

PROPOSED FINDING OF NO SIGNIFICANT PUBLIC INTEREST VALUE AT A 23.9 ACRE AREA AT EEL RIVER PLANNING UNIT, MENDOCINO COUNTY

INTRODUCTION

The Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council) is a private, nonprofit foundation established in 2004 pursuant to a Settlement Agreement and a Stipulation Resolving Issues Regarding the Land Conservation Commitment approved by the California Public Utilities Commission (CPUC) in Decision 03-12-035 (Dec. 18, 2003).

The Stewardship Council was created to oversee PG&E's Land Conservation Commitment, as set forth in the Settlement and Stipulation to protect over 140,000 acres of Watershed Lands 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. Protecting the Watershed Lands will be accomplished through (1) PG&E's grant of conservation easements to one or more public agencies or qualified conservation organizations so as to protect the natural habitat of fish, wildlife, and plants, the preservation of open space, outdoor recreation by the general public, sustainable forestry, agricultural uses, and historic values (collectively the Beneficial Public Values), and in some cases, (2) PG&E's donation of the Watershed Lands in fee to one or more public entities or qualified conservation organizations, whose ownership would be consistent with these conservation objectives.

FINDINGS OF NO SIGNIFICANT PUBLIC INTEREST VALUE

The Settlement Agreement and Stipulation anticipated the possibility that within these 140,000 acres, some parcels would not have a significant public interest value and not need to be protected by a conservation easement. Appendix E of the Settlement Agreement states:

In instances where PG&E has donated land in fee, some may be sold to private entities subject to conservation easements and others, without significant public interest value, may be sold to private entities with few or no restrictions.

Section 12.c. of the Stipulation states:

A transfer of fee simple title will include a conservation easement to preserve and/or enhance beneficial public values, as defined in Settlement Agreement paragraph 17 and Appendix E, unless: (1) the LCP includes a determination that the parcel does not have significant public value; or (2) for any other parcel, the chosen donee of fee title informs the Governing Board that applicable law or policy precludes its accepting such easement, and the Governing Board receives satisfactory assurance in another form that the parcel will be managed consistent with the purpose of the Land Conservation Commitment.

In August 2015, the Watershed Planning Committee, a committee comprised of members of the Stewardship Council Board of Directors, approved a process for making a finding of no significant public interest value on select parcels or portions of parcels of Watershed Lands. Watershed Lands being considered for such a finding will be evaluated based on several criteria and an evaluation process, including (1) an assessment of the physical condition of each parcel through review of existing information, satellite imagery, and a site visit; (2) and the review of applicable databases with historical information pertaining to biological and cultural resources that may be present on or in the immediate vicinity of the subject parcel.

BACKGROUND

The Eel River planning unit, located in Mendocino County, consists of approximately 7,450 acres of Watershed Lands. A 23.9 acre area of land located north of the Eel River and Van Arsdale Reservoir (see attached map) is being recommended for a finding of no significant public interest value.

This finding is based on a discrepancy concerning the ownership of the 23.9 acre area based on an incorrect property boundary survey that was conducted and recorded with Mendocino County in 1973. This discrepancy was discovered in 2015. As a result of this discrepancy, the 23.9 acre area cannot readily be encumbered with a conservation easement.

EVALUATION

The subject 23.9 acre area was evaluated pursuant to the above-described process pertaining to a finding of no significant public interest value. This evaluation, among other things, consisted of a review of the following three databases:

1. The California Natural Diversity Database (CNDDDB) for the occurrence of potential special status biological resources.
2. The California Historical Resources Information System (CHRIS).
3. The Native American Heritage Commission (NAHC) inventory of Native American sacred sites.

The CNDDDB database indicates there was an occurrence of osprey on or immediately adjacent to the 23.9 acre area. The osprey is currently on the California Department of Fish and Wildlife watch list. This was the only finding within the 23.9 acre area and a 1/4-mile buffer area around the area.

The California Historical Resources Information System (CHRIS) indicated there are three recorded cultural sites within 1/4-mile of the 23.9 acre area, though none located on the area itself.

The Native American Heritage Commission (NAHC) found no specific site information in the Sacred Lands File pertaining to the subject area.



PROPOSED STEWARDSHIP COUNCIL BOARD ACTION

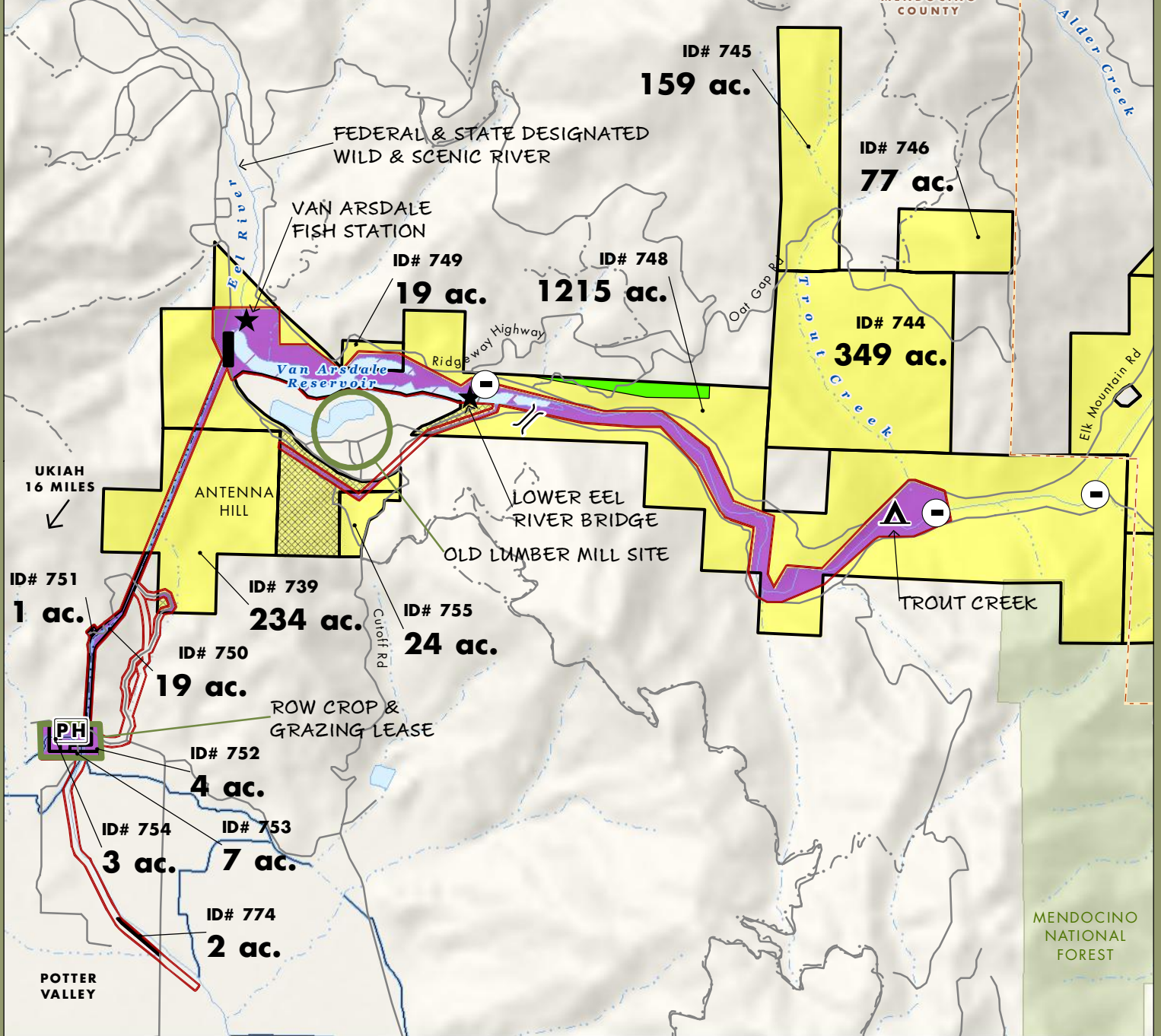
At the April 27, 2016 meeting of the Stewardship Council board of directors, the board will review the results of the assessment and stakeholder comments on the proposed finding of no significant public interest pertaining to a 23.9 acre area of land located north of the Eel River. At that meeting, the board may make a finding that the subject lands have no significant public interest value, and therefore, would not be encumbered by a conservation easement.

Eel River Planning Unit: Map 1

FERC Project: Potter Valley (#77)

7,446 Total Acres (5,798 acres land)
2,234 Acres Within FERC (30%)

6 TMUs: 4,249 Timbered Acres



- PG&E Lands Preliminarily Designated for Donation
- PG&E Lands Preliminarily Designated for Retention
- Proposed Area for Finding of No Significant Public Interest Value
- PG&E Lands Under Water
- Legal Parcel Boundary and Id Number
- Private
- USFS
- OHV Road
- Trail
- FERC Boundary

- Boat Launch
- Campground
- Dam
- Day Use
- Feature of Importance
- Gate
- OHV Use Area
- Powerhouse
- Whitewater Put-In/Take-Out

Certain Considerations May Make Donation Inadvisable
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.

