

Public Comments and Response to Comments on
LCP Volume I

This page intentionally left blank.

Comment	Commenter	Edit to Vol I Made	Response
VOLUME I			
General Comments			
Conservation Easement - doesn't seem to be defined anywhere. This is a key definition and needs to be clearly defined as to scope and intent of coverage.	Bucks Lake Homeowners Association	No	The term "Conservation Easement" is defined in the Executive Summary.
From my perspective, there is considerable concern within the Bucks Lake community as to HOW the details of implementation are effected.	Bucks Lake Homeowners Association	No	Comment noted. Disposition Packages, consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process.
1. For the official record, the submitter of these comments is not party to any current legal agreements or contracts with PG&E. However, FERC P-606 infrastructure, some as a consequence of a 100 year old recorded easement with the former property owner, is resident on our lands that are adjacent to or near two of the three parcels in the Cow Creek Planning Unit. No payments have ever been received from PG&E as a consequence of their operation of this FERC project.	David W. Albrecht	No	Comment noted.

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>3. I am sure the Council is well aware that Private ownership; having large expanses of land that have measurable continuity with Planning lands, and whose acreage is far in excess of that subject to disposition by the LCP; are in general already sustaining those lands with 5 out of 6 of the Council's Beneficial Public Values (general exception is no Public recreation) at their expense (no public expense). These traditional rural lands, especially those within reasonable driving distances of expanding population centers, in recent times must accept the presence of significant rural development, mostly in perimeter areas having improved roads. I believe most of these landowners impacted by the LCP will welcome the chance to work closely with the Council on the Plan and eventual land disposition because in many cases the resulting actions will inhibit and set up barriers for very questionable additional new development. However, the opposite could come to pass, if certain things are not done to recognize this particular land ownership in a meaningful manner in Volume I, and properly qualify other statements in that Volume. Therefore, at this time, I implore the Council to be careful in using phrases & words concerning the subject of "Public Access", especially those that may be an unnecessary edited and over zealous interpretation of the actual Agreement & Stipulation legal wording. At this time I have some hope that the stipulation current wording, if not expanded in intent by the council, could be used to create the appropriate conservation easements that meet the requirement of reasonable access for each of the various unique individual parcels and situations involved for it; and those conservation easement conditions (constraints) are legally meaningful to the surrounding property owners. If the Council wishes to directly confront private owners by establishing Objectives that emphasis and unconditionally say we will "Preserve and Enhance Public Access" knowing in many areas that there has never been such access because of the location or ownership nature of the surrounding lands, then all vestiges of co-operation are likely to evaporate. This Council controls the LCP, and the "ball is in their court" in terms of mitigating a confrontational situation.</p>	<p>David W. Albrecht</p>	<p>No</p>	<p>Comment noted. The Stewardship Council acknowledges that in certain cases there may not be legal public access to particular parcels of the Watershed Lands. During the development of the Disposition Packages, the Stewardship Council will work closely with PG&E to understand legal public access issues on a parcel level basis. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>4. The Council surely recognizes the practical consequences to rural owners of large land parcels if they do not implement where it is appropriate, meaningful conservation easements for reasonable Public access. It is very easy for the private property owners to realize how easy it would be for the Council to walk away from the access issue with a “do nothing” strategy for the conservation easements. Thus the concern. If the conservation easements are not crafted in a meaningful way, and the General Public can claim the new transferred parcel deed unconditionally allows them “access across adjacent lands to realize access to the parcel” then the surrounding private property have zero legal protection. In rural areas, “legal right for access across” become in the practical sense indistinguishable from “access on” in terms of precluding trespass. Policing or monitoring remote access routes is financially prohibitive. It becomes both impractical and impossible to prevent damage to agricultural operations or lands. For example, modern technology such as all terrain vehicles and off road bikes can and does cause tremendous damage on both public and private lands. Unfortunately many members of the General Public believe its their “inherent right” as citizens to trespass on rural undeveloped lands simple because they are large undeveloped rural lands. These beliefs are unfortunately reinforced and probably driven by the low probability of being caught or receiving any significant punishment if they are. One the most favorite ploys or justifications of individuals or groups to do this is “I have a legal right to go through here to get to xxx.” If there is no commitment to create a set of conservation easements to preclude the preceding, the Council could become an unwilling instrument that promotes this philosophy.</p>	David W. Albrecht	No	Comment noted.

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>8. The Stewardship Council has a difficult task simply in terms of the scope work involved for the BPVs on planning units involved, and I realize finding the correct solution on subject of Public access is not easy. All the preceding comments are from the perspective of how the surrounding private property owner is impacted by the LCP. Only one indirect potential reward from a well implemented Plan has been identified. In terms of penalties, that owner has very serious consequences and impacts to his lands if the topic of access is not correctly addressed in the conservation easements. On the other hand the Public in most cases has nothing to lose where there has never been legal access {one can not lose what one never had}; and every thing to gain and possibly abuse if he has legal basis to enter and cross large expanses of private land to reach LCP parcels.</p>	<p>David W. Albrecht</p>	<p>No</p>	<p>Comment noted.</p>
Executive Summary			
<p>Fantastic job! I know this is the result of much hard work and coordination.</p>	<p>Anonymous</p>	<p>No</p>	<p>Comment noted.</p>
<p>Throughout the presentation, of which pages ES-4 and ES-6 are examples, the Stewardship Council repeats the theme: "encourage input from public and commitment to an open, inclusive and collaborative effort." Stewardship Council has not demonstrated these attributes in conduct of the many open/public meetings held. To the contrary, public open discussion, questions, and requests for clarification have generally been discouraged. This approach is unsatisfactory.</p>	<p>Bucks Lake Homeowners Association</p>	<p>No</p>	<p>Comment noted. The Stewardship Council has encouraged public participation and input and has taken the input received into consideration in revising the documents to date. Disposition Packages, consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>6. At the opposite extreme are the multiple references in the present Draft to: "Preserve and Enhance Public Access" which to a layman seems to be a very unnecessary edited set words with respect to the already very short statement in paragraph 12(e)(2) of the Stipulation. I, and others, are confused as to why "Reasonable" is being so de-emphasized; or should we be satisfied that it got mentioned once in the Draft text. Please reflect on the following present text areas:</p> <p>a. Page ES-6; endnote 1(d) – "reasonable edited/no reference to conservation easement</p> <p>b. Paragraph 2.4.3 – No "Reasonable" in Title. Text reference 2(e)(2) has "reasonable" but omits part about "conservation easement"</p> <p>c. Paragraphs 3.4 and 3.4.2 Both Title and text have no reference to "reasonable" or conservation easements.</p>	David W. Albrecht	Yes	The word "reasonable" has been added in all suggested locations and references to conservation easements were also added in the suggested locations.
Mountain Bicycling fits into low-impact, non-motorized recreation opportunity as a BPV contemplated by the LCP.	International Mountain Bicycling Association	No	Comment noted.

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>The Pit River Tribe appreciates the opportunity to review and comment on Volumes I and II of the Land Conservation Plan. The Tribe has concluded that these volumes provide a solid conceptual plan and it leaves room for specific detail to be added in the future. The document is well organized. The information is clear and concise. Since the methodologies to preserve and enhance the beneficial public values in the Pit-McCloud River Watershed Planning units lack specifics and Stewardship Council conservation/disposition requirements are unknown at this time, we have provided few comments for your consideration. In a few cases, such as Fall River and Hat Creek, we were concerned that the Stewardship Council staff did not review all available data. In other cases, we were concerned that the Stewardship Council staff or consultants left out Tribal Lands that are public domain allotments that may fall within the boundaries of the Land Conservation Planning Units. For the most part, the volumes provided us an opportunity to learn more about land transfer process and your goals.</p>	Pit River Tribe	No	Comment noted.
<p>4. Conservation Easements - The LCP defines the CE under California Civil Code 815.1 as "Any limitation created in a deed..... that takes the form of an easement, restriction, covenant or condition. It is ...binding on successive owners..." The purpose ... is to retain the land predominantly in its natural, scenic, historical...forested or open-space condition". It is further stated that the Land Conservation Commitment is to be carried out by "PG&E's donation of conservation easements restricting development of the lands so as to protect and preserve their beneficial public values..." (ES-2 Vol. I) There are no specifics. A poorly written CE can be detrimental to all surrounding land values. Also will tax credits be available to PG&E for the donations of these CEs?</p>	Rick & Jani Frey	No	Conservation easements will comply with California law and the requirements of the Settlement Agreement and Stipulation. Neither the Settlement Agreement nor the Stipulation precludes PG&E from seeking any tax benefits that may be available based on its donation of conservation easements.
<p>Last sentence on page: Comment in reference to Bucks Lake...assert that appropriate protection is in the form of the Lease, Shore Management Plan and the FERC requirements placed on PG&E therefore not requiring a CE. Or at best, incorporate the CE requirements into the living documents (Lease, SMP, etc).</p>	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, PG&E is required to protect the Watershed Lands with perpetual conservation easements, or some legal equivalent, to preserve and enhance the six Beneficial Public Values (BPVs). A lease agreement or Shoreline Management Plan is not a legal substitute.

Public Comments and
Response to Comments on LCP Volume I

Comment	Commenter	Edit to Vol I Made	Response
Last paragraph, first sentence: If the Conservation Easements are to be in perpetuity, what future regulatory approvals are we talking about? Is not the CE in place forever?	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, PG&E is required to protect the Watershed Lands with perpetual perpetual conservation easements, or some legal equivalent, to preserve and enhance the six Beneficial Public Values (BPVs). The California Public Utilities Commission (CPUC) and FERC hold regulatory authority over the approval of transactions and implementation actions.
Last para & first para: Assume Vol I & II will be given CPUC authority to proceed to Vol III and not be given any regulatory authority? The Vol I & II are not specific enough for regulation authority, they just lay out scope and intent.	William A. Nicholau	No	PG&E will submit the Final LCP Volumes I and II, along with a Master Section 851 Application, to the California Public Utilities Commission (CPUC). The CPUC will review and approve the Master Section 851 application which will give the Stewardship Council the ability to proceed with the development and submittal of the Disposition Packages (the Volume III documents). Along with the Disposition Packages, which include the transaction documents, PG&E will develop and submit Section 851 Applications, which will effectuate the transactions.
Third para: Suggest, based on Stipulation and Settlement docs, that the Bucks Lake Leases, Shore Management Plan and the FERC requirements can easily and less costly implement the directives of the BPVs over the layers of management and oversight plus cost of the CEs.	William A. Nicholau	No	Comment noted.
Graph: Both Vol I & II approval process appears the same as Vol III. Vol III will be given regulatory authority, but hopefully not V III...please confirm.	William A. Nicholau	No	The LCP Volumes I and II will be submitted to PG&E and subject to PG&E's internal review and acceptance process. The LCP Volumes I and II will be submitted, by PG&E, to the California Public Utilities Commission (CPUC) along with a Master Section 851 application. The CPUC will then review and approve the Section 851 application. Each Disposition Package (Volume III) will be subject to the same internal procedure at PG&E, with the CPUC and FERC reviewing the Section 851 applications that accompany each Disposition Package.
Mission statement is consistent with the settlement agreement and expresses worthwhile objectives.	Youth Program Supporters	No	Comment noted.
The in perpetuity requirement should be both legally binding and permit non-profit organizations to designate successor organizations to accommodate long term changes such as mergers.	Youth Program Supporters	No	Comment noted.

Comment	Commenter	Edit to Vol I Made	Response
Glossary of Terms			
3. Consensus – Glossary definition is vague and seems to be implemented as a “rubber stamp” at the Council meetings.	Rick & Jani Frey	No	The Stewardship Council Board's consensus process is clearly defined and implemented as written. In short, consensus in this case means that Board members must make a determination as to whether or not they can "live with" a decision. If they cannot, they must bring forward an alternative for consideration by the Board.
The glossary should define “holistic watershed management” or “holistic,” and “fuels management.”	Teri Murrison, District 3 Supervisor, Tuolumne County	Yes	Definitions of these terms have been added to the glossary.
Chapter 1. Introduction			
[Condensed from letter] First on several pages in Volume 1, the draft refers to "Beneficial Public Values." (BPV's). Those BPV's are listed as Fish, Plant and Wildlife Habitat, Open space, Recreation, Sustainable Forestry, Agricultural Uses, and Historic/Cultural Values. The Agency requests that the Land Conservation Plan include existing and future water supply and source water quality protection as essential "BPV's". The Agency believes the water supply and water quality is at least equal to the existing BPV's. By revising this plan to identify existing and future water supply and water quality protection as BPV's, it will clearly articulate the value of the PG&E assets for local communities.	Amador Water Agency	No	As per the Settlement Agreement and Stipulation, PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance six Beneficial Public Values (BPVs), of which water resources is not specifically included. The Stewardship Council made every attempt to identify opportunities to preserve and enhance multiple BPVs in each planning unit without adversely impacting others. Water resources protection was considered in the development of potential measures.
Why isn't CAL FIRE represented instead of the California Forestry Association? Also why isn't the State Board of Forestry and Fire Protection represented. Also, would seem like a Society of American Forester's representative would be a good unbiased member whereas many of the listed members have their own agenda.	Brian Barrette	No	The Stewardship Council Board of Directors are appointed by Organizations and Government Agencies identified in the Settlement Agreement and Stipulation, and also includes other public members, such as the representative of the Native American Heritage Commission (NAHC) as appointed by the Board of Directors, and other public members selected by the California Public Utilities Commission (CPUC).

Public Comments and
Response to Comments on LCP Volume I

Comment	Commenter	Edit to Vol I Made	Response
<p>[Condensed from letter] At the annual Bucks Lake Homeowners meeting held in July 2007 it was brought to our attention that the PG&E representative on the Stewardship Council is neutral. Therefore, we do not have adequate representation and we need and demand that someone from our Homeowners Association be immediately appointed to this council so that our concerns can be voiced.</p>	Christine Gerwin & Christopher Walberg	No	<p>The Stewardship Council Board of Directors are appointed by Organizations and Government Agencies identified in the Settlement Agreement and Stipulation, and also includes other public members, such as the representative of the Native American Heritage Commission as appointed by the Board of Directors, and other public members selected by the California Public Utilities Commission (CPUC). The public Board Members are appointed by the CPUC to "...assure adequate and balanced representation of all ratepayer interests affected by the Land Conservation Commitment..."</p>
<p>I've just started to review the LCP document. Page 6 has two identical Collaboration sections.</p>	David Burns	No	<p>Website has been fixed to include only one Collaboration section.</p>
<p>How are you defining "sustainable contributions"?</p>	David Burns	No	<p>One of the Stewardship Council's core values is the commitment to making long-lasting contributions to land conservation.</p>
<p>I currently teach Physical Geography in the Peralta College District. My course involves field trips. Field trips greatly enhance the capacity of students to appreciate their potential role in the stewardship of the earth. How can I arrange to take students on fieldtrips to any of the lands under your jurisdiction?</p>	David Romain	No	<p>The Stewardship Council is not facilitating field trips to any of the Watershed Lands. Many of the lands, however, are open to the public.</p>
<p>Brief description of the identified Beneficial Public Values (BPVs) does not include domestic water supplies as a separate BPV. Several of the planning units include watersheds that are directly connected to domestic water supply systems that serve people throughout California. Because industry, development, and agriculture depend on water supplies, this resource is vital to California's overall economy. It is of great importance that this public value be specifically identified and addressed in the LCP as it not only affects those within the planning units, but also can have potential impacts throughout the state. Throughout volumes 1 and 2 of the LCP, water resources (incl. supply, quality, and hydroelectric) must be identified and addressed as a management priority.</p>	EBMUD	No	<p>As per the Settlement Agreement and Stipulation, the conservation easements must honor existing legal agreements, and conservation easements must include "...an express reservation of a right for continued operation and maintenance of hydroelectric facilities and associated water delivery facilities..." As per the Settlement Agreement and Stipulation, PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance six Beneficial Public Values (BPVs), of which water resources is not specifically included. The Stewardship Council made every attempt to identify opportunities to preserve and enhance multiple BPVs in each planning unit without adversely impacting others. Water resources protection was considered in the development of potential measures.</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
Draft LCP states, "However, stakeholder input and coordination with future land stewards (donee organizations) will precede implementation of the Stewardship Council's recommendations, and the disposition packages created for Volume III will fully describe the actual preservation and/or enhancement measures to be undertaken or overseen by future land stewards." <i>Include EBMUD as a stakeholder desiring input into any disposition package created in Vol III for Upper Mokelumne River Watershed planning units.</i>	EBMUD	No	EBMUD or any eligible entity can signify its interest in participating in the disposition process for any of the watershed lands by registering that interest on the Stewardship Council's Interested Donee Registry, on the public website.
[Condensed from letter] We are very concerned that you lack leaseholder representation on the Council or at their committee meetings.	Loree & Steve K. Gorman	No	The Stewardship Council Board of Directors are appointed by Organizations and Government Agencies identified in the Settlement Agreement and Stipulation, and also includes other public members, such as the representative of the Native American Heritage Commission as appointed by the Board of Directors, and other public members selected by the California Public Utilities Commission (CPUC). The public Board Members are appointed by the CPUC to "...assure adequate and balanced representation of all ratepayer interests affected by the Land Conservation Commitment..."
We have several concerns that we will outline briefly below. Though Volumes I & II profess to be in a user friendly format, we found them very labor intense for "laypeople" to review and found very little specificity: 1. Lack of Leaseholder Representation – Though we were told at your Council Meetings that the PG&E representatives were the advocates for leaseholders, one of those (at a public meeting) stated that PG&E was "neutral" when it came to the subject of leaseholders – only interested in any effect on their operations.	Rick & Jani Frey	No	The Stewardship Council Board of Directors are appointed by Organizations and Government Agencies identified in the Settlement Agreement and Stipulation, and also includes other public members, such as the representative of the Native American Heritage Commission as appointed by the Board of Directors, and other public members selected by the California Public Utilities Commission (CPUC). The public Board Members that are appointed by the CPUC to "...assure adequate and balanced representation of all ratepayer interests affected by the Land Conservation Commitment..."
5. Beneficial Public Values (BPVs) (Vol.I 1-6), the one that concerns us the most is "outdoor recreation by the general public". If the stated objective of an increase in public recreation is achieved, how will the following be dealt with?	Rick & Jani Frey	No	Unclear on the comment. As per the Settlement Agreement and Stipulation, PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance six Beneficial Public Values (BPVs). The Stewardship Council made every attempt to identify opportunities to preserve and enhance multiple BPVs in each planning unit without adversely impacting others.

Comment	Commenter	Edit to Vol I Made	Response
Chapter 2. Purpose and Required Elements of the Land Conservation Plan			
<p>7. Given the items identified in Paragraphs 5 & 6, that imply that the LCP wants to totally deemphasized the access issue with respect to its potential impact on surrounding lands, the text in 2.4.1 appears to want to reinforce that theme even more. Why isn't there any attempt to educate on that very basic fact that FERC defined infrastructure may be on Licensee lands, private owner lands or USA lands, etc. Furthermore the latter category of USA lands generally are really now private lands that had a prior USA ownership, and therefore any existing Waterways used for a hydro project is grandfathered under special Federal regulation. The average individual interprets the Federal in FERC, simply because it is Federal, to mean that all FERC Project acreage is automatically Public lands. Why does the LCP want to support and reinforce this common misconception? The fact that there is no attempt in Volume I to explain the basic possible combinations of FERC land ownership; especially the likelihood that many if not most of the lands in a given FERC project may be private lands, is not right. It shows total disdain for the rights of the affected private property owners. Taken in combination with the totally loose and cavalier attitude in Volume II for depicting FERC lands in mass as a single entity, with zero distinction as to which FERC lands are on private lands is simple wrong in trying to create the impression that they are Federal public lands just because they have the name FERC; and that the private owners have already surrendered all basic legal rights. I currently do not understand what fundamental purpose the Council trying to accomplish by publishing FERC infrastructure data that applies only to private lands? Additional mislabeling of that private land data further aggravates the situation. These documents should clearly define what are Planning lands, and make a clear distinction of any associated FERC infrastructure that is on private lands if there is justification for showing that private land FERC infrastructure. Lack of proper qualification in Paragraph 6.4 is another FERC related paragraph that needs work.</p>	<p>David W. Albrecht</p>	<p>Yes</p>	<p>A footnote has been added to Section 2.4.1 to state, "FERC defined infrastructure is in some cases located on privately owned, state, or federal lands."</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>[Add text to Section 2.4.3]: Item 12(e)(2) of the Stipulation requires that the LCP <u>will create conservation easements that will</u> preserve or enhance reasonable public access to Watershed Lands. Further, the Settlement Agreement promises perpetual public access, <u>and improved public access where desirable</u>, with the exception of areas that are restricted for reasons such as safety, security, or resource protection. When developing the planning unit concepts for Volume II, the Stewardship Council assessed potential opportunities to enhance public access. The Stewardship Council will further evaluate these recommendations at the parcel level during the development of Volume III, <u>and the drafting of the appropriate conservation easements for each of those parcels.</u></p>	<p>David W. Albrecht</p>	<p>Yes</p>	<p>Most suggested text changes have been made: "Item 12(e)(2) of the Stipulation requires that the conservation easements will "preserve or enhance reasonable public access to Watershed Lands." Further, the Settlement Agreement promises perpetual public access to the lands, with the exception of areas that are restricted for reasons such as safety, security, or resource protection. When developing the planning unit concepts for Volume II, the Stewardship Council assessed potential opportunities to enhance public access. The Stewardship Council will further evaluate these recommendations at the parcel level during the development of Volume III, which will include the drafting of fee transfer and conservation easement documents for each parcel(s)."</p>
<p>Section 2.1 Description of the identified Beneficial Public Values (BPVs) does not include domestic water supplies as a separate BPV. Several of the planning units include watersheds that are directly connected to domestic water supply systems that serve people throughout California. Because industry, development, and agriculture depend on water supplies, this resource is vital to California's overall economy. It is of great importance that this public value be specifically identified and addressed in the LCP as it not only affects those within the planning units, but also can have potential impacts throughout the state. Throughout volumes 1 and 2 of the LCP, water resources (incl. supply, quality, and hydroelectric) must be identified and addressed as a management priority.</p>	<p>EBMUD</p>	<p>No</p>	<p>As per the Settlement Agreement and Stipulation, the conservation easements must honor existing legal agreements, and conservation easements must include "...an express reservation of a right for continued operation and maintenance of hydroelectric facilities and associated water delivery facilities..." As per the Settlement Agreement and Stipulation, PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance six Beneficial Public Values (BPVs), of which water resources is not specifically included. The Stewardship Council made every attempt to identify opportunities to preserve and enhance multiple BPVs in each planning unit without adversely impacting others. Water resources protection was considered in the development of potential measures.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>Revise this portion of Section 2.2 to read, "The maintenance and conservation of environmental resources (e.g., watershed protection), <i>water quality and supply</i>, timber production, raising and selling livestock, the enhancement of recreation and tourism, the protection of cultural and historical sites and objects, and the protection of open space all have the potential to yield economic benefits."</p>	EBMUD	No	<p>As per the Settlement Agreement and Stipulation, PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance six Beneficial Public Values (BPVs), of which water resources is not specifically included. The Stewardship Council made every attempt to identify opportunities to preserve and enhance multiple BPVs in each planning unit without adversely impacting others. Water resources protection was considered in the development of potential measures.</p>
<p>Pleased to see in Section 2.1 Paragraph 2 line 6 that there is a recognition that not all impairments or interferences are necessarily significant. Pleased to see the Stewardship Council recognize the quality of past land stewardship in the watersheds.</p>	Frank Ryan	No	<p>Comment noted.</p>
<p>We are delighted to see the SC's intention of recommending the continuation of most if not all existing leases. We consider our presence on the land for the last 30 years to be a BPV. The general community in the Intermountain Area has continuously used the Club's facilities with out incident or complaint of any kind from any source.</p>	Frank Ryan	No	<p>As per the Settlement Agreement and Stipulation the Stewardship Council must recognize all existing environmental and economic uses on the Watershed Lands. The Stewardship Council Board of Directors adopted a lease policy that recognizes the importance of existing economic uses. Those economic uses include, in many cases, leases or other agreements.</p>
<p>With respect to the first sentence ("Item 4 requires the LCP to make a finding that the intended donee has the funding and other capacity to maintain the property . . .)", best practices for a land trust dictate that the land trust receive an endowment to fund the monitoring of the conservation easement. We urge the Stewardship Council to include in the disposition package adequate funding for the holder to monitor each conservation easement. We recommend using the Property Analysis Report developed by the Center for Natural Lands Management as the model for developing the necessary endowment. The land trust should also receive funds for legal defense of the conservation easement.</p>	Michele Clark	No	<p>The Stewardship Council intends to provide financial support to donees to cover a portion of the costs of implementing the LCP. This support will be determined on a case-by-case basis, and will be highly dependent on available funds, but could include funds for management, stewardship, or monitoring.</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>The divestiture of Stewardship Lands is adverse to the public interest where only one entity is considered as the recipient of those lands. Previously in the Pit River Watershed, economic uses existed for the few who could participate in closed-door deals with PG&E.</p> <p>Since there is no guarantee that a new landowner will provide fair economic opportunities to minorities, we request additional information from the Stewardship Council that will allow for equitable distributions (ie parcel splits) on a single planning unit that has an existing economic value (ie MacArthur Swamp).</p>	Pit River Tribe	No	<p>Comment noted. Disposition Packages (Volume IIIs), consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council is committed to creating a disposition process that is open, fair, and equitable.</p>
<p>2.1, BPV: These are incorporated (today) into our leases and other compliance documents like the SMP, FERC flow down requirements, etc.,</p>	William A. Nicholau	No	<p>Comment noted.</p>
<p>2.2: As stated, "...lands have been generally well stewarded for many decades..." suggest any additional requirements needed to support the BPVs be incorporated into the existing PG&E documents (lease, etc) and not a separate CE which will be costly.</p>	William A. Nicholau	No	<p>As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the Beneficial Public Values (BPVs). The conservation easements must be held by third parties.</p>
<p>2.3.2, first sentence: For Bucks Lake, continued preservation and continuing enhancements via leases, etc, has and will be more responsive to change requirements, lower in cost, and enhance the BPVs for years to come over a more rigid CE.</p>	William A. Nicholau	No	<p>As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the Beneficial Public Values (BPVs). The conservation easements must be held by third parties.</p>
<p>2.3.3, para 1 & 2: An option is for FERC land to stay with PG&E, and PG&E will ensure the protection of the BPVs vice a CE. Second paragraph should include the "and/or CE" vice CE only. PG&E has and can continue to enforce BPVs through their lease process vice a new and costly CE process.</p>	William A. Nicholau	No	<p>As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the Beneficial Public Values (BPVs). The conservation easements must be held by third parties.</p>
<p>2.3.3, right col, last sentence: Utilize the "other equivalent legal document" option via PG&E lease, SMP, etc, to ensure preservation and/or enhancement of BPVs.</p>	William A. Nicholau	No	<p>This language was incorporated into the Settlement Agreement and Stipulation to acknowledge the inability of some public agencies to accept restricted lands, and thus provides for an alternative mechanism (i.e., Memorandum of Understanding (MOU), Memorandum of Agreement (MOA, Donation Agreement) to facilitate such a transfer of ownership.</p>

Comment	Commenter	Edit to Vol I Made	Response
2.3.9 Monitoring: Cost for monitoring can be zero if BPVs and CE requirements remain in the PG&E Lease, SMP, etc documents.	William A. Nicholau	No	Comment noted. As per the Settlement Agreement and Stipulation, the Stewardship Council is required to monitor the "...economic and physical impacts of disposition and implementation of enhancement measures on the applicable management objectives."
2.4.1, left col, first para: If FERC lands are an exception to the CE perpetuity requirements and the CE can be changed based on Hydro requirements, then the CE is not really in perpetuity. Therefore, the use of a lease for BPV implementation on FERC land would be more flexible for hydro, less costly to implement, enforce and monitor than a CE.	William A. Nicholau	No	All parcels that are retained in fee title ownership by PG&E, including those lands within FERC project boundaries, will be protected with a perpetual conservation easement to be held by a third party. All conservation easements, as a matter of state and federal law, can be modified by all parties to the easement.

Comment	Commenter	Edit to Vol I Made	Response
Chapter 3. Planning Process			
<p>2. I have a fair appreciation of the legal basis that creates the Stewardship Council and drives the LCP. Whereas I am generally impressed with the LCP recommendations in Volume II, I also realize that any likely hood or confidence that they will be implemented in a manner that is legally meaningful to the adjacent landowners needs to drawn from the text and commitments of Volume I. That Volume sets the BPVs, and how the conservation easements will satisfy the requirements on both access and the BPVs, etc. Careful reading of Volume I, in terms of its choice of words is very disturbing at this time. I believe the Council should be aware that with respect to the delicate and difficult subject of access, that essentially all the present Volume I wording (and lack of wording) on the subject; if taken at face value, should raise Red Flags and strike extreme fear into all private landowners. This is especially for those such as myself, and others with large parcels of undeveloped land adjacent to, or near Planning Unit lands listed as eligible for disposition. The Planning Unit near ours is just one of many, and it is difficult to imagine the same or similar situations and concerns are not present on many of the other planning units. Page 1-6 on Core values (Leadership) states "we will be sincere, honest, etc..." so I am very mystified as to why there is not a single statement in Volume I that speaks directly in a sincere and straightforward manner to the fact that: "Due to many factors such as current use, acreage size and/or location and remoteness from Publicly maintained roads, secondary road condition on surrounding land ownership; there is currently no, and never has been, and LEGAL public access to many specified individual parcels." Is the preceding omission simply an oversight?</p>	<p>David W. Albrecht</p>	<p>Yes</p>	<p>Text has been added to Section 3.4.2 stating: "The Stewardship Council recognizes that due to many factors such as current use, acreage size and/or location and remoteness from publicly maintained roads, and road conditions on surrounding lands, there may not be legal public access to many individual parcels."</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>5. Please reread the Volume I draft carefully with respect to the subject of recognizing "private land ownership, especially that involving large acreage that is adjacent to, or in reasonable proximity of the planning lands. The present text in the Draft copy is conspicuous in its almost total absence of any meaningful acknowledgement of that ownership. There are many easy opportunities to make such acknowledgment. Example 1 is paragraph 2-2: "As a result, and due to the fact that the lands, {including many having large acreage of undeveloped private lands around them} have generally well stewarded for many decades, the Stewardship Council does not suggest dramatic changes in land use or resource management." Another opportunity is page 3.6, step 3: "Most of the planning unit lands are adjacent to or surrounded by State or Federal lands, {or in many cases by private ownership lands that often are large acreages of undeveloped agricultural or timber lands.</p>	<p>David W. Albrecht</p>	<p>Yes</p>	<p>Text has been added to Section 3.2.3 (Step 3) to say, "Most of the planning units are adjacent to or surrounded by State or Federal lands, <u>or in many cases by privately owned lands, that are often large acreages of undeveloped agricultural or timber lands.</u>"</p>
<p>[Add text to Section 3.4]: Values and uses on the Watershed Lands other than the BPVs were considered during the planning process, including economic uses, <u>how to develop conservation easements to preserve and enhance reasonable</u> public access, and the disclosure of hazardous materials.</p>	<p>David W. Albrecht</p>	<p>No</p>	<p>The Stewardship Council has yet to begin the drafting of conservation easements to protect the Watershed Lands. The development of conservation easements will occur during the next phase of work. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process.</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>[Add text to Section 3.4.2]: As described in Section 2.4.3, the Stipulation and Settlement Agreement require that the LCP <u>create conservation easements that will preserve or enhance reasonable public access. It is in the intent that these conservation easements will do this in a manner that best recognizes and maintains the BPVs of each land parcel.</u> The Stewardship Council <u>addressed the preceding Stipulation requirements for public access on</u> Watershed Lands by reviewing GIS data, conducting site visits, speaking with interested stakeholders at community meetings, and analyzing other data sources to compile the appropriate information to determine <u>and define</u> the public access situation within each planning unit. <u>The Council recognizes that due to many factors such as current use, acreage size and/or location and remoteness from maintained Public roads, secondary road condition on surrounding land ownership that is often private, that there is currently no public access, let alone legal deeded access, to many specific individual parcels.</u> Various criteria such as public safety, road conditions, seasonality, land ownership, critical habitat, recreation use, and hydropower facilities and operations were considered before recommending enhancement measures. Based on the analysis of these criteria, the Stewardship Council developed enhancement measures to increase or decrease public access.</p>	David W. Albrecht	Yes	<p>Most suggested text changes have been made: "As described in Section 2.4.3, the Stipulation and Settlement Agreement require that the conservation easements preserve or enhance reasonable public access. It is the intent that these conservation easements will do this in a manner that best recognizes and maintains the Beneficial Public Values (BPVs) of each parcel(s). The Stewardship Council assessed the potential to preserve or enhance public access throughout the Watershed Lands by reviewing GIS data, conducting site visits, speaking with interested stakeholders at community meetings, and analyzing other data sources to compile the appropriate information to determine the public access situation within each planning unit. The Stewardship Council recognizes that due to many factors such as current use, acreage size and/or location and remoteness from publicly maintained roads, and road conditions on surrounding lands, there may not be legal public access to many individual parcels. Various criteria such as public safety, road conditions, seasonality, land ownership, critical habitat, recreation use, and hydropower facilities and operations were considered before recommending enhancement measures. Based on the analysis of these criteria, the Stewardship Council developed enhancement measures to increase or decrease public access."</p>
<p>[Add text to Section 3.4.2]: In developing the planning unit concepts in Volume II, the Stewardship Council recommended limiting public access in areas near critical infrastructure, sensitive resource areas <u>within and around the parcel</u>, and primitive recreation areas (i.e., wilderness areas or non-motorized vehicle areas where appropriate).</p>	David W. Albrecht	Yes	Suggested text has been added.
<p>[Add text to Section 3.4.2]: The recommended measures in Volume II enhance existing public access through improvements to existing trails, <u>public roads or those on planning unit lands</u>, and other facilities, as well as through additional directional signage for shoreline access to both rivers and larger waterbodies.</p>	David W. Albrecht	Yes	Suggested text has been added.

Comment	Commenter	Edit to Vol I Made	Response
Section 3-4 Methods of Analysis of Other Values or Uses; Water resources is not considered under "Other Values"; Water resources (incl. supply, quality, and hydroelectric) needs to be identified as a BPV or a priority management issue and water resource issues must be addressed in the development of any disposition plan in Vol. III.	EBMUD	No	As per the Settlement Agreement and Stipulation, the conservation easements must honor existing legal agreements, and conservation easements must include "...an express reservation of a right for continued operation and maintenance of hydroelectric facilities and associated water delivery facilities..."
Section 3.2.3 Steps in Planning Process; Step 1 "Assessing Existing Conditions" and Step 2 "Summarize Opportunities, Constraints, and Management Issues" both do not specifically identify or address water resources as either an opportunity (partnering with water agencies), constraint, (water supply and water quality), or as a priority management issue. Again, water resources (incl. supply, quality, and hydroelectric) need to be identified as a BPV or a priority management issue and water resource issues must be addressed in the development of any disposition plan in Vol. III.	EBMUD	No	As per the Settlement Agreement and Stipulation, PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance six Beneficial Public Values (BPVs), of which water resources is not specifically included. The Stewardship Council made every attempt to identify opportunities to preserve and enhance multiple BPVs in each planning unit without adversely impacting others. Water resources protection was considered in the development of potential measures.
Section 3-3; Again, water resources (incl. supply, quality, and hydroelectric) is omitted as a stand-alone BPV or identified as a priority management issue.	EBMUD	No	As per the Settlement Agreement and Stipulation, PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance six Beneficial Public Values (BPVs), of which water resources is not specifically included. The Stewardship Council made every attempt to identify opportunities to preserve and enhance multiple BPVs in each planning unit without adversely impacting others. Water resources protection was considered in the development of potential measures.

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>Your overall definition of "sustainable forestry" (from a Wisconsin statute) is one we agree with. However, "sustainable forestry" is itself an unclear term with multiple, quite different definitions. For lands that PG&E retains fee ownership and donates an easement on, therefore, we'd be careful in using the term "sustained yield" and "sustainable forestry." Both of these terms have many definitions and they could lead to ambiguity in easement language and difficulty in monitoring whether proposed forestry practices meet these terms. So, when constructing conservation easement language or guidelines for donated properties, we would strongly suggest using specific performance goals that clearly spell out specific goals for the forest that can be monitored over time to meet their stated goals of having diverse, ecologically and economically sustainable forests. We'd be happy to help with crafting such terms, since we use them very often in our ongoing "working forest conservation easement projects.</p>	John Bernstein	No	Comment noted.
<p>Several of the staff here have read most of the documents, and we think the whole effort is extremely well done! Congratulations on bringing off an initiative of this size.</p>	John Bernstein	No	Comment noted.
<p>After seeing what happened in the Lake Tahoe basin, you would have a tremendous safety problem with the public camping and hiking in an area that does not have good access for emergency problems that would develop. Remember most roads in the Bucks Lake area are dirt and have utilities under them, such as water and sewer. Can you imagine a main sewer break and completely contaminating the lake with sewage due to overuse of these roads.</p>	Rich Schreiber	No	Comment noted.
<p>I recently received the Stewardship Councils Land Conservation Plan (LCP) on CD and am in the process of reviewing it. I noticed in LCP Vol I 3-11 Section 3.4.3 that you desire the disclosure of hazardous waste areas. In cooperation with the LCP, I am informing you of two old dump sites on PG&E land. Figure 1 shows the approximate location south of Oro-Quincy Highway and Haskins Bay. UTM coordinates of the two sites are given in Table 1. These old dumps may or may not be contaminated and/or hazardous. However, in my opinion, they have the potential to contain heavy metal residue.</p>	Ron Cooke	No	Comment noted.

Comment	Commenter	Edit to Vol I Made	Response
All data collected by the Council including but not limited to all GIS layers, cultural resource information, timber harvest plans, and hazmat information should be provided to the donee (fee title or easement) prior to finalizing transfer. This data is critical for a potential donee to evaluate a particular site.	Tuolumne County Resource Conservation District	No	Comment noted.
Chapter 4. Overall Recommendations			
We recommend that the Stewardship Council request that applicants seek out the endorsement of groups like the Almanor Basin Watershed Advisory Committee, nearby property owners, and other user groups prior to submission of proposals.	Almanor Basin Watershed Advisory Committee	No	Comment noted.
[Condensed from letter] Secondly, in Volume I, pages 4-8 the plan states that PG&E or other holders of applicable water rights have the authority to apply to the applicable regulatory authority to increase or otherwise modify the water storage capacities of existing licensed facilities. Since the Agency is responsible to provide a safe and reliable water supply for Amador County, the Agency supports this statement and would resist any revision to this stated right.	Amador Water Agency	No	Comment noted.

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>[Condensed from letter] I would like to remind the council that the areas of tax neutrality, maintenance of present infrastructure and flexibility to meet future needs to that infrastructure are critical in drafting proposed easements and making land grants. I would hope that the Council will give preferential treatment to local government and qualified local non profits when conveying both lands and easements. Local input from the public, local officials and lease holders are critical in crafting easements that maintain and enhance the lands you are charged with preserving. PG&E facilities and lands represent the county's largest tax payer at approximately 10% of the assessment roll. This does not include the tax revenues received from cabin and resort leased improvements, transit occupancy tax, fuel and gas taxes or the sales tax generated from these facilities and surrounding businesses. Maintaining tax and economic neutrality in this process is critical to local government and our communities. It is also mandated by the court decision. In that vein, it is my hope that the Council and PG&E will live up to their representations that consideration of leases extending beyond the planning period will be done when needed. Lakeshore, the Bucks Lake 4-H Camp and other commercial facilities and residences are being affected by negated long term investments due to the current uncertain landscape of lease renewal.</p>	<p>Chuck Leonhardt, Plumas County Assessor</p>	<p>No</p>	<p>Comment noted.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>Chapter 4: On the topic of "Preservation and Enhancement of Reasonable Public Access", paragraph 12(e)(2) in the Stipulation is cited as the primary driver for the LCP actions on this key subject. However that paragraph speaks directly to "a conservation easement." To date the LCP Volume II recommends limited or no change in public access in appropriate areas. How are these "limited and no change in access" recommendations going to be incorporated in the actual conservation easements? No examples are cited in this chapter or elsewhere in the LCP. It seems possible to this individual that with some thought and legal craft there are ways do this for perpetuity but with "conditional provisions" that permit future logical modification by the grantee. For example, conservation easement provisions with present day constraints on public access could be coupled to the state of roads within the parcel and/or improved maintained Public roadways in the immediate vicinity. Therefore, if at sometime in the future if the present day specified conditional conditions warranting "limited or defined access" at the time of disposition changed, then the grantee would have the legal right to change public access in an appropriate manner.</p> <p>The above may not be the best example, but some appropriately explicit wording in this section is required to show LCP commitment on how the "Limited Access" recommendation of Volume II today, might eventually be legally drawn. How the LCP chooses to craft the easements on access is this only legal protection that surrounding landowners will have to try to mitigate and minimize against unjustified and damaging trespass. There are other very specific (explicit) conservation easements that would be done that would be fair and just to all parties affected by the LCP that would mitigate negative outcomes to the surrounding property owners, but the Council need to make the commitment to do this.</p>	David W. Albrecht	No	<p>Comment noted. Conservation easements will be developed as part of the disposition process and will be included in the Disposition Packages. Disposition Packages (Volume IIIs), consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation including adjacent landowner participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process.</p>
<p>We were pleased to see the gun range listed in Table 4-6.</p>	Frank Ryan	No	<p>Comment noted.</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>I'd like to compliment you on the first two volumes of the LCP. The general concepts appear to be reasonable and workable. We look forward to reviewing and working with you on Volume III. My family is one of the leaseholders at Bucks Lake. Specifically, we lease PG&E Lot 14 at 710 Mile High Road on the southwest shoreline of the lake. My family has owned the leasehold since 1936 and my parents visited Bucks Ranch for several years before and after the lake was completed and filled in 1928. Over the years we, along with our fellow leaseholders, have contributed greatly to the individual dwellings and the care of the land and the infrastructure which surrounds it. We have cleared the lots of deadwood and fire hazards, removed the stumps from the lakefront down to the winter low waterline. We have constructed Mile High Road (I remember the bulldozer cutting the roadway when I was a child), secured the right to use Thompson Lake as a water supply, constructed the processing facility, laid the pipe and now pay for ongoing maintenance. We designed and constructed the sewage lines and leach field. We, individually and collectively, have a large stake in the process supervised by the Stewardship Council. I am concerned that the lessees do not have direct representation on the Council or in the meetings that will determine the ultimate disposition of our properties. It is my understanding that the PG&E is thought to represent us in these discussions, but PG&E is the lessor and has interests which may differ from ours. We would hope that some way can be found to more directly involve the lessees in your deliberations. Bucks Lake Homeowners Association, would, I am sure, be available to help in this regard. In your consideration regarding tax neutrality it was not clear if you included the personal property taxes paid by lessees in addition to the real property taxes paid by PG&E. Our family pays over \$2500 annually for these taxes and the aggregate of all the Bucks lots must be close to \$500,000 per year.</p>	<p>George Gleghorn</p>	<p>No</p>	<p>The Stewardship Council Board of Directors are appointed by Organizations and Government Agencies identified in the Settlement Agreement and Stipulation, and also includes other public members, such as the representative of the Native American Heritage Commission as appointed by the Board of Directors, and other public members selected by the California Public Utilities Commission (CPUC). The public Board Members are appointed by the CPUC to "...assure adequate and balanced representation of all ratepayer interests affected by the Land Conservation Commitment..." Tax neutrality in this case refers only to property taxes paid to the County relative to the Watershed Lands.</p>
<p>Lands and easements should not be donated to entities which assert that their management of lands in their ownership is not subject to the laws of the State of California. Guaranteeing long-term public benefits from the watershed lands requires that the future owners and managers of donated lands and holders of conservation easements be well-established [COMMENT CONTINUED ON NEXT PAGE]</p>	<p>John K Moore</p>	<p>No</p>	<p>Prospective donee organizations will be evaluated as to their organizational and financial capacity vis a vis a set of explicit criteria. These criteria are being developed by the Stewardship Council and will be made available to all interested entities and all stakeholders.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>[COMMENT CONTINUED FROM PREVIOUS PAGE. RESPONSE TO COMMENT PROVIDED ON PREVIOUS PAGE.]</p> <p>organizations. Lands should be donated only to organizations that have reasonably lengthy records of successful management of lands with management issues of comparable complexity. Experience in management of lands in the same watershed would be especially desirable. Though holders of conservation easements need not have the substantial financial and management capabilities which the land managers must possess, they still must be knowledgeable and have long-term monitoring capabilities. Future owners and managers of donated lands must have not only sufficient financial resources, but also all the other capabilities required for successful management. Recipients must be capable of managing for all the multiple uses consistent with the Settlement Agreement and Stipulation and appropriate for the lands they receive. They must patrol the lands, detect and remove illegal occupants, and prevent and terminate illegal mining and OHV use and other illegal uses. Recipients must provide for sanitation and litter cleanup. Programs to reduce wildland fire hazards may be necessary or advisable on some lands. Recipients must be able to deal with potential liabilities resulting from management and use of the lands. Though holders of conservation easements need not have the substantial financial and management capabilities which the land managers must possess, they still must be knowledgeable and demonstrate that they will be capable of performing long-term monitoring. To provide assurance that easements on donated lands will be objectively enforced to preserve and enhance the beneficial public values, the chosen donees and easement holders for a parcel should not have strong mutual interests. Neither should the chosen donees and easement holders have strong mutual interests in common with other beneficiaries of the management of donated lands. Choosing donees and easement holders in accordance with these requirements will minimize the possibilities that conflicts of interest between the preservation and enhancement of the beneficial public values and the interests of donees and beneficiaries will occur in the future.</p>			

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>Recreational uses are one of the most important public benefits of most of the watershed lands. A significant proportion of the users of most of the areas come from more distant cities, and not only from local communities. Recommended dispositions of watershed lands with recreational values should take this into account. Management of donated lands whose users come from a broad area should not be entrusted to local agencies which only local constituencies can effectively influence.</p>	John K Moore	No	<p>Comment noted. As per the Settlement Agreement and Stipulation, PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance six Beneficial Public Values (BPVs) including outdoor recreation by the general public.</p>
<p>What entity or entities are responsible for the monitoring plans for each of the planning units/easements? Stewardship Council, the public entity/nonprofit, both, other?</p>	Leslie Larson	No	<p>The holder of a conservation easement is responsible for enforcement and monitoring of the terms of the easement unless otherwise assigned in the easement to a third party.</p>
<p>What are the criteria by which the Council will evaluate the financial capacity of government and nonprofit entities? Is there a budget for each of the planning units based on the recommended BVEs? If not, on what basis will agencies' and nonprofits' fiscal capacity be evaluated? How will the Council know with a high degree of confidence that an entity has the financial wherewithal to manage the planning unit according to the BVEs "in perpetuity"?</p>	Leslie Larson	No	<p>Prospective donee organizations will be evaluated as to their organizational and financial capacity vis a vis a set of explicit criteria. These criteria are being developed and will be made available to all interested entities, and to all stakeholders.</p>
<p>In the case of bankruptcy of an entity given one of the planning unit easements/concessions, what process will govern the re-disposition of the planning unit lands?</p>	Leslie Larson	No	<p>Incapacity of donees will be addressed by reversionary clauses in conveyance documents to the extent feasible and other customary arrangements.</p>
<p>With respect to note 1, we applaud the Stewardship Council's intention to include in the LCP a policy recommending conservation easements allow economic uses permitted under Existing Agreement particularly with respect to grazing leases. Grazing is a vital tool to maintain the BPV of rangeland, grazing land and grasslands.</p>	Michele Clark	No	<p>The Stewardship Council intends to provide financial support to donees to cover a portion of the costs of implementing the LCP. This support will be determined on a case-by-case basis, and will be highly dependent on available funds, but could include funds for management, stewardship, or monitoring. The details of implementation, including funding, will be determined during the development of the Disposition Packages.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>With respect to the requirement that the donee have the financial ability to monitor the land in perpetuity, we urge the Stewardship Council to include in the disposition package adequate funding for the holder of each conservation easement. Best practices for a land trust dictate that the land trust receives a sufficient endowment to fund the monitoring of the conservation easement. We recommend using the Property Analysis Report developed by the Center for Natural Lands Management as the model for developing the necessary endowment. The land trust should also receive funds for legal defense of the conservation easement.</p>	Michele Clark	No	<p>The Stewardship Council intends to provide financial support to donees to cover a portion of the costs of implementing the LCP. This support will be determined on a case-by-case basis, and will be highly dependent on available funds, but could include funds for management, stewardship, or monitoring. The details of implementation, including funding, will be determined during the development of the Disposition Packages.</p>
<p>If a proposed transfer involves removal of lands from the jurisdiction of the Federal Energy Regulatory Commission (FERC), then consultation with the Pit River Tribe under §106 under the National Historic Preservation Act is required. We request that all project proposals within FERC boundaries continue with protocols that were developed under §106 during the development of license conditions.</p>	Pit River Tribe	No	<p>The Stewardship Council does not envision the removal of lands from the jurisdiction of the FERC through the LCP process.</p>
<p>We were unclear how the LCP intends to handle cases where existing (leases) uses are currently having an adverse impact on cultural and biological resources. It was also unclear to the Tribe how conservation easement holders that have no interest in the protection of these resources will be a remedy for the impacts that have been occurring.</p>	Pit River Tribe	No	<p>The Stewardship Council cannot police or enforce existing leases; however under future land ownership and management scenarios, where cultural resources are to be preserved and enhanced, the Stewardship Council will recommend that future leases be remedied to address this objective. Conservation easement holders will be required to enforce the terms of the easement, which may include the preservation and enhancement of cultural resources.</p>
<p>If a proposed project falls within the FERC regulated boundary, Pit River Tribe requests consultation under §106 under the National Historic Preservation Act throughout the scoping, planning, and construction activities. This will afford the Tribe the opportunity to participate in the proposed activity with protocols developed under §106. Participation may include scheduling site visits and/or monitoring during archaeological survey or data recovery, receiving copies of reports and having the opportunity to comment on all documentation efforts described in a Historic Properties Treatment Plan, reburials, and artifact disposition to Pit River Tribe Curation facilities.</p>	Pit River Tribe	No	<p>Comment noted.</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>The Tribe has some concerns that too much control of the cultural and biological resources will be left to one person, or monitor, who will inherently have a conflict of interest as an employee of the landowner or conservation easement holder that is monitoring the parcel.</p> <p>The Tribe proposes that donee qualifications include in terms that "all activities that are prescribed to meet the goals of the Stewardship Council be carried out by landowners or conservation easement holders with the financial capability to afford specialists with professional qualifications (ie trained cultural resource monitor of the Pit River Tribe, licensed Archaeologist, etc) for and activities conform to generally accepted standards and guidelines (ie Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation)."</p>	Pit River Tribe	No	Comment noted. The organizational and financial capacity criteria, that will be used to qualify donees, will be explicit in terms of expectations regarding implementation, stewardship, and monitoring.
<p>7. Tax Neutrality – Potential Strategies to Achieve Neutrality (i.e. Lump sum or "donees" responsible for tax losses) seem to dodge the responsibility of "tax neutrality for perpetuity".</p>	Rick & Jani Frey	No	The Stipulation requires "property tax revenue, other equivalent revenue source, or a lump sum payment" to be provided to each of the 22 counties, so that "the totality of dispositions in each affected county under this Land Conservation Commitment will be 'tax neutral' for that county."
<p>8. Monitoring Plans (4-17) – Where does the money for these "forever" programs come from – legal defense endowments?</p>	Rick & Jani Frey	No	The Stewardship Council intends to provide financial support to donees to cover a portion of the costs of implementing the LCP. This support will be determined on a case-by-case basis, and will be highly dependent on available funds, but could include funds for management, stewardship, or monitoring. The source(s) of funding for required monitoring have yet to be determined and will likely vary by parcel.
<p>9. Implementation & Conservation Easements (6-6) (6.6.3) – "... a high priority will be placed on getting input from stakeholders and interested entities..." As leaseholders in one of the pilot units, we were assured in Quincy by Jayne Battey that a "lead" environmental planner would be proactive in working with the leaseholders in the "light of day" and not in closed meetings. We trust that this will come true.</p>	Rick & Jani Frey	No	Comment noted.

Comment	Commenter	Edit to Vol I Made	Response
10. Tax Neutrality – Plumas County receives one of the larger shares of tax revenue from PG&E property. Will neutrality take into consideration “all” associated taxes that are tied to property taxes and will the leaseholders be expected to make up some of these tax losses to achieve “tax neutrality for perpetuity”?	Rick & Jani Frey	No	As per the Settlement Agreement and Stipulation, the Stewardship Council is required to assure that the "...totality of dispositions in each affected county under this Land Conservation Commitment will be 'tax neutral' for that county."
11. Monitoring Plans – As proposed in Volume I, they seem very comprehensive. Will Plumas County be expected to fund the legal compliance and enforcement forever?	Rick & Jani Frey	No	The Stewardship Council intends to provide financial support to donees to cover a portion of the costs of implementing the LCP. This support will be determined on a case-by-case basis, and will be highly dependent on available funds, but could include funds for management, stewardship, or monitoring. The source(s) of funding for required monitoring have yet to be determined and will likely vary by parcel.
I have been a Bucks Lake cabin owner for over 4 decades. One of my big concerns is the lack of leaseholder representation on the council or at their committee meetings. Another point, what is the increased liability for current leaseholders and private land owners if the purposed increase in public activity emboldens them with prescription rights over others property. Currently PG&E requires us to be insured and name PG&E too. Where will this additional liability lie??? Please listen to the Bucks Lake Stakeholders.....	Ruth Steward	No	The Stewardship Council Board of Directors are appointed by Organizations and Government Agencies identified in the Settlement Agreement and Stipulation, and also includes other public members, such as the representative of the Native American Heritage Commission as appointed by the Board of Directors, and other public members selected by the California Public Utilities Commission (CPUC). The public Board Members are appointed by the CPUC to "...assure adequate and balanced representation of all ratepayer interests affected by the Land Conservation Commitment..."
Adaptive management should be a part of all plans on all parcels in all BPVs. Conservation easements should take into account the need to adjust management practices as science and conditions warrant.	Teri Murrison, District 3 Supervisor, Tuolumne County	No	Comment noted.

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>It is our understanding that the Council intends to transfer fee title or easement responsibility prior to completing the various tasks described in the LCP Volume II. It appears as if the Council intends to develop conservation easements prior to transfer and thus prior to completion of the various inventories and management plans defined for the parcels in Volume II. It will apparently be the donee’s responsibility to conduct the inventories and prepare the management plans. You intend to describe specific measures that the donee will implement to preserve or enhance the BPV’s in the easements, yet the inventories to even identify those values or the appropriate specific measures will not yet be complete. If this is the case, the language in the easements must be flexible enough to allow for modification of the specific management, enhancement, and protection activities in the future after the various inventories and management plans are completed. A SIMPLE process should be described in the easements to allow for this flexibility – or better yet, no specific measures should be included in the easements. It may be better to include simple language as to “compliance with any future management plans developed by the donee” rather than requiring definitions of specific measures.</p>	<p>Tuolumne County Resource Conservation District</p>	<p>No</p>	<p>Comment noted. It is anticipated that baseline surveys will be completed prior to the transfer of fee title and conveyance of conservation easements. The objectives of management plans will likely be identified in concert with the conservation easement, while the specifics of management plans will likely be developed post transaction. The conservation easement will need to recognize the need to preserve and enhance specific values vis a vis potential actions, while providing for the necessary flexibility to modify the approach given new information and data.</p>
<p>The criteria for the donee as defined appear on the surface to be appropriate and equitable. However, a management entity from the County of origin should be given preference over a regional, state, or federal entity. These lands should be managed in a way that represents the citizens of the local County. It appears as if the program outline favors federal or state government entities or large national non-profits. Whatever entity is selected as the donee, should be required to manage those lands in best interest of local community as well as in compliance with the goal of enhancing and protecting the BPV’s. An entity that is not locally rooted does not have same attachment to the lands, and may not have the same level of commitment to local concerns. The criteria as defined may exclude appropriate entities that may be more community oriented and would more readily take historical perspectives and local culture into account.</p>	<p>Tuolumne County Resource Conservation District</p>	<p>No</p>	<p>Comment noted. The organizational and financial capacity criteria, that will be used to qualify donees, will be explicit in terms of expectations regarding implementation, stewardship, and monitoring.</p>

Comment	Commenter	Edit to Vol I Made	Response
A detailed table should be made available that identifies specific property tax liability for each parcel so that interested donees can understand exactly what the tax liability may be for each site. A County-wide listing does not provide sufficient detail to evaluate potential financial impact related to property taxes.	Tuolumne County Resource Conservation District	No	That level of detail will be provided as part of the development of the Disposition Packages.
4.1.1 last full sentence left col: Suggest for Bucks Lake, the Lease, SMP and FERC requirements are less costly, more pertinent over time, and can take advantage of the changing world (technology) better than a CE.	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). The conservation easements must be held by third parties.
4.1.1 second para, first sentence: Add the ability to implement "other appropriate legal mechanisms" along with CE.	William A. Nicholau	No	This language was incorporated into the Settlement Agreement and Stipulation to acknowledge the inability of some public agencies to accept restricted lands, and thus provides for an alternative mechanism (i.e., Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), Donation Agreement) to facilitate such a transfer of ownership.
4.1.3: The definition of a CE... "voluntarily created" with and by whom?	William A. Nicholau	No	As is standard practice, conservation easements will be negotiated between the landowner and the easement holder, with PG&E participation, and Stewardship Council facilitation.
4.1.3: By using a CE and giving reservations to PG&E for Hydro seems to set up a conflict between "perpetual in duration" and "PG&E rights". If this is allowable then the Lease and SMP of PG&E along with the increased requirements from FERC for environmental preservation of the outdoors should override the need for a CE.	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, the conservation easements must include "...an express reservation of a right for continued operation and maintenance of hydroelectric facilities and associated water delivery facilities..."

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>4.1.3, second para left col: Suggest the Stipulation be used to implement the CE requirements through the lease, SMP and FERC. Stipulation..."This would most likely arise when a donee is precluded by law or policy from accepting the encumbrance of a CE (PG&E could not accept the CE without restrictions). In such instances, the requirement that the Governing Board receive satisfactory assurance that the land will be managed consistent with the purpose of the LCP could potentially be provided in the form of a memorandum of understanding, donation agreement, cooperative agreement, or some other mechanism." (PG&E could provide such assurances through the lease and SMP along with the constant increase in environmental requirement placed on them by FERC)</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>The quoted language was incorporated into the Settlement Agreement and Stipulation to acknowledge the inability of some public agencies to accept restricted lands, and thus provides for an alternative mechanism (i.e., Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), Donation Agreement) to facilitate such a transfer of ownership. All conservation easements must be held by third parties.</p>
<p>4.1.3, left col, last section heading: If these considerations for a CE, along with the others, were implemented with PG&E through the lease, SMP, etc, then the tax neutral issue would go away and the BPVs would be preserved and enhanced.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>Comment noted. As per the Settlement Agreement and Stipulation PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). In addition, the conservation easements must honor existing legal agreements and FERC license requirements. The conservation easements must be held by third parties.</p>
<p>4.1.3, right col continued: Again, if the CE were implemented through PG&E mechanisms in place today then the BPVs are already in effect and will continue to be enhanced over time as has been shown over the past 80 plus years.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>Comment noted. As per the Settlement Agreement and Stipulation PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). In addition, the conservation easements must honor existing legal agreements and FERC license requirements. The conservation easements must be held by third parties.</p>
<p>Table 4-4: Each of these categories and almost all the subject column can be traced to requirements levied on the lease holders through the Lease, SMP and/or FERC requirements levied on PG&E and passed to the lease holders. This significantly lessens the need for an additional CE with all the additional layers of management and cost, yet still preserves the BPVs.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>Comment noted. As per the Settlement Agreement and Stipulation PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). In addition, the conservation easements must honor existing legal agreements and FERC license requirements. The conservation easements must be held by third parties.</p>

Comment	Commenter	Edit to Vol I Made	Response
Table 4-4 footnote: If exceptions or expressed reservations to the CE can be granted to PG&E for Hydroelectric functions then PG&E can (and has already) placed these reservations on the leases. All other BPVs are already incorporated in the leases and SMP along with the additional FERC requirements, which again eliminates the need for another layer of management, oversight and cost that would be incurred by a CE.	William A. Nicholau	No	Comment noted. As per the Settlement Agreement and Stipulation PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). In addition, the conservation easements must honor existing legal agreements and FERC license requirements. The conservation easements must be held by third parties.
Table 4-5: These Reserved Rights are reflected in our lease today, so no need to repeat in a CE to lease holders or reserve rights to PG&E if the lease and SMP, etc replaces the need for a CE and enforces the BPVs.	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). The conservation easements must be held by third parties.
4.1.3, right col, first para: Please identify the potential modified practices to preserve and/or enhance BPVs that are implied...with respect to Bucks Lake.	William A. Nicholau	No	Unclear on the comment.
Bottom of first para: Under current conditions, PG&E enforces the deed restrictions. If the BPVs and CE requirements were through the lease, etc, then this enforcement could continue at no cost.	William A. Nicholau	No	Comment noted.
4.2 Donee Qual: Through this section the qualifications stated have been in place, responsibilities assumed and requirements implemented over the past 80 years that have preserved and enhanced the BPVs. Examine the leases, the FERC requirements, and the host of newly developed documents (i.e. SMP, Recreational Use Plan, Need Study, Environmental studies, etc) as a result of the licensing process to see the increased emphasis to preserve and enhance the BPVs.	William A. Nicholau	No	Comment noted. As per the Settlement Agreement and Stipulation PG&E must protect the Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). In addition, the conservation easements must honor existing legal agreements and FERC license requirements. The conservation easements must be held by third parties.
4.3.1, right col, third para: One assumes the statement in the last sentence "unless there was a change in the allowable uses on the land" can be interpreted to include restricted uses?	William A. Nicholau	No	Unclear on the comment.
4.3.3 first para: I assume that "property tax neutrality" stated here encompasses all other taxes received by the county as a result of property owners (gas, sales, use, and all other taxes secured by the county based on people spending in the communities, etc)?	William A. Nicholau	No	The Stipulation requires "property tax revenue, other equivalent revenue source, or a lump sum payment" to be provided to each of the 22 counties, so that "the totality of dispositions in each affected county under this Land Conservation Commitment will be 'tax neutral' for that county."

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
4.3.3: If land were donated to the County, would that eliminate any tax neutral requirements, since the land would belong to the County? Would the answer be dependent on transfer with or without a CE over the land?	William A. Nicholau	No	The ultimate fee title donee will be responsible for the property tax payments on the particular parcels. Where a donee is not required by law to pay taxes (e.g., a state or federal agency or a non-profit), per the Stipulation "property tax revenue, other equivalent revenue source, or a lump sum payment" will be provided to ensure that the disposition is "tax neutral."
4.4: Monitoring cost could be eliminated if PG&E implemented the CE requirements through the Leases, etc verses a separate CE, since the mechanisms are in place to perform the monitoring.	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). The conservation easements must be held by third parties.
4.4.1: The Economic Impacts discussed could be eliminated and/or reduced by having the existing PG&E lease, SMP, etc process incorporate the BPVs not currently required (if any) into these documents vice creating a new CE to repeat that which is already functional.	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). The conservation easements must be held by third parties.
4.4.2: Do individual organizations who are responsible for a CE and monitoring such need to report to some other central group? If so, I assume that represents another layer of management, oversight and cost!	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). The conservation easements must be held by third parties.
Baseline Conditions Report: With respect to Bucks, the recent licensing process that PG&E accomplished for FERC has created nearly all the baseline condition reports and should not be repeated...reduce costs.	William A. Nicholau	No	Comment noted.
All heading paragraphs: Each of the paragraphs in 4.4.2 can be eliminated and/or significantly reduced by allowing PG&E to list the CE requirements within the leases, SMP, etc documents rather than creating a new document called a CE requiring more oversight, management and costs. A memorandum of understanding for continuance of BPVs could be created for compliance.	William A. Nicholau	No	As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism, to preserve and enhance the six Beneficial Public Values (BPVs). The conservation easements must be held by third parties.

Comment	Commenter	Edit to Vol I Made	Response
4.1.3, left col, last sentence continued to page 5: The assignments of responsibilities outlined are costly and require a new level or layer of management, whereas, if the responsibilities detailed were carried out as they are today through the lease, SMP and other FERC requirements no additional costs would be incurred and the BPVs would be maintained and enhanced as the changing environment dictates.	William A. Nicholau	No	Comment noted.

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>As stated in Section 12(a) of the Stipulation, <i>'the ability to use other than a CE for preserving and enhancing the BPVs'</i> is a viable avenue. This situation would most likely arise when a donee is precluded by law or policy from accepting the encumbrance of a CE. Certainly PG&E (as stated in Vol I) could not accept the CE without restrictions for hydroelectric power production. Further, the Stipulation states that, <i>'In such instances, the requirements that the Governing Board receive satisfactory assurance that the land will be managed consistent with the purpose of the LCP could potentially be provided in the form of a memorandum of understanding, donation agreement, cooperative agreement, or some other mechanism'</i>. PG&E, for nearly 80 years, has had mechanisms in place that have preserved and enhanced what are now called BPVs. Examination of the current leases, the Shore Management Plan and the Federal Energy Regulatory Commission requirements that are all levied on the lease holders of FERC controlled lands at Bucks Lake, and you will instantly see the emphasis on all facets of the environment, a mechanism for monitoring compliance and an enforcement process. To have a mechanism in place that satisfies the BPVs without significant costs, the ability to adapt to the changing environment and take advantage of new technology solutions all without another layer of oversight, management and rigidity of a CE would be beneficial to all concerned. The BPVs control process existing in the Bucks Lake Unit is stringent enough to implement, monitor and enforce, yet flexible enough to adapt to the changing environment and technology. A CE would not have this flexibility. This process of continual study, taking advantage of new solutions to new and old problems, in place legal documents (leases, SMP, FERC regulations), and a firm historical basis in the preservation and enhancement of the BPVs offers conclusive proof that the concepts and outcomes desired in a CE can be accomplished without imposing an expensive CE process, and is completely consistent with both the spirit and the letter of the settlement agreement.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>The quoted language was incorporated into the Settlement Agreement and Stipulation to acknowledge the inability of some public agencies to accept restricted lands, and thus provides for an alternative mechanism (i.e., Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), Donation Agreement) to facilitate such a transfer of ownership. All conservation easements must be held by third parties.</p>
<p>Qualifications for donees to hold conservation easements should not be so restrictive as to preclude small and medium-sized non-profit organizations whose objectives are consistent with land use objectives in the LCP and potential to make measurable or significant long-term commitments.</p>	<p>Youth Program Supporters</p>	<p>No</p>	<p>The Stewardship Council will endeavor to find the best qualified and best suited donee in each case that can meet the requirements of the Settlement and Stipulation.</p>

Comment	Commenter	Edit to Vol I Made	Response
Evaluation of real estate transaction policies and practices should permit potential for those non-profit organizations who have not held land fee simple or conservation easements. Passion for management of the land and resources as well as the proposed use or restoration should be considered along with the intent to partner with experienced organizations or government entities.	Youth Program Supporters	No	There will be a role for organizations interested in involvement in the implementation, stewardship, and monitoring of these lands as separate from the role of fee title or easement holder.
Chapter 5. Public Outreach and Collaboration			
2. Closed Meetings – The stipulation stated that the Board “will have the ordinary authority to undertake a closed session in appropriate circumstances”. Why has the public been denied access to every “working committee” meeting, merely being able to witness staff recommendations presented to the council for a consensus vote? For three years, stakeholders have had to respond retrospectively instead of prospectively. It’s very difficult to input at a Board meeting when you’re hearing the information for the first time.	Rick & Jani Frey	No	Comment noted. Committee meetings are not subject to the same requirement as meetings of the Board of Directors. The Stewardship Council has made a concerted effort to provide the agenda and materials to the public in advance of the Board meetings to help alleviate this concern.
Since these lands, although private, are considered to be community and regional assets via their historical broad use and appreciation, there should be a high degree of transparency in donee management and monitoring. The public should be allowed to provide input on decisions in perpetuity. The same high degree of public participation in the Plan’s preparation should continue long after the determination of the future of these lands.	Teri Murrison, District 3 Supervisor, Tuolumne County	No	Disposition Packages, consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process. It is anticipated that the Stewardship Council will host a series of stakeholder meetings focused on the Kennedy Meadows Planning Unit, and as part of developing the Disposition Package.
Adequate notice should be sent to the public prior to adoption of the Final LCP Volumes I and II. Stakeholders, and the public in general should be notified as to the time and place where the Stewardship Council Board will be making the final decision for approval of these plans, and provided adequate opportunity to comment at the meeting.	Tuolumne County Resource Conservation District	No	As a matter of practice, the Stewardship Council notifies all individuals and organizations in our database as to the logistics and the agenda for the Board of Directors meetings.

Comment	Commenter	Edit to Vol I Made	Response
Chapter 6. Next Steps for Regulatory Review and Disposition			
Section 6.6.3 Defining the Disposition Process; <i>Please include EBMUD as party interested in reviewing and providing input to disposition packages developed for Upper Mokelumne River Watershed planning units (Blue Lakes, Lower Bear Area, and North-Fork Mokelumne River)</i>	EBMUD	No	East Bay Municipal Utility District (EBMUD) is in the Stewardship Council's database, and has been identified as interested in the Upper Mokelumne River Watershed Planning Units.
I think it's important to create a guideline or principle that contiguous parcels of land be owned by the same entity (if donated in fee) or subject to a conservation easement held by the same land trust or agency. It's much easier to manage tracts of land well if they are reasonably large and held by a single entity. We all know the problems that the "checkerboard" has created over the years.	John Bernstein	No	Comment noted.
Stewardship funding is really important. The Land Trust Alliance recommends that 3-6% of purchase price of lands or easements be put into an endowment for stewardship and monitoring. Consider making funds available, also, for the costs of doing these transactions. This is always a significant expense.	John Bernstein	No	The Stewardship Council intends to provide financial support to donees to cover a portion of the costs of implementing the LCP. This support will be determined on a case-by-case basis, and will be highly dependent on available funds, but could include funds for management, stewardship, or monitoring. Transaction costs will be borne by the Stewardship Council and PG&E.

Comment	Commenter	Edit to Vol I Made	Response
<p>The process for determining the future ownership and management of the watershed lands will be lengthy, elaborate, and costly. The public will rightfully expect that such a large investment will yield guaranteed long-term public benefits, as the Settlement Agreement and Stipulation require. The Land Conservation Plan assures the public that implementation of the Plan will satisfy the requirements of the Settlement Agreement and Stipulation and preserve and enhance the beneficial public values. We had expected that the Plan would present more definite guidelines for attaining these very general goals, and are very surprised that it does not. We believe that adherence to the guidelines presented in the remainder of this comment would significantly improve the implementation of the Plan. We offer some general recommendations for the disposition process.</p> <p>PUBLIC PARTICIPATION IN THE DISPOSITION PROCESS</p> <p>The very nature of the disposition process poses severe challenges to the Stewardship Council's goals of openness and broad public participation. There is an obvious danger that dispositions will be negotiated and presented to the Board without the public's having had meaningful opportunities to comment on them. On the other hand, negotiations obviously cannot be conducted in public. The baseline reports for the conservation easements will provide valuable information about the status of the beneficial public values and will educate the public about what the conservation easements can achieve for each area to be disposed of. The baseline reports should be made public as soon as they are completed.</p>	John K Moore	No	<p>Determinations regarding baseline reports and their release to the public will be made on a case-by-case basis informed by the Pilot Disposition Process as well as the specific concerns and needs of a particular disposition process.</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>Multiple potential donees are likely to be interested in all or a portion of many areas of watershed lands. Presumably one of the first steps of the disposition of an area, or a portion of an area, will be the selection of a single potential donee with whom Council staff will initiate negotiations. The public should be informed of the identities of the multiple interested donees at the beginning of the Council's selection process, and should be given an opportunity to state which of the donees they believe most suitable. The selections of single potential donees should be documented in preliminary public reports which compare the qualifications of the all the interested donees and explain the reasons for the selection.</p>	<p>John K Moore</p>	<p>No</p>	<p>Disposition packages, consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process. As part of this process, there will likely be a solicitation of proposals from interested donees interested in a particular planning unit. Through this process, donees and proposals will be evaluated and selected. The results of this process will be made public.</p>
<p>Making draft disposition reports available for public comment before the agreements are considered by the Board should be feasible, and is possibly the most that can be done to inform the public about proposed dispositions. Public comments on early disposition agreements will likely help the Council improve later agreements.</p>	<p>John K Moore</p>	<p>No</p>	<p>Disposition packages, consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>Controversial proposals involving the watershed lands, for example proposed construction or expansion of dams by entities other than PG&E, are likely to be under active consideration while the Council is determining the future ownership and management of the watershed lands. The Land Conservation Plan should not make any decisions that prejudice controversial proposals, including dispositions of lands that would significantly affect them, but should leave these decisions to the future planning and permitting processes of the new managers of the lands. There is no need for the Council to make such decisions. Involvement in controversial proposals would divert the Stewardship Council from its primary mission, which is going to be sufficiently challenging.</p>	John K Moore	No	Comment noted.
<p>Larger-scale dispositions of land have many advantages, compared to smaller-scale dispositions. Making larger-scale dispositions consistent is easier. Coordination of management of lands in a watershed and flexibility of future management would generally be enhanced by larger-scale dispositions. Uncoordinated management would tend to degrade wildlife habitat, for example deer winter range. The Stewardship Council will no doubt receive numerous requests to donate fee title to small portions of areas of contiguous watershed land, for example contiguous lands around a reservoir, to be used for various purposes with purported public benefits. As a general rule, these requests should be rejected by the Council. Instead, the decisions should be left to the recipients who will assume management of the unit as a whole. The resulting permanent fragmentation of ownership resulting from donations of small parcels would have many negative consequences, for example fragmentation of wildlife habitat, introduction of exotic plants and invasive species, and erosion resulting from additional road construction. Monitoring compliance with large numbers of conservation easements would require much more effort.</p>	John K Moore	No	<p>Disposition packages, consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process. The Stewardship Council will endeavor to select the most appropriate donee given the specific circumstances.</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>Future PG&E property boundaries around reservoirs or facilities that are close to and clearly related to the reservoirs or facilities will be easier for the public to understand, locate, and observe where public access needs to be restricted. Parcels containing both lands to be retained by PG&E and lands available for disposition should almost always be split.</p>	John K Moore	No	<p>Details on parcel splits will be addressed in the development of the Disposition Packages.</p>
<p>[Condensed from website comment] Recommended dispositions should take adjacent and nearby public ownership into account. Dispositions of watershed lands to the federal or state land management agencies managing contiguous lands or lands in the vicinity would satisfy the need for flexible and experienced management about as well as is presently possible in this imperfect world. Donating the lands to agencies would diminish the number of management issues the Stewardship Council would have to resolve. Boundaries between PG&E and agency lands, often unmarked and unknown to the public, would be erased. The agencies have knowledge of their lands in the vicinity, the capability to manage them, and long experience in their management. Both the additional effort of managing the former PG&E lands, which would usually be relatively small additions to the agency’s present lands, and the additional management funding an agency would need would be comparatively small. Watershed lands around reservoirs available for disposition should be donated to the agency managing the surrounding public lands. Donating them to any other recipients would create multiple rings of inholdings around reservoirs, which would have no conceivable benefits and would confuse the public.</p>	John K Moore	No	<p>Disposition packages, consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>Recreational facilities, including campgrounds and organization camps, should not be located on lakeshores and in riparian zones, where they affect vegetation and wildlife and degrade viewsheds, but should be set back from these sensitive areas. (The water-dependent parts of recreational facilities, such as docks, are an obvious exception to this rule.) Watershed lands should not be donated for the establishment of recreational facilities on lakeshores and in riparian zones. Recreation management is discussed further in the Future Management section of these guidelines. Currently, recreational use of most PG&E reservoirs is low-intensity. (Bass Lake is an obvious exception. Note that the intensive recreation on Bass Lake is not highly dependent on watershed lands.) Dispositions of watershed lands should not change the status quo of low-intensity use. Many of the reservoirs are small. Organization camps should not be established in locations where campers would excessively increase the intensity of recreation on small reservoirs and make them unattractive to other visitors.</p>	John K Moore	No	<p>Comment noted. The details around which potential measures in the LCP move forward to implementation will be determined in the development of the Disposition Packages.</p>
<p>The Board is scheduled to meet in September in Redding and in November in Sacramento. Are you anticipating approval of the LCP at the meeting in Sacramento or Redding?</p>	Tuolumne County Resource Conservation District	No	<p>It is anticipated that the Board of Directors will adopt the Land Conservation Plan at its November 28, 2007 meeting in Sacramento. This meeting will be noticed on the Stewardship Council website.</p>
<p>Tuolumne County RCD looks forward to participating in the Kennedy Meadows pilot project. Hopefully, as the disposition process works itself out, the Stewardship Council employees and Board members will have ample opportunity to visit Tuolumne County and Kennedy Meadows and will make a focused effort to hear from the variety of interested individuals and groups that have expressed interest in this process. Prior to any final disposition decision, it may be advisable to schedule a series of stakeholder meetings locally in order to adequately understand and address local concerns. Please let the District know if there is anything we can do to help facilitate these meetings.</p>	Tuolumne County Resource Conservation District	No	<p>Disposition packages, consistent with the LCP, Settlement Agreement and Stipulation, will be developed through a multi-step process described generally in Volume I, which will include stakeholder participation. There will be opportunities for the public and stakeholders to engage with the Stewardship Council and other stakeholders on topics related to the disposition and future management and stewardship of the lands. The Stewardship Council will provide public notice and encourage participation in meetings, workshops, and other appropriate methods of participation in the planning process. It is anticipated that the Stewardship Council will host a series of stakeholder meetings focused on the Kennedy Meadows Planning Unit, and as part of developing the Disposition Package.</p>

Volume I: The Land Conservation Framework

Comment	Commenter	Edit to Vol I Made	Response
<p>You state that adoption of the plans and transfer activities will likely NOT require CEQA or NEPA compliance. Implementation of the measures that are expected to be listed in the Conservation Easements may very well require CEQA compliance, especially if they include construction of facilities or installation of various conservation enhancements (public access trails or stream bank protection for example). Does the Council expect the donee to fund and complete the necessary CEQA/NEPA documentation for projects that are required by the easements or land conservation plans? If so, is there a plan to provide a funding source for CEQA/NEPA compliance?</p>	<p>Tuolumne County Resource Conservation District</p>	<p>No</p>	<p>The source(s) of funding for CEQA/NEPA review triggered by Volume III actions have yet to be determined.</p>
<p>Figure 6-2 shows the term "Management Plans" under 'Develop Disposition Package by Parcel(s)'. Is it the Council's intention to have all management plans (cultural, recreational, biological, habitat restoration, timber etc) as defined in LCP Volume II completed prior to disposition, or does this simply refer to the conceptual plans currently suggested for adoption in LCP Volume II? We were under the impression that it would be the donees responsibility to complete the inventories and develop the management plans after transfer.</p>	<p>Tuolumne County Resource Conservation District</p>	<p>No</p>	<p>Conservation easements, and overall objectives for management plans, will be developed as part of the disposition process and will be included in the Disposition Packages. Specifics of management plans will likely be developed post transaction.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>The Land Disposition process really seems to be a large can of worms with the devil in the details – for all of the properties. The LCP Volume II identifies specific “preservation and/or enhancement measures” that the Board will be asked to adopt and then PG&E will submit applications to CPUC for their approval. Even though these measures are designed to be illustrative and not prescriptive, there seems to be no clarity as to how those measures are to be implemented, nor much flexibility in the concept plans once they are approved.</p> <p>Volume III will define the transfers, and include specific easement language for each Planning Unit. The easements will likely include lists of permitted and prohibited uses and clauses requiring implementation of the LCP as adopted in Volume II. However, numerous concepts as proposed include provisions for biology, cultural resource, timber, recreation and other inventories as well as development of various management plans for these resources. It is possible that management plans for one resource could conflict with another, and more importantly, the inventories or development of the plans may bring to light implementation measures that are not included in the adopted LCP or may be in conflict with one or more of the concepts in the adopted LCP.</p> <p>There needs to be flexibility built into the transfer language and perhaps even in the easements themselves that allow for collaborative modification of the LCP once the lands have been transferred, the inventories have been completed, and the various management plans have been approved. Will PG&E, CPUC, FERC or Stewardship Council Board approval be required in order to make any changes to the LCP based on the results of the various inventories and management plans?</p>	<p>Tuolumne County Resource Conservation District</p>	<p>No</p>	<p>The Volume II measures are, as indicated, "potential" measures to achieve the "objectives" specified for a planning unit. As with any effort to manage land to promote multiple uses or values, priority may have to be given to some uses or values, which will be reflected in management plans. As to the last part of the comment, the Stewardship Council recognizes the value of and the need for flexibility, vis a vis “adaptive management,” dynamic systems, and the introduction of new data and information, in addition to the requirement that the Beneficial Public Values (BPVs) be preserved and enhanced on an “overall basis” as opposed to a planning unit basis. As such it is not envisioned that the types of regulatory approvals would be necessary to address a change in an objective for a particular BPV in a particular planning unit.</p>
<p>There does not seem to be adequate detail at this time regarding funding and the process for implementation of the LCP. Each of the transfers must clearly identify funding sources for implementation of both the LCP concepts as well as the specific implementation measures defined in the future management plans. We understand that this will hopefully be accomplished with the development of the Volume III documents.</p>	<p>Tuolumne County Resource Conservation District</p>	<p>No</p>	<p>Details regarding financial support for implementation, management, stewardship and monitoring will be developed as part of the Disposition Packages.</p>

Comment	Commenter	Edit to Vol I Made	Response
<p>Funding for implementation of the LCP is really going to be the crux of the matter. A lot of money and time has been spent and will be spent on planning, inventories and developing specific management plans for each of the properties. Funding must be secured to complete the planning process and more importantly to implement projects on the ground that support the various management plans. The Council should consider the possibility of setting up endowment funds, held by the donee, that could provide an on-going funding source to implement these plans.</p> <p>Additionally, for efficiency of scale, the Council might also consider selecting donees that can manage more than a single parcel. For example, with a single entity as the donee for all three properties in Tuolumne County and an adequate endowment from the Stewardship Council, the combination of lease payments, endowment interest, and money from other sources could provide suitable funding in perpetuity to implement the LCP and, more importantly, substantially increase the level of projects and improvements that can be completed at each of the sites.</p>	Tuolumne County Resource Conservation District	No	Comment noted.
<p>The implementation timeline seems to excessively extend the disposition of lands.</p>	Youth Program Supporters	No	Comment noted.
Chapter 7. Sources			
<p>RECOMMENDATION: The document needs to clearly define what constitutes "granting of continuance" and what is not included.</p>	Bucks Lake Homeowners Association	No	Unclear on the comment.
APPENDICES			
Appendix 3. Youth Investment Program Goals			
<p>ABWAC recommends that the Stewardship Council support funding of elementary and high school educational curricula focused on natural resource management. We applaud the development of the Youth Investment Program and recommend that its focus be extended to rural areas located within the 11 north state watersheds.</p>	Almanor Basin Watershed Advisory Committee	No	The Youth Investment Program makes grants to public entities and non-profit organizations to support environmental education programs and park infrastructure projects throughout the PG&E service area.
<p>It is unbelievable that goal number one of teaching children does not include teaching the history of an area.</p>	Cody Ritts	No	Comment noted.

Comment	Commenter	Edit to Vol I Made	Response
Consider adding a high adventure or physically challenging element to the youth investment guide.	Youth Program Supporters	No	Comment noted.
Consider adding an emphasis for increasing access for girls and young women through such programs as "Linking Girls to the Land" or similar efforts to lower barriers for underserved youth.	Youth Program Supporters	No	Comment noted.
Appendix 5. Individual Parcels			
Including the list of individual parcels in Appendix 5 in the LCP may satisfy some requirement, but the list is almost completely useless without maps showing both the boundaries of the "legal parcels" and the "SBE parcels". There is no definition of "legal parcels" in the glossary – how they are defined is unclear. Even the very few readers who possess a copy of the atlas published by the Stewardship Council will find using Appendix 5 a mind-numbing exercise, because the atlas does not show the boundaries of the legal parcels. Presumably it would be possible to create atlas maps with the boundaries of legal parcels shown and post these on the website or make them available on CD-ROM.	John Moore	No	This table will be finalized during the development of the Disposition Packages on a planning unit by planning unit basis. All lands not identified as "necessary" for current and future operations and maintenance of PG&E's licensed hydropower projects are considered available for donation to a qualified public entity or non-profit organization. Each Disposition Package will detail which parcels are to be retained by PG&E in fee title, and which are to be donated.
Appendix 5 of Volume 1 This chart appears to be incomplete. PG&E reasons for retaining lands are not included. For example lands to be retained by PG&E show in the Planning Unit Concept Map do not have a reason listed in the Appendix 5 chart.	Nina McGowan	No	This table will be finalized during the development of the Disposition Packages on a planning unit by planning unit basis. All lands not identified as "necessary" for current and future operations and maintenance of PG&E's licensed hydropower projects are considered available for donation to a qualified public entity or non-profit organization. Each Disposition Package will detail which parcels are to be retained by PG&E in fee title, and which are to be donated.

Comment	Commenter	Edit to Vol I Made	Response
<p>For Legal Parcels 1043 and 1044, the table identifies them in the "Total Acres Likely Available for Donation". Since both parcels are leased to private parties from PG&E, one for a residence and the other an operating marina, and those leases contain an option to purchase the underlying fee interest from PG&E, we are not sure what you mean by the term "...Available for Donation". Neither lessee is a public entity or a qualified non-profit organization but are private entities. It is our understanding the Settlement Agreement and Stipulation requires the Land Conservation Plan to honor existing agreements for economic uses and wish to confirm the Plan will do so for these parcels. I represent the lessee of both these parcels and would appreciate an explanation of the meaning and intent of the Draft Plan as stated.</p>	<p>Stephen R. Welch</p>	<p>No</p>	<p>All lands not identified as "necessary" for current and future operations and maintenance of PG&E's licensed hydropower projects are considered available for donation to a qualified public entity or non-profit organization. As per the Settlement Agreement and Stipulation, the conservation easements must honor all existing environmental and economic uses, existing legal agreements, and FERC license requirements.</p>
<p>Bucks Lake PU: Please identify the location, description, and boundaries of the 458 acres to be potentially donated.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>This level of Geographic Information Systems (GIS) detail will be provided during the development of the Disposition Packages.</p>
<p>Appendix 6. Economic Uses on the Watershed Lands</p>			
<p>PG&E is currently (actively promoting carbon offset opportunities for its ratepayers. PG&E also controls and manages a substantial land base in "timbered acres" (V.1, Appendix 6-2). The 51,700 acres statewide (including 5,350 acres in Plumas County) could be managed in ways designed to enhance carbon sequestration and "additionality". This would assist the implementation of AB 32 (global warming response) for both the state and the ratepayers.</p>	<p>John Sheehan</p>	<p>No</p>	<p>Comment noted. Determination regarding participation in carbon sequestration and/or carbon offset opportunities will be discussed during the development of the Disposition Packages for each planning unit, as appropriate.</p>
<p>Recreation: Two points, one, this shows that between FERC requirements and PG&E requirements, the land use for over 80 years has been consistent with the BPVs desired by the Council. This land stewardship process should continue, as is, through the lease, and Shore Management Plan along with the numerous other documents developed for FERC licensing and not add another layer of oversight, management and cost by implementing a CE. Secondly, we should understand the utilization of existing facilities in support of the BPVs prior to implementing additional facilities.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>Comment noted. As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements or some equivalent legal mechanism. All potential measures included in Volume II may or may not be carried forward depending on a number of factors, including collection of additional data.</p>

Comment	Commenter	Edit to Vol I Made	Response
Appendix 7. Summary of Policies and Recommendation Statements			
<p>Appendix 7 indicates that private residential uses may continue if compatible with D.03-12-035 by stating "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." However, the caveat in paragraph 2 leaves it too uncertain.</p> <p>Question: Does the continuation of a lease for private residential use conflict "with the preservation or enhancement of the beneficial public values recognized by D.03-12-035?"</p>	Eugene Mallette	No	As per the Settlement Agreement and Stipulation the Stewardship Council must recognize all existing environmental and economic uses on the Watershed Lands. However, upon expiration, future lease terms may change with a change in land ownership, and/or in accordance with the conveyance of a perpetual conservation easement.
<p>The Council contracted for numerous reports by consultants on issues of importance to the LCP process. Assurances were given at a Board meeting (November 2006?) that these reports would be included in the LCP, but they have not been included. Failure to include these reports is very inconsistent with the Council's promises of an open and inclusive process. Public access to these reports would significantly increase understanding of these issues; the reports should be promptly made available to the public. Posting them on the Council website is a feasible solution. The following list of reports, gleaned from Board presentations, is not necessarily correct or complete: Agricultural Resources, Native American Participation, Sustainable Forestry, Unauthorized Uses, Federal Ownership, and Adjacency. A report on the economic and financial aspects of implementation of the LCP was also mentioned.</p>	John Moore, Sierra Club	No	Comment noted. The Stewardship Council has developed several internal legal guidance documents to inform staff and Board members about specific issues relating to some of the topics mentioned in the comment; in other cases, while there may have been plans to develop "reports" or memos these have not been developed. During the development of the Disposition Packages, there will be in-depth discussion on many of these topics as applicable.
<p>Background: Should not the word "preserve and" be placed before "enhanced" in the quoted section?</p>	William A. Nicholau	Yes	Text revised to reflect comment.

Comment	Commenter	Edit to Vol I Made	Response
<p>Background: Again Section 12(a) of the Stipulation states the ability to use other than CE for preserving and enhancing the BPVs...Bucks Lake FERC land is a prime candidate for this action to save money and time, yet ensure success.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>The use of an alternative legal mechanism, other than a conservation easement is limited to those cases where "...the chosen donee of fee title informs the Governing Board that applicable law or policy precludes its accepting such easement ...".</p>
<p>Appendix 8. FERC License Status and Documentation</p>			
<p>Bucks Creek (#619): A review of the FERC licensing process, the revised Recreation Plan and the 23 other study reports required by licensing demonstrates the value of implementing the BPVs without the use of a CE and its cost and inflexibility to the changing environment.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>Comment noted. As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements or some other equivalent legal mechanism.</p>
<p>Appendix 9. Data Sources and Collection</p>			
<p>Last para: A review of the FERC eLibrary demonstrates and supports the viability of using Leases, SMPs, etc for implementing BPVs over the Bucks Lake watershed land verses the lengthy and costly process of developing a separate CE to accomplish the same result. Additionally, the eLibrary shows the BPVs for a CE are not new for the Bucks Lake area. The various studies, TMPs and cultural actions taken over the years have ensured the preservation of the land for future generations.</p>	<p>William A. Nicholau</p>	<p>No</p>	<p>As per the Settlement Agreement and Stipulation, PG&E is required to protect all Watershed Lands with perpetual conservation easements, or some equivalent legal mechanism.</p>