

LCP VOLUME I APPENDIX 7

**Summary of Policies and Recommendation
Statements**

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Appendix 7 – Summary of Policies and Recommendation Statements

The following summarizes the policies and recommendations adopted by the Stewardship Council Board of Directors.

Policy Regarding Certain Agreements Affecting the Watershed Lands

Adopted May 10, 2006

Background

The Watershed Lands are presently subject to approximately 240 leases, licenses, or other written agreements with third parties allowing various uses of these lands (well over 1,100 more if we include boat docks), including private residential uses, commercial uses, grazing, mining, and other miscellaneous recreational uses (collectively, the “Existing Agreements”). These uses often provide public benefits compatible with the Stewardship Council’s mandate to preserve and enhance beneficial public values of the Watershed Lands.

In Section 12 of the Stipulation Resolving Issues Regarding the Land Conservation Commitment, as approved by D.03-12-035, it states that the LCP and conforming Section 851 transactions will "enhance the existing environmental and economic benefits of the Watershed Lands and Carizzo Plains on an overall basis." [Emphasis Supplied.] Section 12(c)-(d) provides specifically that Conservation Easements or similar mechanisms will be used to preserve or enhance the beneficial public values of such lands. In addition, Section 1 of Appendix E of the Settlement Agreement, as approved by D.03-12-035, further provides that such Conservation Easements will "honor existing agreements for economic uses...."

Recommendation

Therefore, the Board of Directors of the Stewardship Council authorizes that the Executive Director communicate the following to the holders of Existing Agreements, and other interested parties:

1. The Stewardship Council intends to include in the LCP a policy generally recommending that the Conservation Easements allow economic uses permitted under Existing Agreements, upon the expiration of such Agreements, to be continued by the owners of the affected Watershed Lands through lease renewals or other arrangements consistent with the Land Conservation Commitment established by D.03-12-035 and other applicable law.
2. This general presumption in favor of allowing the continuation of economic uses may not apply in individual cases where it is determined that such uses would materially conflict with the preservation or enhancement of the beneficial public values recognized by D.03-12-035.

Policy Regarding Unauthorized Uses Affecting the Watershed Lands

Adopted November 29, 2006

Background

Pursuant to Section 12(a) of the Stipulation the Land Conservation Plan is to identify objectives to preserve and/or enhance the beneficial public values of each individual parcel of the Watershed Lands, as well as to identify a plan to monitor the success of achieving those objectives. The Stipulation further requires that, except in limited circumstances, each parcel must be encumbered by a conservation easement to preserve and enhance the beneficial public values of each such parcel. Each of these conservation easements will identify those uses that are permitted to occur, and those that are prohibited from occurring, on the Watershed Lands.

Unauthorized uses can be defined as follows:

Unauthorized uses can be defined as those activities that are either illegal or, while legal, have the potential to harm the beneficial public values if left unregulated. Unauthorized uses include, without limitation, Unauthorized uses include, without limitation, (1) entry onto the Watershed Lands or portions of the Watershed Lands without *any required* consent of the owner or the conservation easement holder (i.e., trespass); (2) recreational use of lands and waters of the Watershed Lands without *any required* consent of, or in a manner inconsistent with rules or regulations promulgated by, the owner or the conservation easement holder; (3) dumping of trash, hazardous materials, or other forms of waste; (4) illegal or illicit activity (e.g., drug labs and marijuana farms); or (5) other activities that may harm the beneficial public values of the Watershed Lands. (Note: Unauthorized uses do not include recreational uses on public lands that are permitted by applicable law or regulation and conducted in accordance therewith.)

Recommendation

The proposed Stewardship Council policy regarding unauthorized uses on the watershed lands shall be:

- The Stewardship Council will assist PG&E to: 1) identify the location and type of unauthorized uses on the watershed lands, focusing first on parcels not likely to be retained by PG&E in fee title, and 2) disclose those unauthorized uses to potential donee.
- The Stewardship Council will: 1) develop strategies to address those uses during the development of the disposition packages.

Definition for “Sustainable Forestry”

Adopted November 29, 2006

Background

The Stewardship Council recognizes Sustainable Forestry as one of the six beneficial Public Values guiding the conservation and enhancement of the watershed lands on an overall basis. The Council required a definition of Sustainable Forestry to inform the approach to preserving and enhancing this BPV.

Recommendation

The following is the recommended definition for “Sustainable Forestry” for the Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council):

The practice of managing dynamic forest ecosystems to provide ecological, economic, social and cultural benefits for present and future generations.¹

Endnote

¹ Wisconsin Administration Code, Department of Natural Resources, NR 44.03.

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