

MINUTE ITEM

This Calendar Item No. 42
was approved as Minute Item
2 by the State Lands
Commission by a vote of 3
to 0 at its 4/24/80
meeting.

CALENDAR ITEM

C2.

4/80
W 8540
Bjornsen
PRC 5813

FUELBREAK AGREEMENT
STATE SCHOOL LAND IN SECTION 36,
T9S, R23E, MDM, FRESNO COUNTY

The United States Forest Service (USFS) applied by letter dated July 7, 1969, for a 66-foot wide easement traversing a parcel of State school land described as the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T9S, R23E, MDM, in Fresno County. The easement was for a drift fence and fuelbreak to be constructed in conjunction with a type conversion and range betterment project on adjacent Sierra National Forest lands.

By mutual agreement, the USFS easement application was held in abeyance pending the outcome of a proposed land exchange with the USFS on the subject property.

In July 1978, Commission staff reviewed the subject application file in accordance with Chapter 1200, Statutes of 1977, and the Commission's application requirements. The USFS was informed by letter of July 28, 1978, that their application was considered as incomplete. A new application, with supporting data, was received by the Commission's staff on June 15, 1979.

Subsequent to the original application the Sugarloaf-type conversion project had been conducted on adjoining USFS land as well as the fence and firelane construction upon the subject school land parcel.

The project involving school lands consist of a fuelbreak patrol road and drift fence on a strip of land approximately 200+ wide and 1480+ in length and contain a total area of 6.8+ acres.

This construction was in conjunction with the Sugarloaf-type conversion project on adjoining USFS land. The project is constructed upon a ridgeline and serves as a firebreak in an area where there is a highly flammable fuel type of a high resistance to wildfire control.

The fire control consideration dictated the placement at this location. Other locations would be ineffective or dangerous for firefighter deployment. Fortunately, the topography allowed traverse by vehicle, hence its use as

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a patrol road. This type conversion project uses the included road for fire patrol and access to different areas of the project. The drift fence is used for control of cattle.

This type conversion project on the adjoining USFS land is a project where the chaparral brush-type is being converted into grass rangeland to be used by cattlemen for increased cattle production.

The subject parcel is included in a proposed exchange with the USFS.

Fuelbreaks are a unique land use and their location is dependent on topographic features, often requiring the cooperation of several land owners, all of whom enjoy benefits from fire hazard reduction. The benefits accrue to all land owners in the vicinity, the State included, in the risk and severity of wildfires. The Commission's staff has developed a Fuelbreak Agreement form that meets the needs of the USFS. The Commission has previously authorized a like Fuelbreak Agreement with the USFS, Sequoia National Forest (Minute Item No. 1, August 23, 1979).

The proposed agreement does not convey any interest in real property; it provides for a cooperative arrangement whereby the State contributes a portion of its land and the USFS constructs and maintains the fuelbreak. The USFS will maintain the fuelbreak for a 10-year period from April 24, 1980, and the agreement may be terminated upon 60 days written notice by either party. The USFS shall indemnify and hold the State harmless to the extent allowed by the Federal Tort Claims Act.

OTHER PERTINENT INFORMATION:

1. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

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3. Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.
4. The proposed Fuelbreak Agreement has been reviewed and approved by the Commission staff. A copy of the proposed agreement is on file in the Office of the State Lands Commission.

EXHIBITS: A-1. Land Description.
 A-2. Plat of Fuelbreak.
 B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT APPROVAL OF THE AGREEMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE THE EXECUTION OF A FUELBREAK AGREEMENT WITH THE UNITED STATES FOREST SERVICE TO PROVIDE FOR CONSTRUCTION AND MAINTENANCE OF A FUELBREAK FOR A 10-YEAR PERIOD FROM APRIL 24, 1980 ON THE LAND DESCRIBED ON EXHIBITS "A-1" AND "A-2" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A-1"

LAND DESCRIPTION

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DESCRIPTION OF THE FUELBREAK
LOCATION AND MAINTENANCE AREA

A strip of land 200 feet wide, for maintenance area and fire fuelbreak purposes in the NW 1/4 NE 1/4 of Section 36, T9S, R23E, MDM, in the County of Fresno, State of California, containing an area of 6.8 acres more or less, said strip lying 100 feet on each side of the following described center line:

Beginning at a point on the west line of the NW 1/4 NE 1/4 of Section 36, N9S, R23E, MDM, said point lying 290.4 feet south of the north quarter section corner of said Section 36 thence:

<u>Bearing</u>	<u>Distance in Feet</u>
S 50° 00' E	23.10
S 42° 00' E	132.00
S 44° 00' E	132.00
S 50° 30' E	132.00
S 8° 30' E	132.00
S 8° 00' E	132.00
S 2° 30' E	157.08
S 54° 00' E	132.00
S 56° 30' E	132.00
S 52° 00' E	132.00
S 64° 00' E	132.00
S 80° 30' E	112.20

ending at a point on the south line of said NW 1/4 NE 1/4 of Section 36, said point lying 904.2 feet east of the southwest corner of said NW 1/4 NE 1/4 of Section 36.

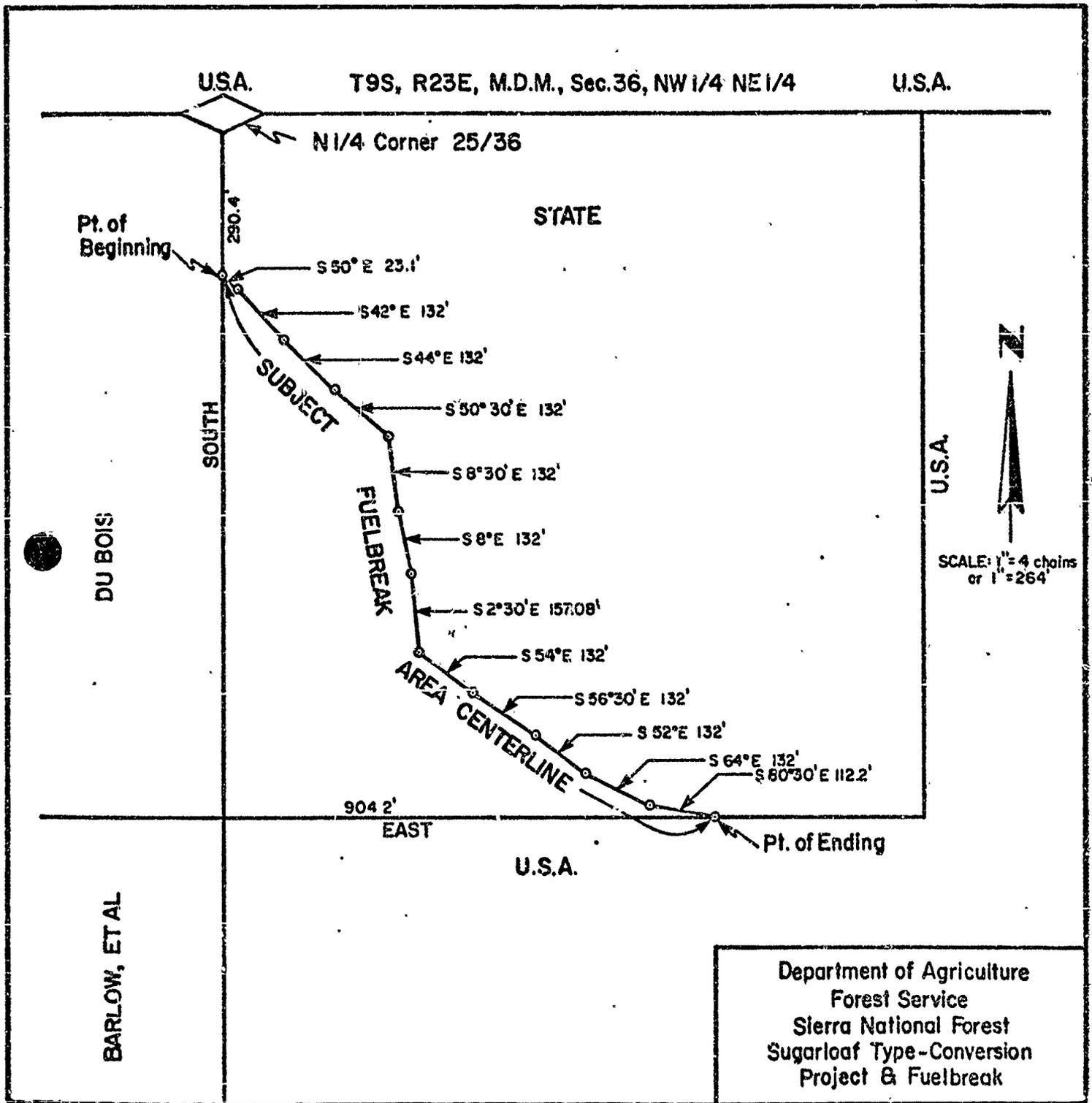
The boundary lines of said maintenance area shall be prolonged or shortened to begin on and conform to the west boundary and the south boundary of the property herein described.

END OF DESCRIPTION

PREPARED MARCH 4, 1980, BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "A-2"



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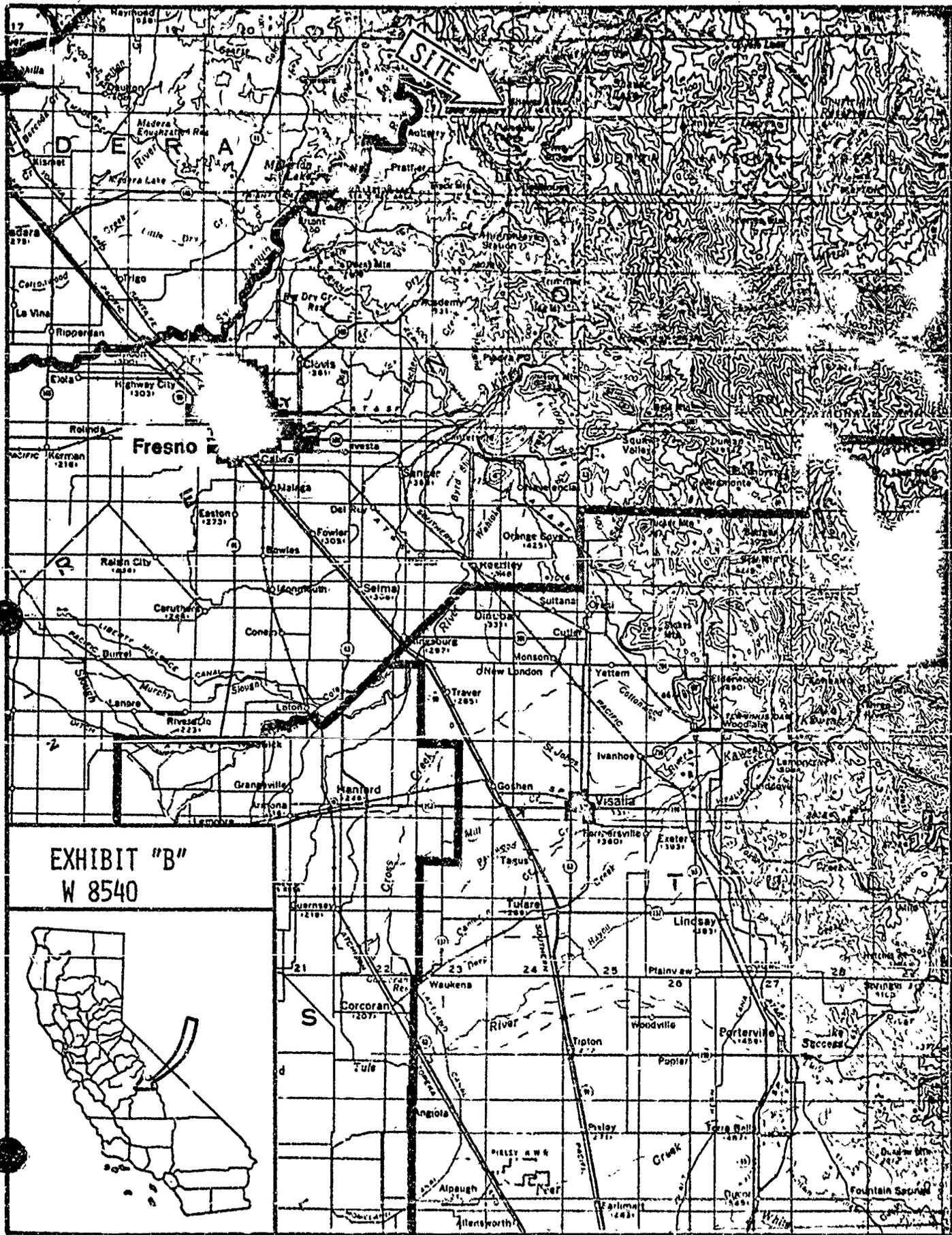


EXHIBIT "B"
W 8540