

MEMORANDUM

To: The Stewardship Council Board

From: The Watershed Planning Committee

Date: January 18, 2017

Re: Recommendation for a Finding of No Significant Public Interest Value -- Parcels 1053 and 1054 at Willow Creek Planning Unit

EXECUTIVE SUMMARY

The Watershed Planning Committee (Planning Committee) recommends the board approve a finding of no significant public interest value (NSPIV) for parcels 1053 and 1054 at the Willow Creek planning unit, located in Madera County. After considering the characteristics of these two parcels, the Planning Committee has concluded that these parcels have no significant public interest value.

BACKGROUND

Parcels 1053 and 1054 at the Willow Creek planning unit were initially designated as candidate parcels for a NSPIV finding by Stewardship Council staff in 2015, during staff's review of candidate parcels for the entire watershed portfolio. In June of 2016, the Sierra Foothill Conservancy Lands Committee voted to exclude parcels 1053 and 1054 from the Willow Creek planning unit conservation easement after evaluating the parcels' geographic significance, natural and cultural resources, scenic/open space values, and feasibility of conservation easement monitoring.

Stewardship Council staff formally evaluated parcel 1053 and 1054 following the board approved process that is described in the attachment to this memo, and presented the results of its evaluation to the Planning Committee on October 12, 2016. At that meeting, the committee conditionally endorsed a NSPIV finding for the two parcels. After the committee meeting, the proposed NSPIV finding was noticed as part of the 30 day public comment period for the Draft Land Conservation and Conveyance Plan (LCCP) for the Willow Creek planning unit. Notice of the comment period for the proposed NSPIV finding and Draft LCCP was sent to a wide variety of stakeholders, including landowners within a mile radius of the site, local water agencies, the Madera County board of supervisors, and Native American tribes, including tribes located in the vicinity of the site and those identified by the Native American Heritage Commission, and was noticed in the local newspaper. The 30 day comment period ended on November 17, 2016. No comments were received.

RECOMMENDATIONS AND RATIONALE

The Planning Committee recommends the board endorse a NSPIV finding for parcels 1053 and 1054 at the Willow Creek planning unit. This recommendation is based on the considerations and rationale described below.

Parcel 1053

The parcel is relatively small in size (3 acres), and is dispersed from the rest of the planning unit. The parcel does not contain, nor does it have the potential for significant plant or wildlife habitat, forestry resources, or open space value. No significant biological or cultural resources were identified on the parcel by a state database search. The small parcel is heavily impacted by the surrounding land uses, which include an active autobody repair shop, private residences, and a busy county road. The parcel is bisected by paved roads, electric distribution lines, and an underground hydro operations tunnel. The property has a long history of unauthorized dumping, littering, and temporary structures and has been fenced off from the public. There is little to no recreational opportunity on the site due to its small size and steep topography.

While it is easy to enter the parcel from the county road, it would be difficult for a conservation easement holder to access and monitor a majority of the property by foot because of its steep topography and dense vegetation. It would also be difficult for a conservation easement holder to protect the parcel's heavily impacted habitat from the surrounding land uses and unauthorized public use.

The potential for development on this parcel is low because of its steep topography. A small section of the parcel that could potentially be developed is zoned RMS, (Residential, Mountain, Single-Family District), meaning one single family home would be allowed on the property in the event of it being sold without a conservation easement.

During the 30 day noticing period for a possible finding of no significant public interest value on parcel 1053, no comments were received to indicate public interest in conserving the parcel.

Parcel 1054

The parcel is very small in size, approximately 1.7 acres. It is dispersed from the other parcels in the Willow Creek planning unit and is not accessible by any public roads. It is surrounded by private open space and National Forest land. The majority of the parcel is within the FERC boundary and the parcel contains a dirt road, telecommunication lines, electric distribution lines, and a subsurface hydro operations tunnel which continues on either side of the parcel as an open hydro ditch.

No significant biological or cultural resources were identified on the parcel by a state database search. As result of the parcel's small size and "island" status, the future wellbeing of the parcel's plant or wildlife habitat is largely dependent on the surrounding land uses. In the event of the surrounding land being developed, a conservation easement would have very little effect in protecting the parcel's limited habitat values.

There is no opportunity for public recreation on the parcel because it is currently inaccessible to the public and because the FERC features on and around the property would be a safety concern.

The conservation easement holder would only be able to access the parcel through the USFS-managed dirt access road. PG&E's current access agreement is non transferrable to the conservation easement holder, and it may be difficult to secure a deeded right of access necessary for the party to legally hold an easement over the parcel.

There is little development risk on the parcel because of its small size, FERC features, and because it is far from a county road and is only accessible through National Forest land. The parcel is zoned RMS, (Residential, Mountain, Single-Family District), meaning one single family home would be allowed on the property if the associated hydro project were to be decommissioned and the property sold without a conservation easement.

During the 30 day noticing period for a possible finding of no significant public interest value on parcel 1054, no comments were received to indicate public interest in conserving the parcel.