

BOARD OF DIRECTORS MEETING
PUBLIC SESSION MINUTES

Via Zoom Webinar
September 23, 2020
11:00 am – 1:00 pm

ATTENDANCE

Association of California Water Agencies

Director: Dave Eggerton – Present
Alternate: OPEN

California Department of Fish and Wildlife

Director: Nancee Murray – Present
Alternate: OPEN

California Forestry Association

Director: Rich Gordon – Present
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
Alternate: Deidre Cyprian - Present

California Public Utilities Commission Appointed Public Members

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

California Natural Resources Agency

Director: Wade Crowfoot – Absent
Alternate: Jennifer Norris – 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 – Present
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 – Absent

U.S. Forest Service

Non-Voting Liaison: Jerry Bird - Absent

STEWARDSHIP COUNCIL STAFF

Executive Director Heidi Krolick
Director of Programs and Administration Erin Healy
Deputy Director, Land Conservation Program Steve Schweigerdt
Land Conservation Project Manager Megan Tolbert
Office Administrator Robyn White
Finance and Compliance Administrator Debbie Daugherty
Accountant Carol Schwab

OTHERS

Paul Vienneau, Executive Director, Shasta Land Trust
Megan Wargo, Director of Land Protection, Pacific Crest Trail Association
Erin Gilbert, Lobbyist, JGC Government Relations
Julie Turrini, Attorney, Resources Law Group
Jaimes Swenson, PG&E (staff representative)
Sarah Hug, PG&E (staff representative)
Gregory Wolfen, Environmental Director, Pit River Tribe Environmental Department
Agnes Gonzalez, Chairperson, Pit River Tribe
Mark LeBeau, Illmawi Band of Pit River Tribe
Mary-Ann Warmerdam, Senior Legislative Advocate, Rural County Representatives of California



Radley Davis, public member
Jeff Leseur, public member
Janis, public member

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

- Adoption of the minutes of the June 24, 2020 board of directors meeting. **(Consent calendar item)**
- Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be donated to the Pit River Tribe at the Lake Britton and Hat Creek planning units, 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 \$164,008 between the Stewardship Council and Shasta Land Trust.
- Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be retained by PG&E at the Bass Lake 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 \$293,161 between the Stewardship Council and Mother Lode Land Trust.
- Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be retained by PG&E at the Bear River (BYLT) 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 \$191,658 between the Stewardship Council and Bear Yuba Land Trust.
- Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be retained by PG&E at the Bear River (PLT) 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 \$161,100 between the Stewardship Council and Placer Land Trust.
- Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be retained by PG&E at the Hat Creek planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation with the following additional terms:
 - Revision of the Open Space Beneficial Public Value language in the conservation easement and LCCP as follows: The scenic viewshed of the Property in keeping with the surrounding environment including the unobstructed views of a contiguous forested landscape visible to the public using trails and roads on the Property, from boats on waterbodies and from adjacent publicly accessible roads, and trails;

- Approval of a letter to be sent to PG&E requesting regular discussions between PG&E and the United States Forest Service (USFS) related to the Pacific Crest Trail as described in the body of the meeting minutes;
- Approval of the proposed conservation easement funding agreement in the amount of \$195,700 between the Stewardship Council and Shasta Land Trust.
- Approval of the proposed Land Conservation and Conveyance Plan (LCCP) for lands to be retained by PG&E at the Lake Britton planning unit, which LCCP describes how the proposed transaction conforms to and fulfills the requirements of the 2003 Settlement Agreement and Stipulation with the following additional terms:
 - Revision of the Open Space Beneficial Public Value language in the conservation easement and LCCP as follows: The scenic viewshed of the Property in keeping with the surrounding environment including the unobstructed views of a contiguous forested landscape visible to the public using trails and roads on the Property, from boats on waterbodies and from adjacent publicly accessible roads, and trails;
 - Approval of a letter to be sent to PG&E requesting regular discussions between PG&E and the United States Forest Service (USFS) related to the Pacific Crest Trail as described in the body of the meeting minutes;
- Approval of the proposed conservation easement funding agreement in the amount of \$314,400 between the Stewardship Council and Shasta Land Trust.

ATTENDANCE AND QUORUM

Stewardship Council Chair Art Baggett Jr. called the roll, declared a quorum, and called the meeting to order.

CONFLICT OF INTEREST DISCLOSURES

Mr. Baggett asked if any board members had a conflict of interest with regard to any of the proposed actions. Mr. Muraki said he had a perceived conflict of interest regarding the Bear River (PLT) planning unit action item.

PUBLIC COMMENTS

Paul Vienneau, Executive Director of Shasta Land Trust (SLT) thanked the board for the opportunity to speak. He expressed concern regarding the number of remaining transactions that had not yet closed and were slated to do so in the next 18 months. He said four projects were projected to close within a one month span, May to June, and three more in August within a 15 day period. He pointed out it was proving to be detrimental to a small land trust given the time of year as it is their major grant season. He said having a small land trust close escrow on so many transactions in such a short period of time, which included baseline updates, was

causing them to push back other projects. He noted they were more than capable of doing it and asked if there was anything that could be done to make the projects move more quickly and more efficiently as it would make it much easier for SLT.

Soapy Mulholland asked Mr. Vienneau to clarify what exactly he was requesting. Mr. Vienneau said he would like to see some of the transactions close sooner so they are not all compressed into such a tight time frame.

Public member Jeff Leseur commented on the Lake Almanor LCCP. He said he thought land conservation was very much needed and was glad to see conservation going on around the Lake Almanor area. He said his main concern was the exclusion of sportsmen, mainly hunting, but also access for people who exercise their dogs and fish. He said he was glad hunting was added to the Lake Almanor LCCP, however he noticed it was lacking in the Butt Valley LCCP. He said he did not want to see public excluded from using the conserved lands. He thanked the board for their time.

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

Fiduciary Committee Chair, Truman Burns reviewed the duties of the committee and then turned the meeting over to Director of Programs and Administration Erin Healy.

Ms. Healy reviewed the financial statement included in the board packet for the month-ended July 31, 2020. She explained that year-to-date expenditures total \$2,355,727 out of an \$8,044,559 budget. She noted the difference was primarily due to the anticipated close of escrow of approximately 20 transactions and the actual closing of only eight transactions as of September 23, 2020.

Ms. Healy explained investments were earning approximately 1.8% with about \$28M in investment accounts.

WATERSHED PLANNING COMMITTEE

Watershed Planning Committee Chair Ms. Mulholland reviewed the purpose of the committee and then turned the meeting over to Deputy Director of Land Conservation Steve Schweigerdt.

Lake Britton and Hat Creek planning units (ACTION)

Mr. Schweigerdt reviewed the proposed LCCP for the lands to be donated to the Pit River Tribe (Tribe) at the Lake Britton and Hat Creek planning units. The LCCP pertains to the donation of 1,878 acres of land to the Tribe and includes the proposed conservation easement (CE)



recommended to be held by SLT with the proposed CE funding agreement in the amount of \$164,008.

Gregory Wolfen, Environmental Specialist for the Pit River Tribe thanked the board for their consideration in donating the land back to the Tribe. He explained stretches of the land along the Hat Creek and Pit River were significant to the Pit River people. He said the Tribe intends to enhance the property through science and methodology that is sound to enhance the Beneficial Public Values (BPV). He stated the Tribe also intended to preserve and protect the area because there are village sites along the Hat Creek, Pit River and in between and the Tribe desired to protect their cultural resources.

Mark LeBeau an Illmawi Band member of the Pit River Tribe, thanked the board for the donation to the Tribe. He said in his youth he had spent his summers in the area and had learned the importance of working in partnership to preserve and protect the natural environment. He thanked the Stewardship Council for their help in protecting the cultural resources of the Tribe.

Megan Wargo the Director of Land Protection for the Pacific Crest Trail Association (PCTA) thanked the Tribe, SLT and Stewardship Council for providing specific mention of the Pacific Crest Trail (PCT) as a BPV in the CE and providing a consultation process with the United States Forest Service (USFS) and/or the PCTA for management actions in the trail corridor.

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.

Bass Lake planning unit (*ACTION*)

Mr. Schweigerdt reviewed the proposed LCCP for the lands to be retained by PG&E at the Bass Lake planning unit. The LCCP pertains to the retention of 1,086 acres of land by PG&E and includes the proposed CE recommended to be held by Mother Lode Land Trust with the proposed CE funding agreement in the amount of \$293,161.

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.

Bear River (BYLT) planning unit (*ACTION*)

Land Conservation Project Manager Megan Tolbert reviewed the proposed LCCP for the lands to be retained by PG&E at the Bear River (BYLT) planning unit. The LCCP pertains to the retention of 2,276 acres of land by PG&E and includes the proposed CE recommended to be held by Bear Yuba Land Trust (BYLT) with the proposed CE funding agreement in the amount of \$191,658.

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.

Bear River (PLT) planning unit (*ACTION*)

After Mr. Muraki was placed in the virtual meeting waiting room, Ms. Tolbert reviewed the proposed LCCP for the lands to be retained by PG&E at the Bear River (PLT) planning unit. The

LCCP pertains to the retention of 2,438 acres of land by PG&E and includes the proposed CE recommended to be held by Placer Land Trust with the proposed CE funding agreement in the amount of \$161,100.

After an opportunity for board questions and discussion, the board confirmed that in good faith it agrees that the Stewardship Council will take the proposed action for its own benefit; that the proposed action is fair and reasonable to the Stewardship Council; and that, after reasonable investigation, the Stewardship Council could not have obtained a more advantageous arrangement with reasonable effort under the circumstances.

Following the conflict of interest finding, the board approved the action as described above in the summary of actions and resolutions taken at the board meeting.

Hat Creek planning unit (*ACTION*)

After Mr. Muraki returned from the virtual meeting waiting room, Ms. Tolbert reviewed the proposed LCCP for the lands to be retained by PG&E at the Hat Creek planning unit. The LCCP pertains to the retention of 1,820 acres of land by PG&E and includes the proposed CE recommended to be held by SLT with the proposed CE funding agreement in the amount of \$195,700.

Ms. Tolbert said recent conversations had resulted in language in the open space BPV to add viewsheds from trails to make the BPV clearer. Ms. Tolbert then turned the meeting over to Ms. Wargo who thanked the board for the opportunity to make comments on this project and noted her comments were also directed at the Lake Britton planning unit as well. She explained scenery management techniques can make all the difference for the experience of trail users traveling through a section of the PCT that has recently undergone a timber harvest without compromising any of the economic benefits to the land owner. She said the PCTA believed the CE's on the Hat Creek and Lake Britton tracts were an opportunity to help incorporate the type of scenic management the PCTA would like to see along the PCT as currently PG&E did not consult with the USFS or the PCTA on vegetation management along the trail right of way. She said the PCTA was asking that the PCT be recognized in the CE's on both lands as a BPV as it is being recognized in the donated lands CE on the associated lands. She said the PCTA would also like to see the PCT recognized through the CE regarding specific restrictions around land management. She said PCTA recognized timber and vegetation management was desirable and necessary for public safety, wildfire risk reduction, wildlife habitat and can be a benefit to recreational resources. She requested the language that had been incorporated into the donated CE's regarding consultation with the USFS in relation to the PCT also be included in the PG&E retained CEs or provide specific restrictions around timber and vegetation management.

Mr. Muraki said he believed the PCT was an exceptionally important public resource that needed protection and thought the CE language did provide a good measure of protection and liked the fact that the language had been added to protect the viewshed. He then asked Mr. Schonherr if PG&E would be willing to commit to meeting with the USFS regarding the

easement and viewshed at least annually to discuss any actions that could impact the trail or user experience.

Mr. Schonherr agreed with Mr. Muraki that the CE appropriately protected the BPVs, especially in regard to the PCT. He said if Mr. Muraki was requesting PG&E commit to establishing a formal agreement with the USFS as a condition of approving the CE, he did not think PG&E was prepared to do that. Mr. Schonherr noted the CE established the appropriate protections and was consistent with the settlement agreement and stipulation requirements. He suggested the CE be adopted as presented with the BPV modification around the viewshed from the trails and the recommendation could include a letter to PG&E and the USFS from the Stewardship Council that strongly encouraged the parties to establish formal protocols for regular engagement on both the USFS obligations to manage the trail and actions that PG&E might take that could impact public enjoyment of the trail. He stated he would support the letter, but not as a requirement for the board to adopt the CE so long as it does not require PG&E to take specific action or agree to formal protocols. He stated the Stewardship Council would have PG&E's commitment to continue ongoing communications with the USFS regarding the management of the PCT.

Ms. Wargo asked Mr. Schonherr who would define in the future the management of the viewshed areas. Mr. Schonherr noted that evaluation would be balanced by the land owner and CE holder, further stating that the management restrictions proposed by the PCTA were inconsistent with the structure of the current CE. He also noted the elevation of a third-party interest to the status of BPV created ambiguity and challenges in enforcement. He noted that PG&E agrees there is an opportunity for engagement with the USFS and their designee, whether that's PCTA or another entity, and that it is more appropriately addressed as part of PG&E and the USFS' ongoing relationship related to the management of the PCT.

Ms. Mulholland pointed out the difficulty in managing a perpetual CE with so many unknowns regarding the future and said bringing in a third party created more difficulty for the land trust. She said consultation with the USFS was valuable but should not be a controlling interest.

Mr. Vienneau agreed with Ms. Mulholland and stated SLT was deeply concerned about being placed in an intermediary role.

Ms. Nota said her concerns would be addressed if she knew the USFS would always be notified and have the chance to provide their expertise prior to an action happening that could degraded the experience on the PCT. She did express concern that a future land owner might not continue the agreement.

Ms. Wargo clarified that the PCTA is not seeking approval authority but wants to provide expertise to advise on actions that impact user's experience.

In response to Ms. Nota, Mr. Schonherr stated that he supported the adoption of the CE as proposed and presented, but clarified that that the letter include a strong request that the USFS and PG&E initiate discussions around how best to communicate both the management of the



trail and PG&E's future actions, but that he would not support a requirement that PG&E and the USFS enter into a formal agreement as a condition of approval of the CE.

Mr. Baggett stated he supported the language adopting the action with the revised Open Space BPV language and accompanying the action with a letter to PG&E requesting they have ongoing discussion with the USFS regarding management practices as discussed. He clarified it would be a request, not a requirement.

A conversation ensued regarding the language of the letter, and Ms. Krolick noted that it would be useful to include intent language in the letter. The board concluded that the LCCP recommendation to PG&E should include a letter from the Stewardship Council to PG&E. The board agreed that the focus of the letter should be a strong request to PG&E to meet with USFS representatives, and their designees as appropriate, to determine communication protocols which are expected to result in regular and ongoing discussion of management activities that could impact the PCT and surrounding PG&E owned lands so that PCT user experiences are adequately considered.

Mr. Baggett requested some board members review the letter.

The board then approved the action as described above in the summary of actions and resolutions taken at the board meeting.

Lake Britton planning unit (*ACTION*)

Ms. Tolbert reviewed the proposed LCCP for the lands to be retained by PG&E at the Britton planning unit. The LCCP pertains to the retention of 4,621 acres of land by PG&E and includes the proposed CE recommended to be held by SLT with the proposed CE funding agreement in the amount of \$314,400.

Ms. Tolbert noted public comment letters had been received regarding protection of the Pacific Crest Trail from the PCTA, Brian Dahle, and Megan Dahle, and also from the Great Shasta Rail Trail requesting consideration for enhancement funding. A change to the Open Space BPV to include viewsheds from trails would be added to the LCCP.

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.

Land Conservation Program update

Ms. Healy provided an update on the Land Conservation Program. She noted 57 transactions had closed escrow with four to five more slated to close in 2020. She noted the December board meeting will include the final three LCCPs for board consideration for approval which will conclude the approval process for the board on the LCCPs.



FINAL PUBLIC COMMENTS

Agnes Gonzales, Chairwoman for the Pit River Tribe said the Tribe appreciated the efforts of all involved in reaching this historic point and the return of the lands to the Pit River Tribe was truly a blessing.

BOARD MEMBER ANNOUNCEMENTS

There were none.

ADJOURNMENT

Mr. Baggett adjourned the meeting at approximately 1:00 p.m.