

MINUTE ITEM

This Calendar Item No. C18
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 8-12-91
meeting.

CALENDAR ITEM

C 1 8

A)
) Statewide
S)

08/12/91
W 23390 AD 118
Reese AD 131
PRC 7294

LAND EXCHANGE AGREEMENT

APPLICANT:

United States Forest Service
Pacific Southwest Region
630 Sansome Street
San Francisco, California 94111

BACKGROUND

On June 30, 1987, the Commission approved a Memorandum of Understanding with the Pacific Southwest Region of the United States Forest Service (USFS) to facilitate an exchange of scattered parcels of school lands contained within national forests for tracts of forest land administered by USFS. The result would facilitate the formation of consolidated Commission-owned forest management units.

On October 26, 1989, the Commission authorized the approval and execution of the exchange agreement covering Phase 1 of this two-phase program.

The parties have agreed upon properties to be exchanged within Phase 2 of this agreement. In this phase, the Commission will exchange primarily scattered northern California USFS in-holdings for 1,640± acres of land containing 55,859± mbf of timber in Butte County. Staff requests approval of a land exchange agreement that provides for the completion of Phase 2 of the exchange, pursuant to federal regulations. The agreement has been reviewed by legal counsel of both agencies and is acceptable.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:
N/A

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OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves an action taken pursuant to the School Land Bank Act, P.R.C. 8600, et seq.

Authority: P.R.C. 8631.

2. Pursuant to P.R.C. Section 6441, staff has determined that this equal value exchange of scattered school land parcels for a consolidated parcel of Forest Service timberland is in the best interests of the State and is in furtherance of the School Land Bank Act of 1984 (P.R.C. 8702), which contained legislative direction regarding the consolidation of natural resource holdings.
3. Pursuant to Federal regulations, this proposed action has been published and circulated by the United States Forest Service.
4. Staff has recommended the Commission authorize execution of a Programmatic Agreement among U.S.D.A., Forest Service, State Lands Commission, SHPO, and the Advisory Council of Historic Preservation to provide special protection to any cultural resources contained within the exchange.
5. The appraisal process for this transaction was conducted in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions. Under the Federal Appraisal Standards, an average discount of four percent (4%) equalling approximately \$700,000 was applied to the State Lands to compensate for the number and scattered nature of the parcels to be exchanged. Although staff objects to this practice, required under the regulations of the Federal Land Exchange Act, staff does feel the State will receive equal value for its land for two major reasons:

(A) Staff was able to convince the Forest Service of the approximate \$1,900,000 timber value on 640 acres of school land located within the Yolla Bolly - Middle Eel Wilderness. The Forest Service initially insisted the

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timber had no value in the appraisal process because of its location within a wilderness area.

(B) Staff believes that large exchanges with federal agencies have some economy of scale which provides a savings in transaction costs.

Therefore, staff believes the equal value requirements of P.R.C. Section 6441 have been met.

6. As part of the transfer process, the Forest Service conducted an environmental evaluation of the federal property to be exchanged to certify that it did not contain habitat for threatened or endangered species.

EXHIBITS:

- A. Land Exchange Agreement
- B. Wildlife Biological Evaluation
- C. Biological Evaluation for Sensitive, Threatened, and Endangered Plant Species

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE / SUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE SCHOOL LAND BANK ACT, P.R.C. 8600, ET SEQ.
2. AUTHORIZE APPROVAL AND EXECUTION OF A LAND EXCHANGE AGREEMENT, IN SUBSTANTIALLY THE FORM WITHIN EXHIBIT "A", BETWEEN THE STATE LANDS COMMISSION AND THE UNITED STATES OF AMERICA AND ITS ASSIGNS, ACTING BY AND THROUGH THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE.
3. FIND THAT THE EXCHANGE OF THE STATE LANDS DESCRIBED IN EXHIBIT "A", SCHEDULE A, FOR THE UNITED STATES LANDY DESCRIBED IN EXHIBIT "A", SCHEDULE B, IS IN ACCORDANCE WITH P.R.C. 6441, AND THAT THE SELECTED LANDS ARE OF EQUAL OR GREATER VALUE.
4. AUTHORIZE THE EXCHANGE AND ISSUANCE OF A PATENT OF STATE LANDS DESCRIBED IN EXHIBIT "A", SCHEDULE A, SUBJECT TO APPLICABLE STATUTORY AND CONSTITUTIONAL RESERVATIONS TO THE UNITED STATES OF AMERICA AND ITS ASSIGNS.

CALENDAR ITEM NO. C 1 8 (CONT'D)

5. AUTHORIZE ACCEPTANCE AND CONSENT TO RECORDATION OF TITLE TO THE LANDS OF THE UNITED STATES OF AMERICA DESCRIBED IN EXHIBIT "A", SCHEDULE B, IN ACCORDANCE WITH P.R.C. 7307.5.

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5430 Exchange
Plumas NF
SLC - Phase II
CA-28252 (CA-27104)

EXHIBIT "A"

LAND EXCHANGE AGREEMENT
(Land for Land)
(Ref: FSH 5409.13)

This Land Exchange Agreement by and between the State of California, acting by and through the State Lands Commission, hereinafter referred to as the non-federal landowner, and the United States of America and its assigns, acting by and through the Department of Agriculture, Forest Service.

WITNESSETH. That pursuant to the Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), as amended by the Act of February 20, 1925 (43 Stat. 952) the Act of February 28, 1925 (43 Stat. 1090; 16 U.S.C. 486), the Act of June 22, 1938 (52 Stat. 838); the Act of June 11, 1960 (74 Stat. 205; 7 U.S.C. 2201(note)), the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1121(note)), the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), the National Trails System Act of October 2, 1968 (82 Stat. 919; 16 U.S.C. 1241(note)), the Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 906; 16 U.S.C. 1271 (note)), the Whiskeytown-Shasta-Trinity National Recreation Area (15 U.S.C. 4609), the Mono Basin National Forest Scenic Area (16 U.S.C. 543), the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1716), and the Federal Land Exchange Facilitation Act of 1986 (102 Stat. 1086) the non-federal landowner does hereby agree to exchange to the United States of America by Patent the lands described in Schedule "A" attached hereto and made a part hereof. In exchange therefore the United States of America will convey to the non-federal landowner by Patent issued by the Department of the Interior, the lands described in Schedule "B" attached hereto and made a part hereof.

The non-federal landowner agrees to convey the lands described in Schedule "A" free from all encumbrances except those set forth on Schedule "C" attached hereto and made a part hereof. When notified to do so by the Forest Service, the non-federal landowner also agrees to execute the subject Patent "to the United States of America and its assigns" and any documents needed to replace permits or easements issued by the United States of America to users as shown in Schedule "D" attached hereto and made a part hereof. The non-federal landowner further agrees to deliver said executed Patent, said executed documents in favor of users, to the Forest Supervisor, Plumas National Forest, who will act as escrow holder. The non-federal landowner further agrees to furnish title evidence on the lands described in Schedule "A" satisfactory in the Office of the General Counsel of the United States Department of Agriculture.

The Forest Service agrees to convey the lands described in Schedule "B", subject to any reservations and exceptions described in Schedule "D" by causing a Patent to be issued by the Secretary of the Interior. The Forest Service

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also agrees, following the issuance of a Patent in favor of the non-Federal landowner, to deliver cash in the sum of _____ dollars (\$ _____) to the non-Federal landowner.

Both parties agree not to do, or suffer others to do, any act by which the value or the environmental acceptability of the lands which are the subject of this agreement may be diminished or further encumbered. If any hazardous substance is discovered or any other loss or damage occurs from any cause, including acts of God, to the lands described in Schedules "A" or "B" prior to passage of title, either party may refuse without liability to complete the exchange.

This Exchange is subject to the provisions of 36 CFR 217 or 251, the Administrative Review Procedure of the Forest Service, and in the event of an appeal, this Agreement is contingent upon the final disposition of that appeal.

This Agreement will be terminated in the event that either party cannot convey a good and sufficient title to the lands or interests in lands agreed to be exchanged.

The rules and regulations of the Secretary of Agriculture, where applicable, apply to the reservation of any rights retained by the non-federal landowner, except as to mineral reservations in favor of the State of California which are subject to State law provisions.

It is agreed that no Member of or Delegate to Congress or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, shall be admitted to any share or part of this Agreement, or to any benefit to arise thereupon. Nothing however, herein contained shall be construed to extend to any incorporated company, where such agreement is made for the general benefit of such corporation or company (Sec. 3741, Rev. Stat., and Secs. 114-116, Act of March 4, 1909).

This exchange is subject to completion of a thirty-day oversight review by the Committee on Agriculture of the House of Representatives, United States Congress.

IN WITNESS WHEREOF, the non-federal landowner by its authorized officers and the Regional Forester, Pacific Southwest Region, acting for and on behalf of the Forest Service, have executed this Agreement this _____ day of _____, 19____.

UNITED STATES FOREST SERVICE

STATE OF CALIFORNIA
STATE LANDS COMMISSION

By _____
Acting Director, Lands and Real Estate Management

By _____
CHARLES WARREN
Executive Officer,
State Lands Commission

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Revised: 8/6/91

California State Lands Commission - Phase I Land Exchange

Schedule A, the nonfederal land description:

Angeles National Forest

San Bernardino Meridian, Los Angeles County, California

T. 1 N., R. 10 W.,
Sec. 16, All.

ACRES
640

640

Eldorado National Forest

Mount Diablo Meridian, Amador and El Dorado Counties, California:

T. 8 N., R. 16 E.
Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

ACRES
160

T. 10 N., R. 16 E.
Sec. 36, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

120

280

Inyo National Forest

Mount Diablo Meridian, Mono and Inyo Counties, California,

T. 2 N., R. 26 E.
Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

ACRES
360

T. 3 N., R. 26 E.

Sec. 36, A parcel of land located within the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36, described as follows:
BEGINNING at a concrete monument on the southerly right-of-way line of State Route 167, said monument being located opposite centerline Station 323+00.00, and shown on Right-of-Way Record Map 6.1, said map being filed for record on January 29, 1959, in State Highway Book No. 2, Mono County, thence; from said point of beginning, along said right-of-way, S67°51'W500 feet more or less to the intersection with the north line of that certain parcel described as the "south half of Section 36,

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Township 3 North, Range 26 East, MDM," in the Deed to the City of Los Angeles, and filed for record on November 10, 1931, in Volume 6, pages 158 and 159, Mono County Records, thence; from said point of intersection, easterly along said northerly line, 1340 feet more or less to the intersection with the westerly line of that certain parcel described as the "east half of the northeast quarter of Section 36, Township 26 North, Range 26 East, MDM" in the Patent to Wilbur Brooks Quay, filed for record on October 6, 1969, in Book 105, page 385, Mono County Records, thence; from said point of intersection, northerly along said westerly line, 550 feet more or less to the intersection with the aforementioned southerly right-of-way of Route 167, thence; from said point of intersection, along said right-of-way, S67°51'W975 feet more or less to the point of beginning.

	9.50
T. 3 N., R. 29 E. Sec. 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$.	40
T. 1 S., R. 29 E. Sec. 16, W $\frac{1}{2}$ SE $\frac{1}{4}$	80
T. 4 S., R. 30 E. Sec. 36, SW $\frac{1}{4}$ NW $\frac{1}{4}$.	40
T. 4 S., R. 31 E. Sec. 16, N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.	520
T. 8 S., R. 32 E. Sec. 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$.	$\frac{40}{1,089.50}$

Klamath National Forest

Mount Diablo Meridian, Siskiyou County, California.

	<u>ACRES</u>
T. 39 N., R. 11 W., Sec. 36, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.	120
T. 40 N., R. 10 W., Sec. 16, NE $\frac{1}{4}$ SE $\frac{1}{4}$.	40
T. 41 N., R. 12 W., Sec. 16, E $\frac{1}{2}$ NW $\frac{1}{4}$.	80

T. 47 N., R. 8 W., Sec. 36, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$.	360
Humboldt Meridian, Siskiyou County, California,	
T. 10 N., R. 8 E., Sec. 16, Lot 1	33.63
	633.63

LASSEN NATIONAL FOREST

Mount Diablo Meridian, Tehama County, California,	
T. 26 N., R. 2 E., SEC. 16, SE $\frac{1}{2}$ NW $\frac{1}{4}$.	ACRES 40
T. 26 N., R. 3 E., SEC. 16, S $\frac{1}{2}$.	320
T. 28 N., R. 3 E., SEC. 16, ALL	640
Mount Diablo Meridian, Plumas County, California,	
T. 27 N., R. 5 E., Sec. 36, Lots 2, 3 and 4.	74.70
	1,074.70

MODOC NATIONAL FOREST

Mount Diablo Meridian, Modoc County, California,	
T. 47 N., R. 2 E., Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$ NW $\frac{1}{4}$.	ACRES 160 80
T. 41 N., R. 9 E., Sec. 36, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$ SE $\frac{1}{4}$.	560
T. 41 N., R. 10 E., Sec. 36, NE $\frac{1}{2}$ NW $\frac{1}{4}$.	40
T. 43 N., R. 9 E., Sec. 7, SE $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 8, W $\frac{1}{2}$ SW $\frac{1}{4}$; Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$.	40 80 80
T. 46 N., R. 9 E., Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 5, Lots 8 and 9.	.80 78.7

T. 45 N., R. 7 E., Sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$.	40
T. 45 N., R. 10 E., Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$.	40
T. 46 N., R. 9 E., Sec. 16, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.	80
T. 46 N., R. 11 E., Sec. 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$;	80
Sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$;	160
Sec. 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;	160
Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;	160
Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.	80
T. 47 N., R. 10 E., Sec. 7, Lot 2.	30.05
T. 47 N., R. 15 E., Sec. 16, NW $\frac{1}{4}$ SE $\frac{1}{4}$.	<u>80</u> 2,108.75

PLUMAS NATIONAL FOREST

Mount Diablo Meridian, Plumas County, California

T. 22 N., R. 9 E., Sec. 16, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.	<u>Acres</u> 200
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TOGETHER WITH an appurtenant non-exclusive easement 33 feet in width located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16, reserved to the State of California, State Lands Commission, in State Patent No. 20646, issued to Erickson Lumber Co., dated August 4, 1977. (Recordation information unknown.)

T. 23 N., R. 8 E., Sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;	200
Sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$.	440
T. 25 N., R. 12 E., Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Ptn. SE $\frac{1}{4}$ NE $\frac{1}{4}$.	200
T. 25 N., R. 14 E., Sec. 16, E $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.	560
T. 25 N., R. 15 E., Sec. 16, All;	640

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T. 26 N., R. 15 E.,
Sec. 36, NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$.

440

Mount Diablo Meridian, Yuba County, California

T. 20 N., R. 8 E.,
Sec. 36, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

. 40
2,720.00

SEQUOIA NATIONAL FOREST

Mount Diablo Meridian, Fresno County, California

T. 14 S., R. 27 E.,
Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$.

ACRES
80
80

SHASTA-TRINITY NATIONAL FOREST

Mount Diablo Meridian, Siskiyou County, California

T. 43 N., R. 1 E.,
Sec. 36, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

ACRES
120

Mount Diablo Meridian, Shasta County, California

T. 37 N., R. 3 E.,
Sec. 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ EXCEPTING THEREFROM
a strip of land 400 feet in width
conveyed to the State of California
in Patent No. 18776 for a highway.
Recorded June 11, 1937, in Volume 16,
page 47 of Patents, Official Records
Shasta County, California.

68.03

T. 34 N., R. 4 W.,
Sec. 16, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ EXCEPTING THEREFROM a
strip of land conveyed to the State of
California, Department of Public Works,
Division of Highways in Patent No. 20505,
recorded June 10, 1966 in Volume 884,
page 308, Official Records, Shasta
County, California; and Supplemental
Patent No. 20509, recorded June 10, 1966,
in Volume 884, page 310, Official Records,
Shasta County, California.

125.03

Together with an appurtenant non-exclusive
access road easement over the W $\frac{1}{2}$ of Section
21, T. 34 N., R. 4 W., MDB&M, as described
in a document from the State of California.

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Department of Transportation to the State
Lands Commission, dated August 12, 1974.
Recorded September 22, 1981, in Book 1840,
page 41, Official Records, Shasta County,
California.

T. 35 N., R. 5 W., Sec 16, All.	640
T. 36 N., R. 4 W., Sec. 36, All.	640
T. 36 N., R. 5 W., Sec. 16, NW $\frac{1}{4}$, NE $\frac{1}{4}$; Sec. 36, All.	240 640
T. 37 N., R. 3 W., Sec. 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 32, NW $\frac{1}{4}$.	80 160
T. 37 N., R. 5 W., Sec. 36, S $\frac{1}{2}$ SE $\frac{1}{4}$.	80
Mount Diablo Meridian, Tehama County, California	
T. 27 N., R. 10 W., Sec. 36, All.	640
Mount Diablo Meridian, Trinity County, California	
T. 36 N., R. 10 W., Sec. 36, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.	20 <u>3,453.06</u>

SIERRA NATIONAL FOREST

Mount Diablo Meridian, Fresno County, California

T. 9 S., R. 23 E.,
Sec. 36, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

ACRES
240
240

TAHOE NATIONAL FOREST

Mount Diablo Meridian, Nevada County, California

T. 17 N., R. 11 E.,
Sec. 16, Lot 6, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

ACRES
76.54

T. 18 N., R. 16 E.,
Sec. 36, NE $\frac{1}{4}$.

160

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Mount Diablo Meridian, Yuba County, California

T. 18 N., R. 7 E.,
Sec. 36, Lot 1.

11.28

Mount Diablo Meridian, Plumas County, California

T. 22 N., R. 14 E.,
Sec. 16, NW $\frac{1}{4}$.

160
407.82

TOIYABE NATIONAL FOREST

Mount Diablo Meridian, Alpine County, California

T. 11 N., R. 19 E.,
Sec. 31, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Acres
80

Mount Diablo Meridian, Mono County, California

T. 6 N., R. 25 E.,
Sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

40
40

T. 8 N., R. 23 E.,
Sec. 36, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

40
200

Total 12,927.46

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Revised: 8/6/91

California State Lands Commission - Phase II Land-for-Land Exchange
Plumas National Forest

Schedule B, the federal land descriptions:

Mount Diablo Meridian, Butte County, California

	<u>Acres</u>
T. 23 N., R. 4 E.,	
Sec. 1, S $\frac{1}{2}$ SE $\frac{1}{4}$;	80.00
Sec. 10, All;	640.00
Sec. 12, All;	640.00
Sec. 16, All;	640.00
Sec. 24, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.	200.00
T. 23 N., R. 5 E.,	
Sec. 6, Lots 6 and 7.	<u>74.60</u>
Total	2,274.60

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Attachment to the Land Exchange Agreement with State Lands Commission-Phase II
Schedule C, the non-federal land reservations of the non-federal landowner and
exceptions to title:

1. Reservations:

- a. There is hereby reserved to the Grantor, in all of the property described herein, the absolute right of the people to fish thereupon, as provided by Section 25 of Article I of the Constitution of the State of California.
- b. Existing rights in favor of the public and third parties for roads on, over, and across the lands herein described. Not of Record.
- c. Reserving to the State of California, all minerals and mineral deposits, including, but not limited to, oil and gas, other gases, including, but not limited to nonhydrocarbon and geothermal gases, oil shale, coal, phosphate, alumina, silica, fossils of all geological ages, sodium, gold, silver, metals and their compounds, alkali, alkali earth, sand, clay, gravel, salts and mineral waters, uranium, trona, and geothermal resources, together with the right of the State or persons authorized by the State to prospect for, drill for extract, mine and remove such deposits or resources, and to occupy and use so much of the surface of the lands as may be necessary therefore (pursuant to Public Resources Code 6401).

The grantee will be notified of any proposed exercise of rights under this mineral reservation and allowed to propose mitigation actions. Within a reasonable time after exercise of any rights under this mineral reservation the State will, to the maximum extent feasible, restore the surface to its condition prior to exercise of said mineral rights. Said reservation affects: Section 16, T. 17 N., R. 11 E.; Section 16, T. 2 N., R. 26 E.; Section 36, T. 3 N., R. 26 E.; and Section 16, T. 4 S., R. 31 E., MDB&M.

2. a. Exceptions to Title - Of Record:

Angeles NF

1. SLC# PRC 5976:9 - Fuelbreak Agreement, dated April 7, 1981, executed by and between State of California-State Lands Commission, and the United States Department of Agriculture-Forest Service, recorded April 24, 1981, as Instrument No. 81-414263, Official Records, Los Angeles County. Affects Section 16, T. 1 N., R. 10 W., SBB&M. The subject Agreement terminates December 31, 1999. The Agreement provides for termination upon giving the other party not less than 60 days written notice prior to the date of such termination. This agreement shall be terminated prior to title transfer by a document in recordable form.
2. SLC# LA 10184 - Grant of Easement, by the State of California, Department of Finance, Division of State Lands, to The Metropolitan Water

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District of Southern California for construction of an aqueduct; reserving unto the State the right to grant easements and rights-of way for construction of streets, roads and highways. Recorded October 16, 1934, in Book 12991, page 317, Official Records, Los Angeles County. Affects the N $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16, T. 1 N., R. 10 W., SBB&M.

Klamath National Forest

3. SLC# PRC 5192.9- Cutting Boundary Agreement executed by and between the USDA, Forest Service, and State of California, State Lands Commission, recorded October 14, 1976, in Volume 765, page 209, Official Records, Siskiyou County. Affects NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T. 40 N., R. 10 W., MDB&M.

4. SLC# SA 5648- State Patent #20681 in favor of the United States of America and its assigns, for a perpetual easement, reserving unto the State of California all minerals and the absolute right of the people to fish thereupon, as provided by Sec. 25 of Article I of the Constitution of the State of California, and containing a reversionary clause. Recorded September 18, 1984, as Document Number 84012354, Official Records, Siskiyou County. Affects NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T. 40 N., R. 10 W., MDB&M.

Lassen NF

5. SLC# PRC 4433.2- Easement for Road in favor of the United States of America and its assigns, for a period of 49 years, commencing on May 13, 1970, and terminating April 30, 2019, includes reservation of natural resources and reversionary clause. Recorded May 20, 1970, in Book 548, page 470, Official Records, Tehama County. Affects S $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 16, T. 28 N., R. 3 E., MDB&M.

6. SLC# PRC 4023.2- Easement for Road in favor of the United States of America and its assigns, for a period of 49 years commencing on October 24, 1968 and so long thereafter as the lands are used for a road. Reserving all natural resources, and certain other stipulations, including reversionary clause. Recorded November 15, 1968, in Book 184, page 579, Official Records, Plumas County. Affects Lots 2 and 3 of Section 36, T. 27 N., R. 5 E., MDB&M.

Modoc National Forest

7. Any effect of that certain Record of Survey filed January 16, 1984 in Book 2, page 20, Record of Survey, Modoc County. Affects T. 43 N., R. 19 E., MDB&M.

Plumas National Forest

8. SLC# P.R.C. 3304.2 - Easement Deed in favor of the United States of America. Recorded June 15, 1965, in Book 169, page 1496, Plumas County Official Records. Affects the SE $\frac{1}{4}$ of Section 16, T. 23 N., R. 8 E., MDB&M.

9. SLC# SA 5636 - State Patent No. 20656, in favor of the United States of America, and its assigns, a perpetual easement for trail purposes (Pacific Crest Trail), reserving unto the State of California all minerals, and certain other rights, includes reversionary clause. Recorded November 30, 1981, Book 361, page 356, Plumas County Official Records. Affects Section 16, T. 22 N., R. 9 E., and Section 36, T. 23 N., R. 8 E., MDB&M.

10. SLC# SA 5611- State Patent No. 20612 in favor of the United States of America, a perpetual easement for a road, subject to reservation of minerals and certain other reservations, including reversionary clause. Recorded October 1, 1973, in Book 226, page 635, Official Records, Plumas County. Affects SE~~NE~~ of Section 16, T. 25 N., R. 12 E., MDB&M.

Shasta-Trinity National Forest

11. SLC# 5180.9- Agreement Granting Reciprocal Road Use Easements, by and between State of California, State Lands Commission, and Southern Pacific Land Company, commencing May 29, 1980, and terminating May 29, 2029. Recorded July 25, 1980, in Book 1740, page 296, Official Records, Shasta County. Amendment to said Agreement date June 1, 1987, executed by Santa Fe Pacific Timber Company, successor in interest to Southern Pacific Land Company. Inures to the benefit of and is binding upon the heirs, devisees and successors of both parties. Unrecorded. Affects the SE~~SE~~ of Section 36, T. 37 N., R. 5 W., MDR&M.

12. SLC# SA 4469- State Patent No. 18776 issued to State of California for a strip of land 400 feet in width for the Mt. Shasta-Mt. Lassen National Forest Highway (HWY-89), reserving to the State 1/16 of all coal, oil, gas and other mineral deposits; and the absolute right of the people to fish thereupon, as provided by Section 25 of Article I of the Constitution of the State of California. Recorded June 11, 1937, in Volume 16, page 47, Patent Records, Shasta County. Affects SE~~SW~~ of Section 16, T. 37 N., R. 3 E., MDB&M.

13. SLC# 5536- State Patent Number 20505 issued to the State of California Department of Public Works, Division of Highways, for a tract of land containing 34.97 acres for a freeway (I-5); reserving therefrom all minerals; and the absolute right of the people to fish thereupon, as provided by Section 25 of Article I of the Constitution of the State of California. Recorded June 10, 1966, in Volume 884, page 308; and Supplemental Patent thereto recorded June 10, 1966, in Book 884, page 310. Official Records, Shasta County. Affects SW of Section 16, T. 34 N., R. 4 W., MDB&M.

14. SLC# PRC 5834.9- Agreement Granting Reciprocal Road Use Easements by and between Southern Pacific Land Company, and the State of California, State Lands Commission, for a period of 49 years, commencing May 29, 1980 and terminating May 28, 2029. Recorded July 25, 1980 in Book 1740, page 303, Official Records, Shasta County. Affects NE~~NE~~ of Section 16, T. 35 N., R. 5 W., MDB&M.

15. SLC# PRC 3788.2- Easement For Road in favor of the United States of America and its assigns, for a period of 49 years commencing July 28, 1967 and terminating July 27, 2016, reserving to the State all natural resources and certain other rights, including reversionary clause. Recorded August 3, 1967, in Volume 924, page 497, Official Records, Shasta County. Affects the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 16, T. 36 N., R. 5 W., MDB&M.

Sierra National Forest

16. SLC# SA 5659- State Patent No. 20686, in favor of the United States of America and its assigns, a perpetual easement for road purposes, reserving all minerals, the absolute right of the people to fish thereupon, as provided by Section 25 of Article I of the Constitution of the State of California, and certain other stipulations. Recorded April 30, 1985, as Document #8504185, Official Records, Fresno County. Affects Section 36, T. 9 N., R. 23 E., MDB&M.

Tahoe National Forest

17. SLC# W 503.467- CIVIL NO. 71-9207, U.S.A. v. 10.37 acres, for perpetual easements for roads, buried telephone cable, and transmission line (five rights-of-way). Declaration of Taking recorded February 3, 1965, in Volume 373, page 570; Final Judgment recorded June 22, 1971, in Volume 557, page 570, Official Records, Nevada County. Affects NE $\frac{1}{4}$ of Section 36, T. 18 N., R. 16 E., MDB&M.

b. Exceptions to Title - Not of Record:

Angeles National Forest

18. An unrecorded map on file in the office of the State Lands Division entitled "Map of Fish Canyon Area", Sheet 2 of 2, October 1950.

19. Remnants of concrete slab foundations with related fixtures (exposed pipes, water tank, etc).

Klamath National Forest

20. SLC# 5471.9- Cutting Boundary Agreement by and between USDI, Forest Service, and State of California, includes trespass stipulations. Affects Lot 1, Section 16, T. 10 N., R. 8 E., HB&M.

21. SLC# PRC 6972.2- State Lease No. P.R.C. 6972.2 issued to USDA, Forest Service, for right-of-way use of existing road and log landing, reserving unto the State all natural resources. Commencing on November 18, 1985 and terminating November 17, 1995. Affects the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T. 40 N., R. 10 W., MDB&M.

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Modoc National Forest

22. SLC# PRC 5160.9- Cutting Boundary Agreement by and between the USDA, Forest Service, and State of California, dated March 23, 1976. Affects Sections 3 and 4, T. 46 N., R. 11 E., MDB&M.

Plumas National Forest

23. SLC# PRC 5531.2- State Lease No. PRC 5531.2 issued to John Matley and Son for the purpose of livestock grazing for a period of 10 years, beginning March 20, 1988 and ending March 19, 1998, unless terminated as provided in said document; lease shall be terminated prior to title transfer.

24. Abandoned railroad grade previously used by Clover Valley Lumber Company, a Nevada corporation, (no longer in existence) lying within the NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T. 25 N., R. 14 E., MDB&M, for which no easement is known to exist.

25. SLC# PRC 4722.9- Timber Cutting Boundary Agreement by and between the State of California and USDA, Forest Service. Affects Section 16, T. 25 N., R. 12 E., MDB&M.

26. Subject lands within Section 16, T. 25 N., R. 15 E., and Section 36, T. 26 N., R. 15 E., MDB&M, lie within the Dixie Mountain State Game Refuge.

Shasta-Trinity National Forest

27. SLC# PRC 7265.2- State of California Lease No. P.R.C. 7265.2, not of record, issued to Pacific Gas and Electric for installation and maintenance of a 12KV electric pole line across the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T. 37 N., R. 3 E., MDB&M., to provide service to John and Nancy Silva. Lease includes reservation of natural resources. Expires November 29, 2018.

28. SLC# PRC 5571.9- Cutting Boundary Agreement entered into by and between Southern Pacific Land Company and State of California, dated November 26, 1978. Not of record. Affects Section 16, T. 35 N., R. 5 W., MDB&M.

29. SLC# PRC 4829.2- State of California Lease P.R.C. No. 4829.2, issued to Pacific Telephone and Telegraph Company for an aerial communication cable and poles within a strip of land 20-feet in width lying within the SW $\frac{1}{4}$ of Section 16, T. 34 N., R. 4 W., MDB&M, for a period of 49 years, commencing on September 1, 1973 and terminating on August 31, 2022. Not of record.

30. SLC# 6807.2- State of California Lease No. P.R.C. 6807, issued to Jack W. and Hazel R. Grubb for a water pipeline and tank for a ten-year period beginning July 1, 1987 and ending June 30, 1997, lying within the NW $\frac{1}{4}$ of Section 16, T. 35 N., R. 5 W., MDB&M. Lease includes reservation of natural resources. Not of record.

31. SLC# 5180.2- State of California Lease No. P.R.C. 5180.2, issued to Southern Pacific Land Company for a road E-O-W, commencing September 1, 1976, and ending August 31, 1991, subject to renewal option of three successive periods of ten years, lying with the SE $\frac{1}{4}$ of Section 36, T. 37 N., R. 5 W., MDB&M. Lease includes reservation of natural resources. Not known to be of record. Pursuant to terms of the lease, if Lessee has not requested renewal, lease may be terminated.

32. SLC# PRC 6376.2- Agreement Granting Reciprocal Road Use Easements by and between Southern Pacific Land Company, and the State of California, State Lands Commission, for a period of 49 years, commencing May 1, 1982 and terminating April 30, 2031. Reserving minerals. Not of record. Affects N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T. 36 N., R. 5 W., MDB&M.

Tahoe National Forest

33. Nevada County Road lying within the NW $\frac{1}{4}$ of Section 36, T. 18 N., R. 16 E., MDB&M.

34. Unauthorized gravelled road and miscellaneous debris piles. Affects the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T. 18 N., R. 16 E., MDB&M.

35. Minor landscaping encroaching from adjacent subdivision landowner. Affects the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T. 18 N., R. 16 E., MDB&M.

36. SLC# PRC 7202.2 - Lease Number PRC 7202.2, issued to American Telephone and Telegraph Company, a New York corporation, a right-of-way for fiber optic communication cable, for a period of 49 years commencing May 9, 1988 and terminating May 8, 2037. Not of record. Affects NE $\frac{1}{4}$ of Section 36, T. 18 N., R. 16 E., MDB&M.

3. This Land Exchange is subject to completion of the following:

a. The State Patent to the United States shall include all rights, including reservation of 1/16 or of all minerals, not conveyed to the State of California, by that State of California Patent Number 18776, dated May 17, 1937, recorded June 11, 1937, in Volume 16, page 47 of Patents, Shasta County; and State Patent Number 20505, issued to the State of California, Department of Public Works, Division of Highways, dated February 23, 1966, recorded June 10, 1966 in Volume 884, page 308; and Supplemental Patent Number 20509 thereto, dated May 12, 1966, recorded June 10, 1966, in Volume 884, page 310, Official Records, Shasta County.

b. Reservation of minerals to the State of California as cited above in item 1.c., is subject to approval by the Chief, Forest Service. Failure to obtain his approval will result in the subject four parcels being dropped from this land exchange. Value of parcels dropped will be deducted from the amount of cash equalization and/or lands deleted from the exchange as necessary to effect an equal value land exchange.

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c. Easements/rights-of-way, etc., granted by the State of California, State Lands Commission, to the United States of America, in which is reserved unto the State all natural resources and containing a reversionary clause will be terminated. The United States will execute Quitclaim Deeds to the State prior to recordation of the State Patent; thereby, any reservation of natural resources and reversionary clause will be abolished. Title when convey by the State must include all minerals except for those lands cited in l. c.

d. Leases, including annual rental fees, shall be assigned to the United States prior to title transfer. Reservation of natural resources, reversionary clause, etc. in leases shall be relinquished; the State Patent issued to the United States shall terminate these reserved rights.

e. Reciprocal Road Use Easements between State Lands Commission (SLC) and Southern Pacific Land Company (SP), shall be recognized and title accepted subject to the rights of SP; SLC rights over SP shall be conveyed in State Patent to the United States.

f. Pursuant to the terms of this Agreement, the non-federal landowner will resolve trespass issues acceptable to the United States prior to title transfer.

g. All timber sales conducted upon the subject non-federal land shall be completed and in full compliance with the State of California Forest Practice Act prior to title transfer.

h. Execution of this Agreement shall evidence agreement between the parties thereto, that all Cutting Boundary Agreements, of record and not of record, as cited herein shall merge and thereby terminate at time of title transfer to the United States.

4. Other:

The following items noted to State Lands Commission records will be nullified, with no action required, at time of title transfer and will not constitute an encumbrance upon the lands conveyed to the United States:

Geothermal Energy Study Areas
California Wilderness Preservation System
Components of the State Park System
Timber Stand Improvement Projects
CDF Demonstration Forests
Forest Improvement Projects
Mono Lake TUFA State Reserve

Attachment to the Land Exchange Agreement with State Lands Commission-Phase II
Schedule D, the Federal land reservations of the United States, exceptions to
title and uses to be recognized:

1. Reservations:

EXCEPTING AND RESERVING TO THE UNITED STATES:

- a. A right-of-way thereon for Ditches or Canals constructed by the authority of the United States. (Act of August 30, 1890; 26 Stat. 391; 43 U.S.C. 945; 1970)
- b. Reserving to the United States and its assigns, an exclusive right-of-way for all rights, title, and interest in an existing road, known as Butte County Road No. 66553, over and across the SE1/4SE1/4NE1/4 of Section 24, T. 23 N., R. 4 E., MDB&M, the easement being 60 feet in width, lying equally on each side of the centerline, and described as follows:
Beginning at a point in the center of the existing Butte County Road No. 66553, on the south line of the northeast one-quarter of Section 24, T. 23 N., R. 4 E., MDB&M, said point lying N 89°34'34"W, 149 feet from the east 1/4 corner of said Section 24; thence in a northeasterly direction to a point on the east line of said NE1/4 of Section 24; said point lying N 1°39'36"E, 59 feet from said east quarter corner of Section 24.

Provided, that if the Regional Forester determines that the road, or any segment thereof, is no longer needed for the purposes reserved, the easement shall terminate. The termination shall be evidenced by a statement in recordable form furnished by the appropriate Regional Forester to the patentees or their successors or assigns in interest.

2. Exceptions to Title:

- a. A right-of-way for Butte County Road No. 52513 to Butte County, not of record, under authority of Section 8 of the Act of July 26, 1866 (43 U.S.C. 932; R.S. 2477). This road predates the establishment of the National Forest and is shown on the G.L.O. plat dated 1875. Affects Sections 1, 12, and 24, T. 23 N., R. 4 E.; and Section 6, T. 23 N., R. 5 E., MDB&M.

3. Uses to be Recognized:

None.

4. This Land Exchange is subject to the following:

- a. By execution of this document it is mutually agreed, the State Lands Commission shall manage sensitive plant species located on the subject federal lands to be acquired pursuant to State and federal guidelines and requirements for rare, sensitive, threatened and endangered plant species. The Plumas National Forest shall provide, within sixty days of request by the State, review and response to any State proposed action regarding

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Fritillaria castwoodiana on the subject lands to assure protection of the plant populations.

- b. By execution of this document it is mutually agreed that upon request the State Lands Commission will execute a Programmatic Agreement (attached as Exhibit A) and follow provisions contained therein regarding cultural sites identified in ARP Report No. 91-134, prepared by the Archaeological Research Program, Department of Anthropology, California State University, Chico.
- c. This exchange is subject to termination of the withdrawal for Power Project No. 7728 prior to close of escrow, as to those subject lands encumbered.
- d. This exchange is subject to termination of the withdrawal for Power Site Classification No. 179 prior to close of escrow, as to those subject lands encumbered.
- e. The NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 23 N., R. 4 E., MDB&M, has an unpatented mining claim (Bend Ten) filed thereon, if at close of escrow this unpatented mining claim is in existence, the exchange of this parcel for a parcel of approximate value, to be identified, will be deferred until said unpatented mining claim is declared null and void, at that time this deferred exchange will proceed.

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PROGRAMMATIC AGREEMENT

AMONG

U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE
 CALIFORNIA STATE LANDS COMMISSION
 CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
 ADVISORY COUNCIL ON HISTORIC PRESERVATION

REGARDING IMPLEMENTATION OF A LAND EXCHANGE
 between the
 U.S. FOREST SERVICE
 and the
 STATE LANDS COMMISSION

WHEREAS, the U.S.D.A. Forest Service (USFS), Pacific Southwest Region, proposes to exchange certain National Forest System (NFS) lands as identified in Exhibit A to the State of California, State Lands Commission (SLC), as authorized by the General Exchange Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), as amended; the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1716); and the Federal Land Exchange Facilitation Act of 1988, and;

WHEREAS, cultural properties that are potentially eligible for inclusion in the National Register of Historic Places are located on NFS lands to be exchanged to SLC, and;

WHEREAS, the USFS has determined that the proposed exchange of NFS lands to the SLC may have an effect upon cultural properties that are potentially eligible for inclusion in the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the California State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of National Historic Preservation Act (16 U.S.C. 470) and Section 110 of the same act (16 U.S.C. 470h-2), and;

WHEREAS, the SLC, on behalf of the State of California, shall under this agreement succeed to the rights and responsibilities of USFS for taking into account the effects on cultural properties of projects on NFS lands to be acquired by exchange;

NOW, THEREFORE, the SLC, the USFS, the Council, and the SHPO agree that the land exchange proposed between the USFS and SLC shall be performed in accordance with the following stipulations to satisfy USFS's Section 106 responsibility for the proposed action.

A. USFS has performed or will ensure the following measures are carried out:

1. Identification. In a manner responsive to the requirements of Section 106 of the National Historic Preservation Act (NHPA), the USFS has determined, through an archaeological reconnaissance undertaken by the Archaeological Research Program, Department of Anthropology, California State University, Chico and by existing data review, that cultural resources are known to occur on the NFS lands proposed for exchange to

SLC. The results of the archaeological reconnaissance and the inventory of cultural sites are presented in ARP Report No. 91-134.

2. National Register Eligibility. As a result of the information gathered during the archaeological field investigations by the Archaeological Research Program, Department of Anthropology, California State University, Chico, as well as the data developed in the archaeological, ethnographic and historic sections of the archaeological reconnaissance report, the USFS concurs with the findings of ARP Report No. 91-134 that all of the cultural sites are potentially eligible for inclusion in the National Register of Historic Places. It is agreed that further research or testing to determine eligibility of the inventoried sites will not be conducted by the USFS prior to implementation of the proposed exchange to SLC.
 3. USFS will provide SHPO and SLC with copies of all cultural resource data, including ARP Report No. 91-134, for inclusion in the State Inventory conducted pursuant to 36 CFR 800.
 4. The obligation of USFS under Sections 106 and 110 of the NHPA and 36 CFR 800 will terminate upon exchange of the lands identified in Exhibit A to SLC of the State of California.
- B. SLC will ensure that the following measures are carried out:
1. Upon receipt of the exchange lands, the SLC agrees to treat all cultural properties acquired in accord with the provisions of this agreement and in the same manner as is required of USFS under 36 CFR 800 and sections 106 and 110 of the NHPA.
 2. Acknowledge the receipt of all cultural resource data provided by the USFS, including ARP Report No. 91-134.
 3. Accepts that all sites as identified in ARP Report No. 91-134 may be eligible for inclusion in the National Register of Historic Places and agrees to the following:
 - a. To practice a policy of avoidance of damage to any cultural sites identified in ARP Report No. 91-134.
 - b. To consider the effects of any future project activities, including timber harvest and road construction, on the identified archaeological resources and treat them in conformance with the California Environmental Quality Act.
 4. In consultation with the SHPO:
 - a. The SLC shall include development of a Cultural Resources Management Element (CRME) for the exchange lands as part to their general planning effort.
 - b. Prior to any action which may affect cultural properties, conduct or have conducted an appropriate level of cultural resource assessment to identify with the SHPO properties which meet the qualifying

criteria for the National Register of Historic Places. Where preservation of National Register eligible properties is determined to be incompatible with the prepared land use action the SLC will, in consultation with the SHPO, develop and implement a Cultural Resource Mitigation Program consistent with the provisions of 36 CFR 800, and the Advisory Council on Historic Preservation's handbook entitled "Treatment of Archeological Properties."

- c. The element will include provision for periodic custodial surveillance of identified cultural properties by SLC staff.
- d. All cultural resource work performed under the terms of this agreement will be carried out under the direction of a qualified archeologist/anthropologist. Qualified herein refers to the requirements listed in 36 CFR 296.5 (c). .8, and .9.
- e. During the plan development process, SLC will consult with appropriate Native American groups.
- f. The CRME will be developed in accordance with the appropriate sections of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

C. Dispute Resolution

Should the SHPO and SLC be unable to resolve any disputes which result from the provisions in Part B above, other than those involving National Register eligibility, the Advisory Council on Historic Preservation shall be notified by the SLC and may assist in arbitrating the dispute. The SLC shall forward all documentation relevant to a dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council's Executive Director will either:

1. Refer the matter to the Chairman of the Council pursuant to 36 CFR 800.6(b) (7) or;
2. Provide the SLC with recommendations, which the SLC shall take into account in reaching a final decision.

All questions regarding eligibility of properties for the National Register of Historic Places will be referred to the Keeper of the National Register, National Park Service for final resolution in accordance with 36 CFR 63.

D. Amendments

Any party to this Programmatic Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.13 to consider such amendment. Amendments to this agreement shall be considered and executed in the same manner as the original agreement.

E. Termination

Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult