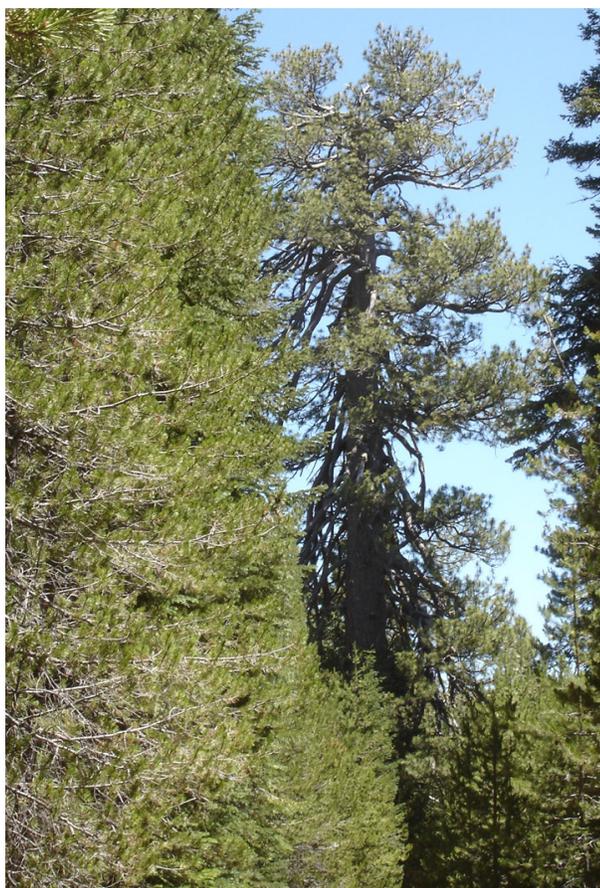
# BURNEY GARDENS PLANNING UNIT

## 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



Large ponderosa pine tree

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.

### Endnotes

<sup>1</sup> Adjacent landowners include Sierra Pacific Industries, Beatty and Associates, and Roseburg Resources.

<sup>2</sup> 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.

## **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 letters were submitted for lands to be donated to Fall River RCD and Pit River Tribe, respectively.
- Concern expressed over how the reserved timber rights would be accommodated by the Stewardship Council's land conservation and conveyance process.



July 17, 2018

Chantz Joyce  
Senior Project Manager  
Pacific Forest & Watershed Lands Stewardship Council  
3300 Douglas Boulevard, Suite 250  
Roseville, CA 95661

RE: Fall River Resource Conservation District's Land Stewardship Proposal for Burney Gardens

Dear Mr. Joyce,

Fruit Growers Supply Company (FGS) supports the Fall River Resource Conservation District's (RCD) proposal to acquire fee title to the Burney Gardens. The RCD is a respected steward of lands in the Intermountain Area and FGS believes the RCD is particularly well suited to managing the Burney Gardens. Through its Board of Directors and staff, the RCD has the expertise needed to manage a property like the Burney Gardens. This expertise includes wetland restoration, writing successful grant applications, recreation, forest management, ranching, and community outreach.

The RCD has an outstanding history of collaboration within the community. For instance, the RCD has been instrumental in the success of the Burney Hat Creek Community Forest and Watershed Group, the formation of the Burney Basin Fire Safe Council and writing its Community Wildfire Protection Plan, and the development of the Upper Pit River Watershed Management Strategy.

More importantly, the RCD has a record of implementing cooperative projects created from these collaborations. Recent examples of this cooperation are within the Burney Gardens area. The RCD recently completed a successful stream channel restoration project and continues to implement meadow and aspen restoration efforts within the Burney Gardens.

FGS believes that the RCD would make an excellent neighbor.

Sincerely,

A handwritten signature in black ink that reads 'Dean A. Lofthus'.

Dean A. Lofthus  
Area Forester  
Fruit Growers Supply Company

Cc: Mr. Mike Millington, President,  
Fall River Resource Conservation District



# Sierra Pacific Industries

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P.O. Box 496014 • Redding, California 96049-6014  
Phone (530) 378-8000 • FAX (530) 378-8139

July 20, 2018

Mr. Chantz Joyce  
Senior Project Manager  
Pacific Forest and Watershed Lands Stewardship Council  
3300 Douglas Boulevard, Suite 250  
Roseville, CA 95661

Dear Mr. Joyce;

Sierra Pacific Industries has major landholdings in the vicinity of and adjacent to the Pacific Gas & Electric Company's Burney Gardens ownership in Shasta County south of the town of Burney. We understand that the Stewardship Council is currently considering the potential fee title donation of the Cow-Battle Creek Planning Unit's Burney Gardens block and that the Fall River Resource Conservation District (RCD) has submitted a Land Stewardship Proposal for that ground.

The Fall River RCD has a long history of working with local landowners and partners in numerous natural resource improvement projects. They have demonstrated the experience and technical, financial, and organizational abilities to fulfill the beneficial public values mandated by the Stewardship Council, and, as such, are well qualified to protect the conservation values of these Watershed Lands.

Sierra Pacific has worked with the Fall River RCD in the past, and they have previously discussed their interest in this property with us. They have specific knowledge of the Burney Gardens block, having been involved in a recent multi-landowner Plan that covers much of that area with a specific focus on meadow and hydrologic restoration, as well as on the improvement of forest health. They would be well suited to implement management there that would continue and expand on those efforts.

Should you decide to award fee title of the Burney Gardens block to the Fall River RCD, we believe they will be both a responsible and responsive neighbor.

Thank you,

Herb Baldwin  
Coast Cascade Area Manager  
Sierra Pacific Industries

FORESTLAND  
MANAGEMENT



W. M. BEATY &  
ASSOCIATES, INC.

845 BUTTE ST. / P.O. BOX 990898  
REDDING, CALIFORNIA 96099-0898  
530-243-2783 / FAX 530-243-2900  
www.wmbeaty.com

July 11, 2018

Mr. Mike Millington, President  
FALL RIVER RESOURCE CONSERVATION DISTRICT  
PO Box 83  
McArthur, CA 96056-0083

Re: Burney Gardens

Dear Mr. Millington:

W. M. Beaty & Associates, Inc. has a long history of working with the Fall River Resource Conservation District (RCD) and supports the RCD's proposal to acquire fee title to the Burney Gardens parcels from Pacific Gas and Electric Company. For many decades, the Fall River RCD has demonstrated outstanding resource stewardship within the Intermountain Area on numerous cooperative projects. Recently, the RCD has implemented successful stream channel restoration and ongoing meadow restoration efforts within the Burney Gardens area. Should the RCD receive title to this property, it will make an excellent neighbor and will manage the parcel for a myriad of benefits.

Sincerely,

W. M. BEATY & ASSOCIATES, INC.

Scott P. Carnegie  
Project Forester

SPC:klh

*W. M. Beaty & Associates, Inc. provides comprehensive forestland management services on approximately 290,000 acres of family-owned forestland in northeastern California that is certified by the Forest Stewardship Council® as well-managed forests.*



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 – Northern  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



March 14, 2018

Board of Directors  
Pacific Forest and Watershed Lands Stewardship Council  
~~155 Bevet Road, Suite 405~~  
~~San Mateo, CA 94402~~

**Subject: Letter of Support for Pit River Tribe Ownership of Burney Gardens**

Dear Board of Directors:

I am writing on behalf of the California Department of Fish and Wildlife to express our support that the Pit River Tribe be chosen as the fee title donee recipient of the available parcels within the Burney Gardens Planning Unit located in Cow-Battle Creek Watershed. The Burney Gardens Planning Unit consists of 15 legal parcels, and totals approximately 1,612 acres of land.

We understand the Stewardship Council Board of Directors recommended the Pit River Tribe as the fee title donee recipient of 850 acres, consisting of five parcels, within the Hat Creek Planning Unit at its April 29, 2015 meeting. We are aware the Tribe is currently in the process of land transaction negotiations with PG&E for the Hat Creek property.

We further understand the Shasta Land Trust is being considered to hold a conservation easement on both the Hat Creek and Burney Garden lands. We believe that fee title ownership of these properties by the Pit River Tribe coupled with a conservation easement held by Shasta Land Trust will foster appropriate management practices to uphold the beneficial public values (including public recreation), achieve shared objectives for resource protection and management, and honor the Tribe's historical commitment to sound conservation and stewardship practices.

If you have any questions, please do not hesitate to contact Eric Haney of my staff at [Eric.Haney@wildlife.ca.gov](mailto:Eric.Haney@wildlife.ca.gov) or (530) 225-2052. Thank you for your consideration.

Sincerely,

**Neil Manji**  
Regional Manager

RECEIVED APR 04 2018

ec: Marissa Fierro  
Pit River Tribe  
[Marissa.fierro@pitrivertribe.org](mailto:Marissa.fierro@pitrivertribe.org)

Neil Manji, Jeffrey Stoddard, and Eric Haney  
California Department of Fish and Wildlife  
[Neil.Manji@wildlife.ca.gov](mailto:Neil.Manji@wildlife.ca.gov), [Jeffrey.Stoddard@wildlife.ca.gov](mailto:Jeffrey.Stoddard@wildlife.ca.gov),  
[Eric.Haney@wildlife.ca.gov](mailto:Eric.Haney@wildlife.ca.gov)