#### MINUTE ITEM

This Calendar Item No. \_\_C\_2/\_
was approved as Minute Item
No. \_\_2/\_ by the State Lands
Commission by a vote of \_\_2
to \_\_\_\_ at its \_\_\_2/25/22
meeting.

CALENDAR ITEM

021

2/25/82 W 22956 Childress PRC 6125

APPROVAL OF AGREEMENTS GRANTING
RECIPROCAL ROAD USE EASEMENTS EMBRACING LANDS
OF CRANE MILLS, AN OREGON CORPORATION,
AND STATE SCHOOL LANDS IN LHAMA COUNTY

APPLICANT:

Crane Mills P. O. Box 318

Corning, California 96021 Attention: Bob Hughes

AREA, TYPE LAND AND LOCATION:

The easements herein granted shall be for a period of 49 years commencing May 1, 1982. The proposed and existing roads shall be 30 feet in width across private lands and State school lands in Section 4, T25N, R8W, MDM, in Tehama County.

BACKGROUND:

The Attorney General's Office recently analyzed the right to exchange right-of-ways for access to State school land summarized as follows:

"1. Rights-of-way over State school lands may be exchanged for rights-of-way over private lands to provide access to otherwise inaccessible parcels of State school lands, pursuant to P.R.C. Section 6210.9, without violating the trust conditions over such State school lands.

The Opinion gave a legal basis for the Commission's staff to pursue access exchanges with Crane Mills and to secure maximum economic benefits from the State school lands. Thereafter, a mutually acceptable document titled "Agreement Granting Reciprocal Road Use Easements" was negotiated with Crane Mills by the Commission's staff. The immediate benefit to the Sta e resulting from this agreement is access to over 1,000,000 board feet of merchantable saw timber that will be offered for sale in the Spring of 1982. The agreement will also ensure

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Calendah Page

Minute Page

113 419

# CALENDAR ITEM NO. C 2 1 (CONTD)

access for reforestation and future harvests on the State land. The proposed agreement (Exhibit "A") is attached and by reference made a part hereof.

AB 884:

N/A.

#### OTHER PERTINENT INFORMATION:

1. A negative declaration was prepared and certafied by the Commission pursuant to CEQA and the State EIR Guidelines. The Commission found that the project will not have a significant effect on the environment. EIR/Negative Declaration No. 298 and SCH No. 82010603.

**EXHIBITS:** 

- A. Reciprocal Road Use Agreement.
- B. Negative Declaration.
- C. Site Map.

#### IT IS RECOMMENDED THAT THE COMMISSION:

- 1. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY THE COMMISSION AFTER CONSULTATION WITH RESPONSIBLE AND TRUSTEE AGENCIES.
- 2. CERTIFY THAT NEGATIVE DECLARATION NO. 298 HAS BEEN COMPLETED IN ACCORDANCE WITH CEQA, THE STATE EIR GUIDELINES AND THE COMMISSION'S ADMINISTRATIVE REGULATIONS, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN TOGETHER WITH COMMENTS RECEIVED DURING THE REVIEW PROCESS.
- 3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
- 4. AUTHORIZE THE EXECUTION OF THE "AGREEMENT GRANTING RECIPROCAL ROAD USE EASEMENTS" WITH CRANE MILLS, AN OREGON CORPORATION, TO PROVIDE ACCESS TO AND ACROSS LANDS OWNED BY THE RESPECTIVE PARTIES IN TEHAMA COUNTY ON THE LANDS DESCRIEED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

CALENDAR PAGE 114
MINUTE PAGE 420

# Agreement Granting Reciprocal Road Use Easements

This agreement is by and between Crane Mills, a corporation organized under the laws of the State of Oregon, and the State of California acting by and through the State Lands Commission, hereinafter sometimes referred to as "State".

## WITNESSETH

WHEREAS, State is the owner of that certain real property described in Exhibit "A" attached hereto and by this reference expressly made a part hereof, hereinafter referred to as "State's property"; and

WHEREAS, Crane Mills is the owner of that certain real property described in Exhibit "B" attached hereto and by this reference expressly made a part hereof, hereinafter referred to as "Crane Mills property";

WHEREAS, State desires to obtain the grant of an easement for road purposes from Grane Mills across Crane Mills' property in order to obtain access to and from the State's property for timber management purposes; and

WHEREAS, Crane Mills desires to obtain the grant of an easement for road purposes across the State's property in order to obtain access to and from Crane Mills' property for timber management purposes; and

www.ereas, Public Resources Code Section 6210.9 authorizes the State under specified circumstances to exchange easements across State lands for easements across adjoining lands.

NOW, THEREFORE, it is mutually agreed between the parties hereto as follows:

- 1. State grants unto Crane Mills an easement for timber management road access purposes upon State's property as depicted in Exhibit "C" hereto which is by this reference expressly made a part hereof. Crane, its contractors, representatives and assigns shall have the right to use the road without cost for all purposes deemed necessary or desirable in connection with the protection, administration, management, and utilization of its lands or resources, and shall have the right to construct, reconstruct, and maintain the road within the easement.
- 2. Crane Mills grants unto State an easement for timber management road access purposes upon Crane Mills' property as depicted in Exhibit "C" hereto which is by this reference expressly made a part hereof. State, its contractors, representatives and assigns shall have the right to use the road without cost for all purposes deemed necessary or desirable in connection with the protection, administration, management, and utilization of its lands or resources, and shall have the right to construct, reconstruct, and maintain the road within the easement.

CALENDAR PAGE

MINUTE PAGE

- 3. The grant by State unto Crane Mills (paragraph 1) shall be appurtenant to Crane Mills' property. The grant by Crane Mills' unto State (paragraph 2) shall be appurtenant to State's property.
- 4. Each party hereto shall not use the interest granted it for purposes which would unreasonably damage the surface or the subsurface thereof.
- 5. Each party hereto, its contractors, representatives and assigns, shall have the right to cut timber on said easements to the extent necessary for constructing, reconstructing and maintaining the roads thereon. Timber so cut shall, unless otherwise agreed to, be cut into logs of lengths specified by owner and decked along the road for disposal. Owner, at its option, may dispose of the timber so decked or receive from the other party an amount in cash equal to the current market value of said timber.
- 6. Each party hereto shall maintain the roads constructed or reconstructed on said easement to the extent of use they make thereof. Said maintenance shall be on the basis of standards recognized by the forest industry of Northern Galifornia and required by applicable state laws and regulations and in a manner of conformance with normal practices designed to protect the roads for future as well as current use. To the extent that there is concurrent use of either party's roads, the owners will perform their proportionate share of maintenance on the portion of the road used by them, or pay to the party performing the maintenance a proportionate share of the cost thereof. Proportionate shares shall be based on the volume of forest or mineral products hauled over the road or portion thereof. At such times that concurrent use of roads is planned or anticipated, both parties hereto, including their contractors and licensees who may use the roads, will hold a meeting prior to such use to determine the applicable maintenance rates and the proper proportionate shares to be paid by each party.
- 7. Each party hereto shall have the right to require any user of the road for commercial hauling to procure, to maintain, and to furnish satisfactory evidence of liability insurance in a form generally acceptable in the trade and customary in this area, insuring said party against liability arising out of its operation on the easement with limits of \$100,000 for injury or death to one person, \$300,000 for injury or death to two or more persons, and \$100,000 for damage to property; provided it is customary in the industry in this locality to require liability insurance at the time commercial users are allowed to use the road.

CALENDAR PAGE 116
MINUTE PAGE 422

- 8. If either party hereto maintains a locked gate or other impediment to the other party's use of the interest granted to said other party by this agreement, that party shall timely furnish said other party with a key or other instrument and/or information to enable said other party to use the interest granted it by this agreement.
- 9. Each interest granted by this agreement is granted subject to all outstanding liens, encumbrances, claims of title and all other valid legal and/or equitable interests affecting the interest granted.
- 10. The term of this agreement shall be for a period of forty-nine (49) years commencing May 1, 1982 and terminating April 30, 2031.
- 11. The grant of said easement by the State in paragraph I hereof shall not be construed to include oil, gas, oil shale, coal, phosphate, sodium, gold, silver, or any other mineral deposits belonging to the State, as provided for in Public Resources Code Section 6401(a).
- 12. Both parties reserve the right to lease, convey, grant easements across, or otherwise transfer or encumber their respective properties so long as said transfer or encumbrance or any use resulting therefrom does not unreasonably irrerfere with the interest granted to the other party by is agreement.
- 13. This agreement shall inure to the benefit of and be binding upon the heirs, devisees and successors to the parties hereto.
- 14. This agreement shall become effective on the date when it is duly executed by both Crane Mills and the State.
- 15. Exhibit "C" depicts (2) to proposed access routes into the SW% of the NE% of Section 4, T25N, R8W, MDM. Only (1) one route shall be developed. The decision as to which one shall be made after award of a timber sale contract for which access to parcel is required.

W 22956

STATE OF CALIFORNIA COUNTY OF	) )ss.
On this day	of
in the year 19 before me,	
•	unty and state, personally appeared . known
to me to be the	
and known to me to be the person w	ho executed the within instrument
on behalf of said	and acknowledged
to me that such	executed the
same.	
IN WITNESS WHEREOF, I have hereunto set my hand and affixed	
my official seal in the county of	the
day and year in this certificate first above written.	
CRANE MILLS	STATE OF CALIFORNIA STATE LANDS COMMISSION
Ву	Ву
Title	Title
Artest	Date
	The issuance of this agreement was authorized by the State Lands Commission on

CALENDAR PAGE 18 424

#### EXHIBIT "A"

State school land of the State of California under the jurisdiction of the State Lands Commission.

T25N, ROW, MDBM, Tehama County.

Section 4; SWL of the NWL and the SWL of the NEL.

Said easements herein granted shall be (30) thirty feet in width, being (15) fifteen feet on either side of the centerline of the existing and proposed road, or more as road maintenance may require and as necessary to accommodate cut and full slopes and drainage structures.

CALENDAR PAGE 119
MINUTE PAGE 425

#### EXHIBIT "B"

Property of Crane Mills.

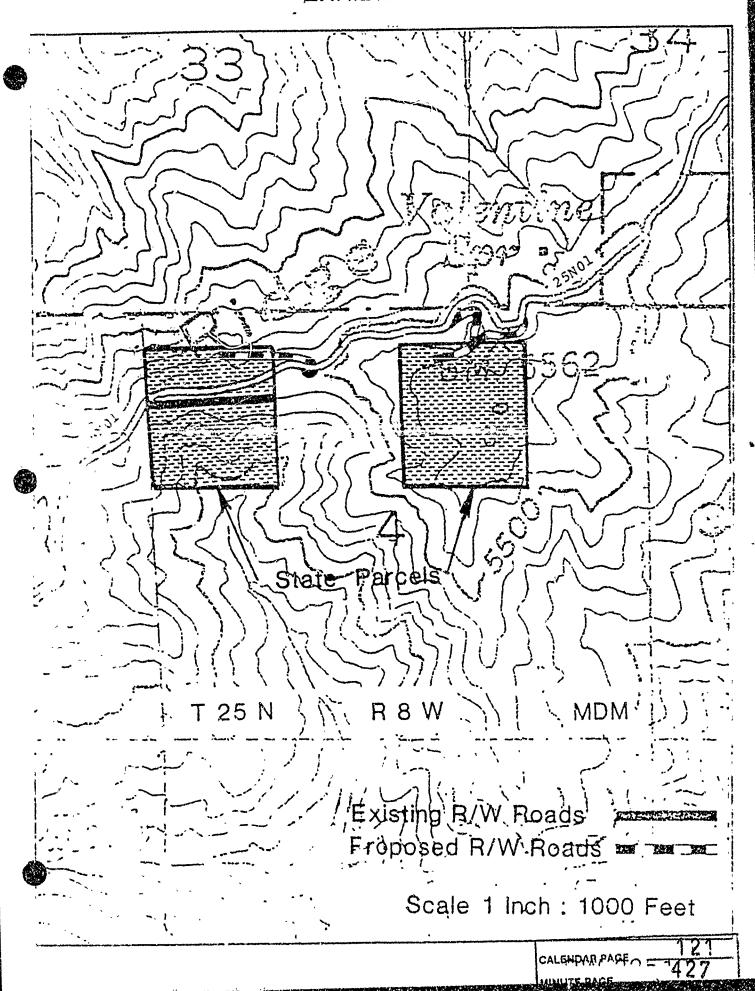
T25N, R8W, MDBM, Tehama County.

Section 4; SEt of the NWt and the SEt of the NEt and the Nt of the NWt and the Nt of the NEt and the St.

Said easements herein granted shall be (30) thirty feet in width being (15) fifteen feet on either side of the centerline of the proposed roads, or more as road maintenance may require and as necessary to accommodate cut and fill slopes and drainage structures.

CALENDAR PAGE 120
MINUTE PAGE 426

EXHIBIT "C"



NO PAGE 122

CALENDAR PAGE 122
MINUTE PAGE 428

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STATE FOR THE COMMISSION

EXHIBIT "/

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<u>BE NELVE OF CLAPATION</u>

// Final

EIR ND 298

File Ref.: RW 22519

SCH#:

Project Title: Valentine Ridge Timber Sale on State-owned Lands.

project Location: SWk of NWk and the SWk of NEk of Section 4, T.25 N., R.8 W.,

M.D.M. in Tehama County, California.

Project Description: Harvest and sale of approximately 1,000,000 board feet of

mature, overmature, and smaller suppressed trees infested

with insects and disease.

This NEGATIVE DECLARATION is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq of the Public Resources Code), the State EIR Guidelines (Section 15000 et seq, Title 14, of the California Administrative Code), and the State Lancs Commission regulations (Section 2901 et seq, Title 2, of the California Administrative Code).

Based upon the attached Initial Studies, it has been found that:

13 the project will not have a significant effect on the environment. \*

17 the attached mitigation measures will avoid potentially significant effects.

Contact Person:

Ted T. Fukushima 1807-13th Street Sacramento, CA 95814 (916)322-7813

\*Mendocino National Forest responded to the attached Initial Study with concerns of archeological sensitive in the project area. The Chico Regional California Archeology Site Survey Office has subsequently recommended a site survey of the State-owned parce. Therefore, prior to any timber harvest activity in this area, an on-site survey will be performed by a qualitied archeologist and appropriate mitigation measures, if necessary, will be apposed.

CALENDAH PAGE 123
MINUTE PAGE 429

Form 13.17 (9/81)

#### INITIAL STUDY

FOR

# CALIFORNIA STATE LANDS COMMISSION

VALENTINE RIDGE TIMBER SALE ON STATE-OWNED LANDS IN THE SWY OF THE NWY AND SWY OF THE NEW OF SECTION 4.

T25N, R8W, MDB&M

TEHAMA COUNTY

PREPARED UNDER WORK ORDER RW 22519

BY THE

SCHOOL LANDS MANAGEMENT UNIT

LAND MANAGEMENT SECTION

OF THE

DIVISION OF LAND MANAGEMENT AND CONSERVATION
STATE LANDS COMMISSION

CALENDAR PAGE 124
MINUTE PAGE 430

### I. PROJECT PESCEIPTION

The Valentine Ridge Timb r Sale is a proposal by the State Lands Commission to hirvest approximately 1,000,000 board feet of rature and everanture merchantable penderosa pine, sugar pine, include-cellar, whate fir and Douglas-fir, and to construct two new access roads, each being one quarter mile in length (total only mile of new construction). Smaller, suppressed trees infested with insects and disease have been included as a sanitation measure to improve the health and vigor of the residual stand. This proposed timber sale has been designed and prepared on the ground to conform with the current Rules and Regulations of Northern Forest District and the Forest Practice Act of the State of California. This sale will be harvested under an approved Timber Harvest Plan.

This proposed timber sale is located on two 40 acre parcels located 58 road miles (25 miles due west) of Corning, California. The parcels are described as the SW4 NW4 and the SW4 NE4 of Section 4, T25N, R3W, MDB&M. Crane Mills, Paskenta, California, owns the remainder of Section 4 and is the nearest mill which is 37 miles (20 miles of dirt and 17 miles of paved road) from the two State parcels. U.S. Forest Service Road 25NO1 passes through the westerly parcel and passes about 100 yards horth of the easterly parcel.

A mutual road right-of-way has been discussed on the ground and will be developed between the State and Crane Mills for joint access to their respective landlocked ownerships for timber management purposes.

- 1. Allow Crane Mills access across the State's westerly parcel on an existing quarter mile segment of road south of 25N01.
- 2. Allow the State to construct one quarter mile
  of road access to the westerly parcel crossing
  one eighth mile of Crane Mills property north
  of 25N01 for mutual access to a landing on the
  north side of Road 25N01 and Valentine Ridge.
- 3. Allow the State to construct one quarter mile of road crossing one eighth mile of Crane Mills property for access to the State's easterly parcel. The final location of this road across Crane Mills property will be dependent on the operator's preferred haul route north to Red Bluff or south to Paskenta.

CALENDAR PAGE 125
MINUTE PAGE 431

There are no blue-line streams on this timber sale area.

and all roads will be water barred pursuant to CAC 935.4

Water bars. The new road construction does not cross any draws and no culverts will be needed. Foresters from both the State and Crane Mills have mutually agreed upon the flagged road locations which are in compliance with the Northern Forest locations which are in compliance with the Northern Forest location Roads.

This timber sale will be a typical summer operation, and will conform to 14 CAC 935.5 Winter Period Erosion Control.

Timber Marvesting will be accomplished by tractor on both parcels. Cable yarding is not economically feasible on the western parcel because of the low density of merchantable trees. The majority of the eastern parcel is too flat for efficient cable yarding.

This timber sale was marked under the selection method to remove mature and overmature timber (over 140 years old) and younger timber mechanically damaged, saverely suppressed, or infested with disease, insects, or dwarf mistletoe. The western parcel is understocked and 362 trees, 90% of the merchantable timber, were designated for removal. The majority of this parcel is Dunning Sites IV and V (poor growing sites) and will be treated pursuant to 14 CAC 1081, b Understocked Timberland. Except for the ridge top, the slopes range from 40% to 70%.

The eastern parcel ranges from a Dunning Site II to IV with the majority of the site a Site III. Scattered mature trees were selected to leave as seed trees which will be removed after the area has met stocking requirements pursuant to 14 CAC 932.7 Resource Standards for Minimum Stocking and 14 CAC 933.4 Seed Tree Method. A few small stands of younger merchantable timber will be commercially thinned to reduce competition resulting in a thriftier, healthier residual stand of young timber. Additional younger trees infested with disease or insects or mechanically damaged were assignated for removal on a sanitation basis. Approximately \$5% of the merchantable timber on the eastern parcel will be removed.

CALENDAR PAGE 126
MINUTE PAGE 432

The operator will conduct meanure it are preparation after longer; to pile to depict of the or burned by the drive of areas will perform him oute progration on areas infrient for tractor operations prior to planting. It is anticipated that hand planting will be accompilable in the spring following logging and site preparation operations.

# II. ENVIRONMENTAL SETTING

The Valentine Ridge Timber Sale is located on the eastern fringe of the Coast Range, 25 airline miles west between Corning and Red Bluff, California, in Western Tehama County. This portion of Tehama County consists of large ownership blocks of land being managed by the U.S. Forest Service, Bureau of Land Management, Louisiana Pacific and Crane Mills. Timber is the major economic base for this portion of the County. Minor uses would include hunting and recreation.

The average annual precipitation for the area is about 30 inches, which is relatively low because the area is on the east side of the coast range. The elevation of the sale ranges from 5000 to 5800 feet.

The soils on the two parcels are "700(ck)" colluvial land with sedimentary rock and "320 sheetiron" (medium timber suitability). The soil depth is from one to two feet on slopes of 30 to 50 percent. Actual slopes range from 0 to 70 percent on the western parcel and 0 to 50 percent on the eastern parcel. Observations made on adjacent properties logged within the last two years to areas logged during the 1940's indicated minimal erosion. One ephemeral draw near the eastern parcel has no culvert at the crossing or Road 25Not and no washing or sediment deposits were observed at the road. There appear to be no problems anticipated with the proposed road construction. No areas of soil instability or slides were observed on either parcel.

The timber stand consists primarily of old-growth ponderosa pine, sugar pine, white fir, Douglas-fir, and incense-cedar. Scrub canyon live oak is the only hardwood on the parcels. Cther ground cover includes hoary and green leaf manianita, mountain white thorn, currents, gooseberries, and blackberries. Considerable old growth wind throws are on the ground and old snags are still standing indicating the overmature trees are dying out.

CALENDAR PAGE 127
MINUTE PAGE 433

This timber sale is located on a high dry ridge and no archeological evidence of past cultural activity was observed. The thico Regional Office of the Californial Archeological Sine Survey resert wearch did not indicate this as a sensitive area, and an on the ground survey was not responsed.

If any archeological artifacts of potential significance are uncovered on the sale area, operations will be stopped and an archeologist consulted.

There are no blue-line streams on this timber sale area. There is one ephemeral draw in the southwestern corner of the eastern parcel. This draw was dry in June and covered with organic litter, and no washing was observed.

wildlife has been observed on the parcels, specifically small numbers of deer and rodents. Hawks and buzzards were observed soaring overhead, but the sites do not support the variety of plant species needed to provide a suitable habitat for a wide variety of wildlife.

Access to the sale area is from Forest Service Road 25N01 which may be reached from either Red Bluff or Corning. Additional access to the parcels will be by constructing one quarter mile access roads to each parcel, partially through Crane Mills property. There is one existing road on the western parcel which will afford access to the south half of the western parcel.

### III. REGIONAL SETTING

The State's two parcels are in Western Tehama County on the eastern fringe of the Coast Range. This regional setting is and has always been one of logging and mining. The private lands associated with this area are usually in large blocks devoted to mining or timber and watershed management. Private timber lands are zoned as timber preserve zones in Tehama County. The unzoned parcels belong to the Federal Government, specifically the U.S.F.S. and B.L.M., who are currently administrating their lands under approved Timber and Watershed Management plans.

The harvesting of timber from the State's two parcels is compatible with the current management plans of both private industry and the U.S.F.S. and the B.L.M. Private industry includes holdings by Louisiana Pacific, Diamond International, Crane Mills, Commander Industries, and Security 1st National Bank has large mineral holdings in the area.

CALENDAR PAGE 128
MINUTE PAGE 434

# TOWNS TO STATE OF THE PROPERTY OF THE ACTUAL TO THE ASSURES

1. Road Applicate. The new road construction will have some effect on the boil and versitation in the area. The roads will be e.g. tructed with a bulldozer by the cut and fill method. The vegetation affected will be scattered brush and a few small confers. The majority of the larger confers are marked for removal. No culverts are needed on either road since no araws are crossed and U.S.F.S. Road 25NOI has no culverts above or below the intended new construction.

Mitigation. The new road construction to the eastern parcel will be on a 15% grade to minimize road construction length, to reduce soil movement, and reduce impact upon Road 25NOl by separating the two roads faster by using a steeper gradient. New road construction will be single lane roads to minimize soil and vegetation disturbance. Upon completion of use, all access roads from 25NOl will be water barred and grass seeded for slope stabilization.

Logging will be done by crawler tractor which will result in surface soil disturbance and removal of the scattered overstory on the western parcel and the majority of the overstory on the eastern parcel. Since the soils are porous, the moisture from snow melt will penetrate rapidly, but there will not be additional ground runoff within the parcels. There will be additional ground water accumulation below State ownership created by increased ground water surfacing further downhill on other ownerships. This effect will be minimal due to the location of the parcels on top of the ridge and lack of well defined drainages on State land. As the reproduction becomes established and starts to grow, transpiration will increase and the moisture regime will again approach stabilization.

There will be a temporary animal habitat disruption created by logging which will force wildlife to relocate off of 30 acres of the eastern parcel and 20 acres of the western parcel. This will last for approximately five years.

The overstory in the western parcel is heavily infested with dwarf mistletoe. By removing the infested overstory, it is anticipated that the intensity of dwarf mistletoe on the parcel will be greatly reduced.

CALENDAR PAGE 129
MINUTE PAGE 435

A heavy nelective out on the numbers parcel will result in leaving about four good trees per acre where there is presently no required them. The only snags marked for removal are within 300 feet of the ridge top, 200 feet from head 25001, and 100 feet from access roads in State-owned lasts to conform with 14 CAC 937.1 and Disposal and Station.

After logging, meen areal and hand site preparation will be performed to establish ground suitable to plant confers to referest the logged areas to conform with 14 GAC 932.7 Resource Standards for Minimum Stocking.

Mitigation. Understocked openings created by logging will be artificially regenerated upon completion of logging and site preparation and burning operations. The planting stock used will be from the same elevational secd zone. It is anticipated that natural regeneration will also become established from the seed trees after site preparation work has been accomplished.

California) stated that no rare or endangered species Mave been observed on either parcel and that these parcels are too high in elevation for significant importance as wildlife habitat. Snag disposal along ridge tops and roads will conform to 14 CAC 937.1 Snag Disposal and ketention. All other snags will be left for wildlife purposes.

The use of natural resources by the project (fuel, displacement, etc.) are minimal, but irretrievable.

The project will not result in measurable increase in demand for public services.

## V. REFERENCES AND PERSONS CONTACTED.

This study was prepared by Registered Professional Foresters on the staff of the State Lands Commission. Also consulted:

D. Keith Crummer, District Ranger
Corning Ranger District, U.S. Forest Service
P. O. Box 1019
22000 Corning Road
Corning, California 96021

Terry Gibson, Sales Preparation Forester Cornin; Ranger District, U.S. Forest Service (Address same as above)

CALENDAR PAGE 130
MINUTE PAGE 436

Tom Henry, Silvicalitaria. .
Corning Ranger District, U.S. Forest Survice (Address same as above)

Bob Ramired. Planning Forester Corning Panger District. U.S. Forest Service (Address same as above)

Bud Pyshora
Department of Fish and Game
Wildlife Management Section
P. O. Box 1490
Redding, California

Bob Hughes, Forester Crane Mills P. O. Box 318 Corning, California 96021

CALENDAR PAGE 131
MINUTE PAGE 437

