

BOARD OF DIRECTORS MEETING
PUBLIC SESSION MINUTES

Sacramento, CA
January 15, 2020
11:35 am – 12:45 pm

ATTENDANCE

Association of California Water Agencies

Director: Dave Eggerton - Present
Alternate: Melissa Sparks-Kranz – Absent

California Department of Fish and Wildlife

Director: Nancee Murray – Present
Alternate: OPEN

California Farm Bureau Federation

Director: OPEN
Alternate: OPEN

California Forestry Association

Director: Rich Gordon – Absent
Alternate: George Gentry – Absent

California Hydropower Reform Coalition

Director: Pete Bell – Present
Alternate: Richard Roos-Collins – Absent

California Public Utilities Commission

Director: Allison Brown – Present (arrived 12:00 pm)
Alternate: Deidre Cyprian - Present

California Public Utilities Commission Appointed Public Members

Director: Art Baggett Jr. – Absent
Director: David Muraki – Present
Director: Chris Nota – Present

California Natural Resources Agency

Director: Wade Crowfoot – Absent
Alternate: Darcie Houck – Present

California Tribal Interests

Director: Larry Myers – Present
Alternate: Ken Tipon – Absent

Central Valley Regional Water Quality Control Board

Director: Soapy Mulholland – Present
Alternate: Bob Schneider – Absent

Public Advocates Office

Director: Truman Burns – Present
Alternate: Julie Halligan - Present

Pacific Gas & Electric Company

Director: Mike Schonherr – Present
Alternate: Rebecca Doidge - Present

Rural County Representatives of California

Director: Lee Adams – Absent
Alternate: John Viegas – Absent

State Water Resources Control Board

Director: DeeDee D'Adamo – Absent
Alternate: Jeffrey Parks – Present

Trust for Public Land

Director: Dave Sutton – Absent
Alternate: John McCamman - Present

U.S. Forest Service

Non-Voting Liaison: Jerry Bird - Present

STEWARDSHIP COUNCIL STAFF

Executive Director Heidi Krolick
Director of Land Conservation Erin Healy
Director of Finance and Operations Aaron Robertson
Land Conservation Program Manager Steve Schweigerdt
Land Conservation Project Manager Megan Tolbert
Office Administrator Robyn White
Finance and Compliance Administrator Debbie Daugherty

OTHERS

Dave Ceppos, Manager, Consensus and Collaboration Program
Sarah Hug, Project Manager, PG&E
Paul Vienneau, Executive Director, Shasta Land Trust
Tessa Blevins, Stewardship Director, Shasta Land Trust
Deidre Monroe, Conservation and Stewardship Manager, Shasta Land Trust
Agnes Gonzalez, Chairperson, Pit River Tribe
Jaime Anguiano, Member, Pit River Tribe
Sandra Wilson, Member, Pit River Tribe
Russell Eleck, Tribal Vice Chairman, Pit River Tribe

SUMMARY OF ACTIONS AND RESOLUTIONS TAKEN BY THE BOARD AT THIS MEETING

- Adoption of the minutes of the November 13, 2019 board of directors meeting. **(Consent calendar item)**
- Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be donated to the California Department of Forestry and Fire Protection (CAL FIRE) at the Lake Spaulding (Lake Valley) planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation; approval of the proposed conservation easement funding agreement in the amount of \$167,600 between the Stewardship Council and Placer Land Trust.

ATTENDANCE AND QUORUM

Stewardship Council acting Chair Soapy Mulholland called the roll, declared a quorum, and called the meeting to order.

CONFLICT OF INTEREST DISCLOSURES

Ms. Mulholland asked if any board members had a conflict of interest with regard to any of the proposed actions. David Muraki stated he had a perceived conflict of interest regarding the Lake Spaulding (Lake Valley) action item. Darcie Houck noted she had a perceived conflict of interest regarding the Burney Gardens action item.

PUBLIC COMMENTS

Paul Vienneau, Executive Director of Shasta Land Trust (SLT) addressed the board on behalf of SLT's board of directors. He noted SLT is a small to medium sized land trust with the PG&E lands making up a large portion of their portfolio. He relayed his board's frustration regarding the continued extensions to the transaction timeline. He said the delays made annual planning for SLT very difficult. He offered any assistance SLT could provide to help expedite the closings.

Ms. Mulholland responded that the process and documents involved in this effort are atypical, and that it's important to be mindful of how timeline changes can impact the partners we are working with. Heidi Krolick thanked Mr. Vienneau for his candid comments and noted that the delays with the schedule are a collective frustration. She told Mr. Vienneau once the Stewardship Council (SC) board approves an LCCP there are multiple process steps and often many complex issues to resolve before the transaction could close. She offered that SC staff could meet with SLT's board to further explain the process and suggested Sarah Hug from PG&E join them. Mr. Vienneau said he appreciated the offer and thought it would be helpful to SLT's board.

CONSENT CALENDAR

The board approved the consent calendar item as noted above in the summary of actions and resolutions taken at board meeting.

FIDUCIARY COMMITTEE

Mr. Robertson reviewed the financial statement included in the board packet. He noted year-to-date, January 2019 through November 2019, expenditures totaled \$4,734,648 compared to a budget of \$10,985,227. He explained program expenses were almost \$3M compared to a budget of \$8.4 M primarily due to a delay in escrow closings and the subsequent delay of endowment and tax neutrality payments.

Mr. Robertson noted the investment account balance at the end of November totaled \$30,919,552 with interest earnings of more than \$750K in 2019.

WATERSHED PLANNING COMMITTEE

Lake Spaulding planning unit (*ACTION*)

After Mr. Muraki left the room, Mr. Schweigerdt reviewed the proposed LCCP for the lands to be donated to the California Department of Forestry and Fire Protection (CAL FIRE) at the Lake Spaulding (Lake Valley) planning unit. The LCCP pertains to the donation of approximately 1,151 acres of land by PG&E and includes the proposed conservation easement (CE) recommended to be held by Placer Land Trust. Mr. Schweigerdt noted the donation included a large meadow area that could be considered in the future for an enhancement project for restoration.

Ms. Hug informed the board there would be a minor change to the grant deed clarifying CAL FIRE is subject to the FERC licensing requirements. She noted the change will affect all the CAL FIRE transactions. Nancee Murray asked if the change would affect the LCCP. Mr. Schweigerdt noted there often were minor changes to a grant deed after board approval.

After an opportunity for board questions and discussion, the board approved the action as described above in the summary of actions and resolutions taken at the board meeting.

Burney Gardens planning unit (*ACTION*)

After Mr. Muraki returned to the room and Ms. Houck left the room, Mr. Schweigerdt reviewed the proposed LCCP for the lands to be donated to the Fall River Resource Conservation District (RCD) at the Burney Gardens planning unit. The LCCP pertains to the donation of approximately 1,612 acres of land by PG&E and includes the proposed CE recommended to be held by Shasta Land Trust.

Mr. Schweigerdt noted the RCD had proposed a five acre building envelope to include recreation, research and forest management and agricultural uses. They also included a traditional building envelope that would allow use by the Pit River Tribe (Tribe) for traditional structures they would propose in the future.

Mr. Schweigerdt said staff had worked with the RCD and the Tribe to attempt to develop an agreement for cultural access and protection of the cultural resources that are on the site. He noted the process had started January 2019, however in the end the parties were unable to come to agreement on acceptable terms. He stated the LCCP before the board was for donation to the RCD and reviewed the Beneficial Public Values that would be protected on the property through the

LCCP. He included an overview of the findings of a cultural resource study that the SC had contracted for the property, which identified 27 archeological sites.

Ms. Mulholland then called on Agnes Gonzalez, chairwoman of the Tribe. Ms. Gonzalez detailed how the Tribe had attempted to work with the RCD to develop a Memorandum of Understanding (MOU) regarding the management of Burney Gardens. She asked the SC to use its authority and resources to encourage the RCD to negotiate in good faith with the Tribe. She further asked that absent an MOU, the board reconsider its decision to recommend fee title donation to the RCD and instead recommend the Tribe as fee title owner. She noted this would be consistent with the Governor's new executive order. She explained the historical, cultural and religious importance of Burney Gardens to the Tribe and the vital role it played in the preservation of the Tribe's identity, history and future. She thanked the board for their time.

Ms. Mulholland asked if the board had any comments. Upon hearing none, Ms. Mulholland read the action for approval of the Burney Gardens LCCP with the RCD as fee title recipient and Shasta Land Trust as CE holder.

Larry Myers, Jeff Parks and David Muraki identified that they could not live with the action. Deidre Cyprian announced Wade Crowfoot could not live with the action.

Ms. Mulholland noted the board would enter mediation utilizing the process established in the Stipulation and the Council's bylaws, to try and reach resolution. She then asked Dave Ceppos, Manager of the Consensus and Collaboration Program, to provide an overview of the mediation process. Mr. Ceppos explained each board member has an opportunity to submit a dispute notice during the dispute notice period, whether they were able to attend the meeting or not. He said notices would be compiled in a manner to be determined. Mr. Ceppos said he would work with a yet to be determined number of board members to try and reach resolution. He emphasized numerics were not important as the outcome had to be unanimous. He also emphasized the dispute was amongst the board membership and not the Tribe or RCD.

Ms. Krolick asked that board members in attendance discuss with their respective constituent board counterpart the outcome of the meeting. She asked board members to keep the dates of March 3 and March 25 open on their calendars for possible mediation meetings.

David Muraki noted that as one of the disputers he is comfortable with this being an issue based dispute resolution process going forward and the requirement that an alternative be proposed.

Mr. Eggerton requested a summary of the status of the cultural resources study contracted for by the SC. Following staff's summary of the report and status, Mr. Muraki inquired about the protection of the identified cultural resources and whether there is an assumption that protection affords the Tribe the ability to practice their cultural and spiritual activities on the property. Mr. Schweigerdt said the RCD did include a provision for permitted uses in the CE that allows for traditional uses, such as ceremonies, and as the owner of the property, the RCD would have oversight related to the use in order to ensure there are adequate protections for things like insurance and liability. Ms. Gonzalez said she had been told a key would be needed to access the property and it would need to be requested when the Tribe wanted to visit the property. She said this is challenging because many of the Tribe's activities are private, such as ceremonial practices.

A discussion ensued regarding the protection of the cultural resources on the property and the use of the property for cultural, spiritual, and ceremonial purposes by the Tribe.

Ms. Mulholland thanked Ms. Gonzalez for coming. She noted the process would go forward through the dispute resolution process and said she appreciated everyone's comments.

Land Conservation Program Update

Director of Land Conservation Erin Healy provided the board with an update regarding the Land Conservation Program. She reported that after reassessing the transaction schedule, that staff identified the final close of escrow would likely occur in approximately April 2022, with the projected wind down of the SC at the end of 2022. She said staff hoped to bring 20 LCCPs to the board in 2020 for approval.

Ms. Healy reported that North Fork Mokelumne River transaction had closed in December of 2019, which was the first of the CAL FIRE transactions. She also noted Lake Almanor (Maidu Trail) had closed escrow at the end of December 2019.

Ms. Krolick reported Ken Holbrook was no longer Executive Director of the Maidu Summit Consortium. She said he sent a letter thanking the board for their support and staff would forward the letter to board members.

FINAL PUBLIC COMMENTS

There were none.

BOARD MEMBER ANNOUNCEMENTS

There were none.

ADJOURNMENT

Ms. Mulholland adjourned the meeting at approximately 12:45 p.m.

Nancee Murray, Secretary