

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
Pacific Southwest Region

**DECISION NOTICE,
FINDING OF NO SIGNIFICANT IMPACT,
&
PROJECT SPECIFIC NON-SIGNIFICANT FOREST PLAN AMENDMENT**

Mammoth Community Facilities Land Exchange

**Inyo, Eldorado and Tahoe National Forests
Inyo, Mono, El Dorado, Placer, and Nevada Counties, California**

INTRODUCTION

I have reviewed the Environmental Assessment (EA) prepared by the Inyo National Forest, addressing the anticipated environmental effects of a land exchange involving 12.517 acres of Federal land, located in the Town of Mammoth Lakes within Mono County, State of California, on the Inyo National Forest, for up to 6,933.11 acres of non-Federal lands. The non-Federal parcels considered in the EA are located within the boundaries of the Inyo, Eldorado and Tahoe National Forests.

Below is a description of all of the non-Federal parcels considered in the EA.

Non-Federal properties within the boundaries of the Inyo National Forest, consist of 161.87 acres located in Inyo County (151.87 acre Tub Springs, at the base of Kearsarge Peak, near the town of Independence and two five-acre parcels located in the Ancient Bristlecone Pine Forest), 1,190.08 acres in Mono County (Adobe Ranch parcels consisting of 9 parcels totaling 910.37 acres located off of Highway 120 East, on the northern escarpment of the Glass Mountains, and the 279.71 acre Jacob Murray Parcel located on the eastern shore of Mono Lake, within the boundaries of the Mono Basin Scenic Area.).

The non-Federal parcels located within the boundaries of the Eldorado and Tahoe National Forest consist of 5,581.16 acres located in El Dorado, Placer, and Nevada Counties. Of these 5,581.16 acres, 5,101.16 acres are Sierra Pacific Industries parcels, consisting of two parcels totaling 786 acres located on the Rubicon River, and 11 parcels totaling 4,315.16 acres located on the Middle Fork of the American River. All of the North Fork of the American River parcels are located in Placer County, as well a portion of one of the Rubicon parcels (Buckeye Flat B). Buckeye Flat A and Bacchi, located on the Rubicon River, are situated in Eldorado County. The 480-acre Milk Lake parcel is located within the boundaries of the Tahoe National Forest, near the crest of the Sierra Nevada Mountains north of Interstate 80 in Nevada County, California.

In the EA, the non-Federal properties were prioritized in order of acquisition in recognition that some of these non-federal parcels might have to be dropped from the exchange to accomplish approximate equal values. Following is a list of all parcels considered, in order of priority:

1. Bristlecone Pine Parcels
2. Adobe Ranch Parcels
3. Jacob Murray Parcel
4. Tub Springs Parcel
5. Middlefork American and Rubicon River/Sierra Pacific Industries lands
6. Milk Lake Parcel

Appendix C of the EA contains complete legal descriptions of all of the Federal and non-Federal parcels.

The EA is available for public review at the Offices of the Forest Supervisors, Inyo National Forest 351 Pacu Lane, Suite 200, Bishop, CA. 93514, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667, and Tahoe National Forest, 631 Coyote Street, Nevada City, CA 95959-6003. It is also available on the Inyo National Forest website at: <http://www.fs.fed.us/r5/inyo/projects/>

PURPOSE AND NEED FOR THIS PROJECT

The objectives of this action are to provide protection of high resource value inholdings within the Inyo Eldorado, and Tahoe National Forests, including protection of the Rubicon and Middle Fork of the American River watersheds, to consolidate National Forest ownership providing for more efficient management of these lands, and to place in private ownership a parcel that is better suited for community uses due to adjacent urban and community uses.

DECISION

Based on the analysis described in the EA, it is my decision to adopt Alternative 1, the Proposed Action with the non-Federal land configuration described in Appendix C. Under this configuration, 12.517 acres of National Forest System land located within the boundaries of the Town of Mammoth Lake will be exchanged for 1,351.95 acres of non-Federal parcels located within the Inyo National Forest (Bristlecone Pine, Adobe Ranch, Jacob Murray, and Tub Springs), as well as four of the Sierra Pacific Industries (SPI) parcels on the Eldorado and Tahoe National Forests totaling 1,709 acres (Buckeye Flat and Bacchi, located on the Rubicon River, and Duncan Canyon and French, located on the North Fork of the American River). Appendix C of the EA contains maps of these parcels.

Alternative 1 will result in an immediate net gain of 3,061.77 acres of lands having valuable resource attributes to the National Forest System on the Inyo, Eldorado, and Tahoe National Forests (see Purpose and Need Section of the EA), in exchange for 12.517 acres of National Forest System land located within the boundaries of the Town of Mammoth Lakes. As explained below, my decision will also result in the acquisition of an additional 3,871.34 acres of non-

Federal located within the Eldorado and Tahoe National Forests, which are in surplus of this exchange.

The estates to be exchanged on both the Federal parcels and the private parcels are fee simple interest, including all minerals and water rights, except for the following exceptions:

1. For the Federal hospital and fire station parcels there will be a reservation to the United States for the mineral rights to geothermal resources, because the parcels are in a known geothermal resource area.
2. For the 40 acre Crooked Meadows B parcel in the Adobe Ranch properties, there is a deed reservation for a portion of the mineral estate originating in a California State patent reserving ONE-SIXTEENTH (1/16) OF ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS CONTAINED IN SAID LAND.

Milk Lake and the remainder of the SPI parcels considered in the EA are in surplus of this exchange because they are not necessary to achieve approximately equal values between the non-Federal and Federal parcels. However, acquisition of these parcels is crucial, and consequently the Milk Lake parcel, (described in Appendix E), will be acquired through a tripartite exchange and the remainder of the SPI parcels will be purchased with Land and Water Conservation Funds (LWCF), either immediately or as funds become available. Appendix D lists the SPI parcels that will be purchased immediately, and Appendix E lists the SPI parcels that will be acquired at a later date, as funding becomes available.

DECISION RATIONALE – PUBLIC BENEFIT DETERMINATION

I have selected Alternative 1, because transfer of the Federal parcels into private ownership meets the needs of the Mammoth Lakes community and acquisition of the non-Federal parcels will add lands with important ecological values to the Inyo, Eldorado, and Tahoe National Forests.

Conveyance of the Federal parcels is in conformance with the Forest Plan (with a non-significant Forest Plan Amendment for the conveyance of the “Fire Station” parcel), and will result in increased management efficiency. The Forest will incur a cost savings in resource and permit administration, as well as location, posting, and maintenance of property boundaries. Conveyance of these parcels will remove land from the National Forest System that is adjacent to urban uses and can be better used for community purposes. The Federal parcels proposed for exchange meet all of the criteria for disposal. Both are located within the boundaries of the Town of Mammoth Lakes (TML), and the intended uses are consistent with the direction and zoning found in the Town of Mammoth Lakes General Plan. The “Hospital” parcel will be used for expansion of the Mammoth Hospital and construction of a government center, and the “Fire Station” parcel will continue to be used for parking and snow storage as currently permitted by the Forest Service. I find that the selected alternative is in the public interest, as required by 36 CFR 254.3 (b) because the lands to be acquired contain equal or higher resource values than the lands to be conveyed as documented in the rationale stated below.

This exchange meets the equal value requirements of 36 CFR 254.3. All properties were appraised and reviewed for compliance with Federal standards, and a Federal land value of \$5,700,000 and non-Federal property value of \$5,712,500 were approved. The difference in value will be made up of a cash equalization payment by the United States in the amount of \$12,500.

1. The proposed land exchange is consistent with the applicable Forest lands and resource management plans.

The two Federal Parcels identified for disposal are located within the Mammoth Management Area of the Inyo National Forest Land and Resource Management Plan (LRMP). Management Direction for this area is to exchange Forest Service lands into the private sector for community expansion when:

A. The most appropriate use of the National Forest lands over the long term is in the private sector,

B. State, County, local, and Forest Service planning processes identify and support conveying ownership of the parcel from National Forest System status to the private sector; and,

C. The use intended for the Federal land being exchanged meets the intent of the current approved County General Plan

Transfer of the Federal parcels into private ownership is in conformance with the Inyo LRMP. (See pages 8-9 for information about the non-significant Forest Plan Amendment to allow conveyance of the “Fire Station” parcel.) The non-Federal parcels to be acquired meet the objectives of the Inyo, Eldorado and Tahoe National Forest Plans by obtaining available lands with high resource values and public benefit. The future intended use of the conveyed Federal lands will not conflict with the established management objectives of adjacent NFS lands.

This decision best meets the purpose and need for the project. It allows for better management of Federal lands and resources, meets the needs of State and local residents and their economies, provides for protection of resource values and watersheds, consolidates landownership, and allows for community expansion. The reasons for proceeding with this action and selecting Alternative 1, which also summarizes my determination of public interest, are as follows:

1. This exchange will consolidate National Forest ownership. A total of 17 private parcels located within the boundaries of the Inyo, Eldorado, and Tahoe National Forests will be acquired, reducing the potential for boundary encroachments and eliminating inholdings. It places in non-Federal ownership two parcels located within the boundaries of the Town of Mammoth Lakes that are better suited for community purposes.
2. This exchange will place land with high resource values into public ownership, thereby protecting these land from future development

3. There will be no effect or loss of viability across the Forests for any endangered, threatened or sensitive species or species proposed for listing with implementation of this project.
4. The exchange will result in an overall increase of 1,339.45 acres within the Inyo National Forest (1,190.1 acres in Mono County and 161.87 acres in Inyo County, less the 12.517 acres in Mammoth Lakes being transferred to private ownership). There would be, 737 acres within the Eldorado National Forest (El Dorado County), and 982.82 acres within the Tahoe National Forest (Placer County).
5. The intended use of the conveyed Federal Land will not conflict with established management objectives on adjacent National Forest land and fulfills public needs.
6. The resource values and the public objectives served by the non-Federal lands to be acquired exceed the resource values and the public objectives served by the Federal lands to be conveyed.

ALTERNATIVES CONSIDERED

Alternative 1, the Proposed Action is to exchange 12.517 acres of NFS land to the Southern Mono County Health Care District for 3,061.77 acres (to achieve approximately equal values) of non-Federal lands to the United States. As explained above, I have decided to implement Alternative 1.

Under Alternative 2, the No Action alternative, the current land exchange proposal would not take place. This alternative was not selected because it would result in the Forest continuing to manage a parcel adjacent to urban uses and suitable for community uses. Selection of this alternative would not meet the community's need for hospital expansion, and government facility construction, as well as precluding acquisition of 3,061.77 acres of high resource value parcels on three national forests.

The following alternative was considered, but not analyzed in detail, as part of this environmental analysis.

Alternative 3, Purchase of Non-Federal Parcels: Under this alternative, the United States would acquire the non-Federal parcels using money appropriated by Congress from the Land and Water Conservation Fund (LWCF). This would require the Inyo, Eldorado, and Tahoe National Forests to compete nationally with other Forests and three other Federal agencies (National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management) for limited, annual land purchase allocations from Congress. Also under this alternative, the Federal parcels would not be conveyed to the Southern Mono Healthcare District for community purposes.

Historically, the Inyo NF has had limited success in competing with other Forests and agencies for LWCF dollars. Although the Tahoe National Forest has nominated Milk Lake three times for acquisition with LWCF, it has also been unsuccessful. The very limited LWCF available for the Middle Fork of the American River (MFAR) parcels would only allow for acquisition of two of the eleven MFAR parcels analyzed in the EA.

PUBLIC INVOLVEMENT

Public notifications of this land exchange proposal were placed within the Inyo Register, the Mammoth Times, the and Mountain Democrat, and published once a week for four consecutive weeks during October and November of 2005 (10/13, 10/20, 10/27, 11/3). Notifications were sent to the appropriate Congressional, State and local governments, and affected Indian Tribes. Additionally, special-use permit holders and private property owners abutting the Federal parcels were notified of the proposed exchange. This exchange proposal was first published in the Spring 2005 Schedule of Proposed Actions (SOPA), and continued to be published in each successive SOPA to date. The planned future use of the Federal “hospital” parcel is hospital expansion and construction of a government center. The planned future use of the “fire station” parcel is for continuation of parking and snow storage as currently authorized under the special use permit.

As a result of the public scoping process, the Forest received 14 written letters and emails from interested members of the public. The majority (11) of the letters pertained to the “displacement” of the Mammoth Community Church once the “hospital” parcel is conveyed out of Federal ownership. One of the three remaining comments was received from a private citizen, who was concerned about the acquisition of the Tub Springs parcel and the effect on the private land base in Inyo County. The other two were received from the Wilderness Society and Cal Trans. The Wilderness Society expressed full support for this land exchange, while Cal Trans provided information regarding the Cal Trans Highway 203 right of way adjacent to the “Hospital” parcel.

The EA was made available to the public for a 30-day comment period, which ended July 30, 2006. Notice of the 30-day opportunity for the public to comment was published in the Inyo Register, the Mammoth Times, The Union, and the Georgetown Gazette. Seven additional comments letters or emails were received. These comments are addressed in Appendix A.

FINDING OF NO SIGNIFICANT IMPACT

In assessing the impacts, I have determined that this is not a major federal action that would significantly affect the quality of the human environment; therefore an environmental impact statement will not be prepared. This determination was made considering the following factors, primarily in the contexts of the immediate locale and the community of affected interests:

1. Beneficial and adverse impacts.

- The Inyo, Eldorado and Tahoe National Forests will realize a net gain of 3,061.77 acres into the National Forest System.
- The United States will realize a net gain of riparian habitat, including aquatic habitat, including springs, streams, creeks, rivers, and lakes associated with Parcels.
- The United States will realize a net gain of river miles, steam miles and lake frontage.
- The United States will acquire segments of National Forest System roads across six parcels without existing easements.

- The United States will acquire potential habitat for threatened, endangered and Region 5 sensitive wildlife and plant species; including potential habitat for northern goshawk, scalloped moonwort, California spotted owl, mountain yellow-legged frog, bat, Bald eagle, California Wolverine, and Wong’s springsnail, sage grouse, *Abronia nana*, *Horkelia hispidula*, *Botrychium crenulatum*, *Botrychium ascendens*, *Botrychium crenulatum*, *Botrychium lineare*, *Botrychium montanum*, *Bruchia bolanderi*, *Cypripedium montanum*, *Epilobium howellii*, *Erigeron miser*, *Eriogonum umbellatum* var. *torreyanum*, *Hydrothyria venosa*, *Meesia triquetra*, *Meesia uliginosa*, *Pentemon personatus*, *Phaeocollybia olivacea*, and *Phacelia stebbinsii*
 - The United States will acquire lands in El Dorado and Placer Counties identified as being potentially eligible for inclusion in the National System of Wild and Scenic Rivers.
 - The Forest Service will acquire non-Federal lands suitable for camping and other forms of dispersed recreation.
 - The miles of National Forest boundary requiring periodic maintenance will be reduced.
 - The 12.52 acre Community Church and Fire Station parcels will be conveyed from public ownership. There are no old-growth forest species on these parcels.
2. **The degree to which the proposed action affects public health or safety.** This exchange of land and resources constitutes a beneficial effect to public health and safety due to the fact that the non-Federal parties that are acquiring the property provide for public health and safety. No adverse effects are expected due to the findings of field inspections of both the Federal and non-Federal parcels, which are documented within the “Feasibility Analysis” prepared for this project on June 2, 2005. Subsequent inspections have not revealed any evidence of potentially hazardous substances or contaminants on any of the subject properties.
3. **Unique characteristics of the geographic area.** The Federal Parcels contain high geothermal potential, which will be fully mitigated by a geothermal reservation in the conveyance. The non-Federal parcels include riparian habitat, including non-jurisdictional wetlands; miles of river and stream frontage; potentially suitable habitat for threatened, endangered and Region 5 sensitive species, as noted above; and, natural characteristics warranting potential Wild and Scenic River designation.
4. **The degree to which the effects on the human environment are likely to be highly controversial.** The nature of potential effects on the human environment are well established and not likely to be highly controversial. There is no known scientific controversy over the impacts of a land exchange involving these Federal parcels, or the non-Federal parcels to be acquired. Based on the issues raised during scoping (Chapter 1, EA), the proposed land exchange does not constitute a highly controversial Federal action. All of the concerns raised during scoping have been largely resolved.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The effects on the human environment from the selected alternative are not uncertain and do not involve unique or unknown risks. A summary of environmental consequences is displayed on pages 12, 13, and 14 of the EA.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** Each land exchange proposal is considered on a case-by-case basis. There are no connected or similar actions proposed or under consideration for this area which are likely to have significant effects either individually or in combination with implementation of the proposed action
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The selected alternative is not related to other past, present, or reasonably foreseeable future actions with cumulatively significant impacts on the environment (EA, pp. 23-25). It is anticipated that conveyance of these lands by exchange will help consolidate land ownership patterns (EA, page 25). There are no significant environmental effects that result from the land conveyance itself. Effects associated with the potential development of the parcels transferred from Federal ownership will be addressed through appropriate State of California, Mono County and Town of Mammoth Lakes environmental analysis and permitting processes.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historical resources.** The selected alternative will have no effect on cultural resources, as documented in the report dated October 21, 2004. No heritage resources sites were recorded in surveys of the Federal parcels. Beneficial effects to cultural resources will be realized with acquisition of the Jacob Murray parcel that will secure a small portion of the historic “Bodie to Benton” railroad grade, as well as acquisition of Adobe Ranch parcels that contain prehistoric sites (see Affected Environment and Environmental Consequences section of the EA).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The selected alternative will not affect any Federally listed threatened or endangered plant or animal species (Biological Assessment/Biological Evaluation). No threatened or endangered plant or animal species were identified during surveys of the 12.517 acre Federal parcels to be exchanged (see Affected Environment and Environmental Consequences section of the EA). Acquisition of the non-Federal parcels on the Tahoe NF may provide additional foraging habitat for bald eagles.
10. **Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for the protection of the environment.** This exchange of land and resources constitutes no violation of Federal, State, or local law or other requirements imposed for the protection of the environment. Site inspections, including hazardous materials screenings, have been conducted and documented within the “Feasibility Analysis” dated June 2, 2005. The action, with its project-specific amendment, is consistent with the Inyo National Forest Land and Resource Management Plan.

FOREST PLAN AMENDMENT TO ALLOW CONVEYANCE OF “FIRE STATION” PARCEL

Direction for the Mammoth Management Area #9, found in the 1988 Inyo National Forest Land and Resource Management Plan, states *allow no federal land exchanges north of State Route 203 with the Mammoth Lakes Community during this planning period.* The 1.46 acre “Fire Station” parcel is located north of State Highway 203, thus requiring a Forest Plan Amendment. This Forest Plan Amendment will allow only for the conveyance of the “Fire Station” parcel, and will not open up the area north of State Highway 203 to future land exchanges. This Forest Plan Amendment will not alter the Standards and Guidelines for Lands (LRMP, pp. 80-81), which state the highest priority for disposing of lands by exchange is tracts within or adjacent to communities.

Determination that this project-specific Forest Plan Amendment is not significant under NFMA.

I have determined that the required Forest Plan Amendment is not a significant amendment under the National Forest Management Act (NFMA). This is based upon the following factors in light of the selected Alternative.

Timing: Conveyance of the land to the Mammoth Lakes Fire Department is a one-time real estate transaction that will close in 2007. The environmental effects of conveyance of the “Fire Station” parcel are documented in the EA (see Affected Environment and Environmental Consequences section). This action will take place 19 years after implementation of the 1988 Inyo National Forest Land and Resource Management Plan, which greatly reduces the significance to the current Forest Plan.

Location and Size: The smaller the area affected, the less likely the change brought about through the amendment will be a significant change to the Forest Plan. Of the 12.517 acres of Federal land involved in this exchange, only 1.47 acres (Fire Station parcel) of land to be conveyed is located north of State Highway 203.

The 1.47 acre “Fire Station” parcel is located within the Mammoth Management Area, with Prescription #14 – Concentrated Recreation Area. The 1.47 acre “Fire Station” parcel constitutes less than one-tenth of one percent of the Mammoth Management Area. If taken into the context of entire acreage of Prescription Area #14, or the Forest as a whole, the area affected by this amendment is minimal.

Goals, Objectives, and Outputs: The stated goals for Lands found in the 1988 Inyo Land and Resource Management Plan are: *The Forest has a land and resource management structure and program with compatible relationships between National Forest System lands and adjacent non-Federal lands. The specific activities to accomplish this goal are: special use administration; electronic site management; utility corridor management; rights-of-way management; withdrawal; landownership adjustment; and property boundary resurvey and monumentation.*

Forest Objectives in the Land and Resource Management Plan list an output of 54 acres of land acquired for decade 1 (1988 – 1997).

An action is more likely to be a significant Forest Plan amendment if it alters the long-term relationship between levels of goods and services projected by the Forest Plan and particularly if it will forego the opportunity to achieve an output in later years. Because the Inyo National Forest, through this land exchange, will gain a total of 1,351.95 acres (within the boundaries of the Inyo National Forest), this particular action meets the goals and objectives of the Forest Plan and allows the Inyo to exceed the projected output of 54 acres. The remaining 1,679.82 acres to be acquired on the Eldorado and Tahoe National Forests are consistent with their respective Forest Plans, and will not require a Forest Plan Amendment.

Management Prescriptions: A change is more likely to require a significant amendment if it will apply to future decisions throughout the planning area. This amendment applies only to the 1.47 acre “Fire Station” parcel identified in my decision and will not open up the Mammoth Management Area to land exchanges north of Highway 203. Consequently, I have determined that the effect on overall management direction for the Management Area Direction or Prescription is not significant.

FINDINGS REQUIRED BY OTHER LAWS

I have determined that this action is consistent with the goals, objectives, and management direction contained in the Inyo, Eldorado and Tahoe National Forests’ Land and Resource Management Plans, as amended. My decision also complies with requirements of the Endangered Species Act (ESA; see the BE/BA in the project record), the National Historic Preservation Act (NHPA; see the Cultural Resources Report), and the Clean Water Act (CWA, see Floodplain and Wetlands Analysis Report in the project file. Furthermore, this is a real estate transaction only, and does not involve ground disturbing project work that could affect water quality.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 215. Only those individuals and organizations who submitted comments during the 30-day comment period (36 CFR 215.6) and otherwise meet the specific requirements of 36 CFR 215.13 have standing to appeal. Appeals must be filed within 45 days from the publication date of the legal notice of decision in The Inyo Register (the newspaper of record for the Inyo National Forest), the Mountain Democrat (newspaper of record for the Eldorado National Forest), and The Union (newspaper of record for the Tahoe National Forest).

Notices of appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer (36 CFR 215.8) within 45 days following the publication date of this notice. The publication date of this notice is the exclusive means for calculating the time period to file an appeal (36 CR 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be submitted to Bernie Weingart, Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592, (707) 562-8737 within 45 days from the date of publication in The Inyo Register, the Mountain Democrat, and The Union . Appeals may be submitted by FAX [707-562-9091] or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (Monday-Friday 8:00 am to 4:00 pm). Electronic appeals, in acceptable [plain text (.txt), rich text (.rtf) or Word (.doc)] formats, may be submitted to appeals-pacificsouthwest-regional-office@fs.fed.us with subject: [Mammoth Community Facilities Land Exchange].

IMPLEMENTATION

As per 36 CFR 215.9, if no appeal is received, implementation of this decision may occur on, but not before, the 5th business day following the close of the appeal filing period (215.15). When an appeal is filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition (36 CFR 215.2).

CONTACT PERSON

For further information contact: Sheila Irons, Inyo National Forest, Mammoth Ranger District, P.O. Box 148, Mammoth Lakes, CA. 93546, or phone (760) 924-5534.

This document may be executed in any number of counterparts, each of which, so executed and delivered, shall be deemed to be an original and all of which counterparts taken together shall constitute one and the same instrument.

/s/ Jeffrey E. Bailey 4/20/2007____
JEFFREY E. BAILEY **Date**
Forest Supervisor
Inyo National Forest

/s/ Ramiro Villalvazo 4/20/2007____
RAMIRO VILLALVAZO **Date**
Forest Supervisor
Eldorado National Forest

/s/ Steve Eubanks 4/20/2007____
STEVE EUBANKS **Date**
Forest Supervisor
Tahoe National Forest

APPENDIX A

PROPOSED MAMMOTH COMMUNITY FACILITIES LAND EXCHANGE PUBLIC COMMENTS FROM REVIEW OF ENVIRONMENTAL ANALYSIS

A total of seven comments were received during the 30-day comment period (July 1-July 30, 2006) for the Mammoth Community Facilities Land Exchange EA. One comment letter, received from the Washoe Tribe of Nevada and California stated that since the proposed project is not within the Washoe Tribes aboriginal lands, commenting would not be appropriate. The remaining public comments are listed below followed by Forest Service response.

Comment 1: The EA does not fulfill the requirements laid out in the 36 Code of Federal Regulations section 254.3, which requires the authorized officer to give full consideration to the opportunity to achieve better management of Federal lands and resources, **to meet the needs of State and local residents and their economies**, and to secure important objectives, including but not limited to: protection of fish and wildlife habitats, cultural resources, watersheds, and wilderness and aesthetic values; enhancement of recreation opportunities and public access; consolidation of lands and/or interests in lands, such as mineral interests, for more logical and efficient management and development; consolidation of split estates; **expansion of communities**; accommodation of existing or planned land use authorizations. This land exchange is ignoring a goal stated in the Inyo County General Plan that the County shall work with federal and state agencies...to ensure that land exchanges do not result in a net loss to the County's tax base or revenue.

Other alternatives that can be considered:

- 1) Simply sell the fire department and the land they need
- 2) Trade only for land within Mono County. That way there would be no loss of tax base since the loss and gain would take place in the same county.
- 3) If the Forest Service just cannot do without the Tub Springs parcel, do a trade that will release an equal number of acres near Independence into private ownership.

Response: *As stated in the Decision Notice (Decision Rationale – Public Benefit Determination), the Mammoth Community Facilities Exchange meets the intent of 36 CFR, section 254.3. The Federal parcels to be conveyed will be used for hospital expansion, a government center, as well as for fire station purposes, which takes into account the needs of the community of Mammoth Lakes. Since all of the non-Federal land to be acquired are inholdings within the Inyo, Eldorado, and Tahoe National Forests, and all contain important wildlife, riparian, and recreational values, this exchange also meets the intent of 36 CFR, section 254.3, by consolidating ownership and providing for protection of resource and recreation values. Although it is a stated goal in the Inyo County General Plan to ensure that land exchanges do not result in a net loss to the County's tax base or revenue, and Inyo County received notification and a copy of the EA, no comments or concerns on this land exchange was received from Inyo*

County. The parcels located within Inyo County (Bristlecone Pine and the Tub Springs parcels) are undeveloped and provide very little tax base to Inyo County. Furthermore, these parcels because of lack of access, and infrastructure have a very low potential for development. In addition, the owner of the Tub Springs property prefers that the Forest Service acquire his property to protect it from development.

Selling the land to the Fire Department and Hospital is not a viable option since the Forest Service does not have a general land disposal authority that allows the selling of National Forest System lands. With the requirement that land exchanged has to be approximately equal in value, and the high value of land found in the Town of Mammoth Lakes, it is necessary to obtain land outside of Mono County to achieve approximately equal values. The suggestion for a trade that would release an equal number of acres (as the Tub Springs parcel) near Independence is outside the scope of the decision because the conveyance of National Forest System land near the community of Independence was not considered in the EA. A proposal to acquire land near Independence through a land exchange would need to be evaluated on its own merit and be consistent with direction found in the Inyo National Forest Land and Resource Management Plan.

Comment 2: The Mother Lode Chapter of the Sierra Club strongly supports the Mammoth Community Facilities Land Exchange. However, the Environmental Assessment does not discuss the parcels crucial role in recreation in the Grouse Lakes area as a whole. The lists and description of the Middle Fork of the American River and Rubicon parcels are not coherently organized. The map of Eldorado and Tahoe National Forest lands in the EA shows as private land quite a few parcels along the Rubicon that have been acquired by the Forest Service through earlier land exchanges.

Response: *All of these comments and suggestions have been duly noted. Although Milk Lake will not be acquired through the Mammoth Community Facilities Land Exchange, it is recognized for its importance to the Grouse Lakes Recreation Area, and consequently will be acquired through a tripartite exchange. The Decision Notice spells out clearly which American River and Rubicon parcels will be acquired through this exchange, including the last two Sierra Pacific Industries inholdings on the Rubicon River. The analysis considered current ownership data, but the data upon which the maps rely is only updated every few years*

Comment 3: Friends of the Inyo expressed support for the Mammoth Community Facilities Land Exchange, but feel some clarification is needed requiring the proposed plan amendment. To ensure that this land exchange does not “open up the area north of highway 203 to future land exchanges”, we insist that the Decision Memo for this EA, including the concurrent Forest Plan amendment, directly spell out that this plan amendment is being made for this parcel (fire station) only while reiterating the Inyo’s Forest Plan stated commitment that lands for disposal be “inside or adjacent to communities” and highlighting the particular public benefits of this proposal.

Response: *The Decision Notice addresses the Forest Plan Amendment where it is clearly stated that this amendment is site specific and only allows for conveyance of the “Fire Station” parcel, and does not open up the area north of State Highway 203 to future land exchanges.*

Comment 4: Overall, the proposal appears to have a high potential to serve the public due to the characteristics of the lands that are being traded and the ecological gain for the public. However, the EA does not provide any information on where grazing would occur or the potential impacts of continued grazing on these newly acquired sensitive areas. The Forest Service should go a step further by including a Forest Plan amendment that prioritizes habitat and water quality protection in management allocations for the newly acquired parcels, and a phased retirement of grazing permits for the most sensitive areas. More information should be provided on the net gain of 34 miles of road and if some of these segments of roads might be suitable for decommissioning.

Response: *The Inyo, Eldorado, and Tahoe National Forests are in the initial stages of a Route Designation Process which will ultimately designate a transportation system on every National Forest in the nation. Disposition of the roads located on the non-Federal land to be acquired will be analyzed either through the Route Designation Process or during a later site-specific analysis.*

Allotment management plans, subject to analysis pursuant to the National Environmental Policy Act (NEPA) would be used to identify the appropriateness of grazing on the non-Federal land to be acquired. Additionally, Standards and Guidelines for Riparian Conservation Areas (RCA) found in the 2004 Sierra Nevada Forest Plan Amendment would apply to any sensitive riparian areas found on the non-Federal parcels to be acquired

Comment 5: The Mammoth Community Facilities Land Exchange Federal Parcels map from the EA does not correctly depict the State right-of-way (R/W) along the north of the Hospital Parcel. At the west of Sierra Park Road there is a jog in the R/W width from 104-ft right of centerline to 66-ft. For State highway purposes it would be beneficial for the R/W width to be consistent. Please consider providing the 34-ft strip to Caltrans either in fee or in easement.

Response: *The correct right-of-way width has been duly noted. Issuance of an easement or fee title to Caltrans is outside the scope of this decision.*

Appendix B

Federal Property that the U.S. Forest Service will exchange on the Inyo National Forest:

Federal Parcel A – Mammoth Hospital

Township 3 South, Range 27 East, Mt. Diablo Meridian, Mono County, California

Sec. 35, a portion of the SW1/4NE1/4.

Totaling 11.057 acres, more or less. A portion of APN 35-010-05, Mono County.

Federal Parcel B – Mammoth Fire Station

Township 3 South, Range 27 East, Mt. Diablo Meridian, Mono County, California

Sec. 35, a portion of the NW1/4.

Totaling 1.46 acres, more or less.

APPENDIX C

Private property that the Non-Federal Party will exchange:

Bristlecone Pine Parcels – Inyo County – Inyo N.F.

PARCEL A: 5 acres APN 016-040-08

THE EAST ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 35 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF INYO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SURVEY FILED IN THE DISTRICT LAND OFFICE, MAY 11, 1885.

PARCEL B: 5 acres APN 016-040-18

THE WEST ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 35 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF INYO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY FILED IN THE DISTRICT LAND OFFICE, MAY 11, 1885.

Adobe Ranch Parcels – Mono County – Inyo N.F. (listed in priority order of acquisition for the Inyo NF.) **910.37 acres**

[PARCEL C: Crooked Meadows A 160 acres APN 14-140-13

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 36, ALL IN TOWNSHIP 1 SOUTH, RANGE 28 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL D: Crooked Meadows B 40 acres APN 14-140-14

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 28 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ONE-SIXTEENTH (1/16) OF ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS CONTAINED IN SAID LAND, AS RESERVED IN THE

PATENT FROM THE STATE OF CALIFORNIA, RECORDED MAY 20, 1931 IN BOOK 5
PAGE 259 OF OFFICIAL RECORDS.

PARCEL E: Gaspipe Spring 34 acres APN 14-130-03

LOT 4 OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE
28 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA,
ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL G: Taylor Canyon 140 acres APN 14-180-02

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 13, THE WEST HALF OF THE SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 13, THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, THE EAST
HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION
13, THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 24, THE NORTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, THE EAST HALF OF THE
NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, THE EAST
HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION
24 AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 24, ALL IN TOWNSHIP 1 SOUTH, RANGE 29
EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING
TO THE OFFICIAL PLAT THEREOF.

PARCEL H: Dexter Canyon 155 acres Portion of APN 14-150-02

T. 1S., R. 29E., MDM

SE1/4SE1/4, SECTION 10, S1/2S1/2NW1/4SE1/4, SECTION 11, SE1/4SE1/4NE1/4SW1/4,
SECTION 11, NE1/4NE1/4SE1/4SW1/4, SECTION 11, S1/2N1/2SE1/4SW1/4, SECTION 11,
S1/2SE1/4SW1/4, SECTION 11, S1/2N1/2SW1/4SW1/4, SECTION 11, S1/2SW1/4SW1/4,
SECTION 11, NW1/4NW1/4, SECTION 14.

PARCEL I: Johnny Meadow 40 acres APN 14-170-03

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20,
TOWNSHIP 1 SOUTH, RANGE 29 EAST, M.D.B.&M., IN THE COUNTY OF MONO,
STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF

PARCEL J: NE Sagehen Peak 39.82 acres APN 14-170-01

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18,

TOWNSHIP 1 SOUTH, RANGE 29 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL K: Upper Dexter 80 acres APN: 14-180-01

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 29 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF

PARCEL L: North Canyon 221.55 acres APN 14-150-01

LOTS 1 AND 2 OF THE NORTHEAST QUARTER OF SECTION 1, LOT 3 OF THE NORTHWEST QUARTER OF SECTION 1, THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 1, AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, ALL IN TOWNSHIP 1 SOUTH, RANGE 29 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

MURRAY/MONO LAKE PARCEL – Mono County – Inyo N.F. 279.71 acres APN 18-180-01

THE EAST HALF OF LOT 2 OF THE NORTHWEST QUARTER OF SECTION 5, AND ALL OF LOT 1 OF THE NORTHWEST QUARTER OF SECTION 5, AND THE SOUTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 1 NORTH, RANGE 28 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

TUB SPRINGS PARCEL – Inyo County – Inyo N.F. 151.87 acres APN 022-050-03

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION SIXTEEN AND THE NORTH HALF OF THE SOUTHEAST QUARTER, THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION SEVENTEEN IN TOWNSHIP THIRTEEN SOUTH OF RANGE THIRTY-FOUR EAST, MOUNT DIABLO MERIDIAN ACCORDING TO THE OFFICIAL PLAT THEREOF.

MIDDLE FORK AMERICAN RIVER PARCELS – Sierra Pacific Industries (Eldorado and Tahoe National Forests)

Mount Diablo Meridian, El Dorado County, California

Buckeye Flat A

T.13 N., R.11 E.

Section 13: N1/2.

EXCEPTING all that portion thereof lying in Placer County.

(APN 062-550-01)

261 acres

Bacchi

T.13 N., R.12 E.

Section 35: All.

EXCEPTING all those portions thereof lying in Placer County.

(APN 063-030-03)

466.00 acres

Mount Diablo Meridian, Placer County, California

Buckeye Flat B

T.13 N., R.11 E.

Section 13: N1/2.

EXCEPTING THEREFROM any portion lying outside Placer County.

(APN 254-340-002)

59 acres

Duncan Canyon

T.14 N., R.13 E.

Section 29: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, NW1/4NW/14, NW1/4SE1/4

EXCEPTING THEREFROM the following rights and interests excepted and reserved by Pacific Gas and Electric Company, its successors and assigns, in the deed from Pacific Gas and Electric Company to Yuba River Lumber Co., Inc., all oil, gas, other hydrocarbon substances, minerals and naturally created hot water and steam on, in or underlying the "affected lands", together with the right to enter upon the surface of the "affected lands" for the purposes of exploring for, producing, extracting, taking, removing, and selling the same for storing, utilizing, processing, converting and otherwise treating such hot water and steam, and for construction, reconstructing, maintaining, using, replacing and removing such facilities, including roads, as grantor shall from time to time deem necessary in connection therewith; provided, however, that grantor in its exercise of its rights hereby reserved shall not interfere with any structure then constructed on the "affected lands" and provided further that grantor shall compensate grantee for any and all losses and damages caused thereby to standing timber or trees located

on any of the “affected lands” (including with-out limitation losses or damages suffered through prevention or substantial impairment of the cutting or maintenance thereof in a reasonable manner and in accordance with the rules and regulations as established by Federal, State or other Governmental Agencies) recorded July 3, 1974 in Book 1577 at Page 497, Official Records of Placer County.

(APN 068-110-002) 540.54 acres

French

T.15 N., R.13 E.

Section 35: Lots 6, 7, 8, 9, 10, 11, and 12; E1/2SW1/4.

(APN 067-160-008) 383.28 acres

Total acres El Dorado County = 727.00
Total acres Placer County = 982.82
Total acres MFAR parcels = 1,709.82

APPENDIX D

Middle Fork American River Parcels to be Purchased with Available LWCF Funding

Mount Diablo Meridian, Placer County, California

Big Crater

T.14 N., R.12 E.

Section 35: NE1/4, N1/2NW1/4. EXCEPTING THEREFROM the 18.28 acre parcel of land described and designated Parcel 8 in the deed from Pacific Gas and Electric Company to Placer County Water Agency, recorded May 21, 1965 in Book 1065 of Official Records, at Page 5, Placer County Records.

(APN 068-060-012 and 068-060-013)

221.72 acres

Chipmunk

T.14 N., R.13 E.

Section 15: W1/2NE1/4, NW1/4, N1/2SW1/4, SW1/4SW1/4. EXCEPTING THEREFROM the following rights and interests excepted and reserved by Pacific Gas and Electric Company, its successors and assigns, in the deed from Pacific Gas and Electric Company to Yuba River Lumber Co., Inc., all oil, gas, other hydrocarbon substances, minerals and naturally created hot water and steam on, in or underlying the “affected lands”, together with the right to enter upon the surface of the “affected lands” for the purposes of exploring for, producing, extracting, taking, removing, and selling the same for storing, utilizing, processing, converting and otherwise treating such hot water and steam, and for construction, reconstructing, maintaining, using, replacing and removing such facilities, including roads, as grantor shall from time to time deem necessary in connection therewith; provided, however, that grantor in its exercise of its rights hereby reserved shall not interfere with any structure then constructed on the “affected lands” and provided further that grantor shall compensate grantee for any and all losses and damages caused thereby to standing timber or trees located on any of the “affected lands” (including with-out limitation losses or damages suffered through prevention or substantial impairment of the cutting or maintenance thereof in a reasonable manner and in accordance with the rules and regulations as established by Federal, State or other Governmental Agencies) recorded July 3, 1974 in Book 1577 at Page 497, Official Records of Placer County..

(APN 068-100-001)

361.48 acres

Total Acres = 583.20 acres

APPENDIX E

Middle Fork American River Parcels to be Purchased with LWCF Funds when Funding Becomes Available.

Mount Diablo Meridian, Placer County, California

Pennsylvania Point T.13 N., R.11 E. Section 1: Lots 1, 2, 3, 4. (APN 254-310-001)	151.77 acres
Big Mosquito T.14 N., R.12 E. Section 27: N1/2, SE1/4, NE1/4SW1/4 (APN 068-060-001)	520 acres
Little Oak T.14 N., R.12 E. Section 31: All. (APN 068-050-005)	620.02 acres
Brushy Canyon T.14 N., R.12 E. Section 33: W1/2NW1/4, NW1/4SW1/4. (APN 068-050-007)	120 acres
Skidmore T.14 N., R.13 E. Section 11: W1/2NW1/4, NE1/4NW1/4. (APN 068-080-007)	121.03 acres
Red Star Point (A) Parcel One T.14 N., R.13 E. Section 21: W1/2. Excepting therefrom Lots 2 and 3. Parcel Two T.14 N., R.13 E. Section 21: NE1/4, NW1/4SE1/4, and Lots 2, 3, and 4. EXCEPTING from the above described Parcel One and Two, the following rights and interests excepted and reserved by Pacific Gas and Electric Company, its successors and assigns, in the deed from Pacific Gas and Electric Company	

to Yuba River Lumber Co., Inc., all oil, gas, other hydrocarbon substances, minerals and naturally created hot water and steam on, in or underlying the “affected lands”, together with the right to enter upon the surface of the “affected lands” for the purposes of exploring for, producing, extracting, taking, removing, and selling the same for storing, utilizing, processing, converting and otherwise treating such hot water and steam, and for construction, reconstructing, maintaining, using, replacing and removing such facilities, including roads, as grantor shall from time to time deem necessary in connection therewith; provided, however, that grantor in its exercise of its rights hereby reserved shall not interfere with any structure then constructed on the “affected lands” and provided further that grantor shall compensate grantee for any and all losses and damages caused thereby to standing timber or trees located on any of the “affected lands” (including with-out limitation losses or damages suffered through prevention or substantial impairment of the cutting or maintenance thereof in a reasonable manner and in accordance with the rules and regulations as established by Federal, State or other Governmental Agencies) recorded July 3, 1974 in Book 1679 at Page 152, Official Records of Placer County.

(APN 068-090-007)

569.58 acres

Red Star Point (B)
T.14 N., R.13 E.

Section 21: That portion of Survey No. 4979 lying in Section 21, described as follows:

Commencing at the Southeast corner of said Section and running thence South 2° 02' West, 1267.8 feet; thence due West 1320.0 feet; thence North 2° 02' East, 1267.8 feet; thence North 7° 50' East, 1362.7 feet; thence due East 1320.0 feet; thence South 7° 50' West, 1362.7 feet to the point of beginning, known as Steeple Placer Mining Claim.

EXCEPTING THEREFROM the following rights and interests excepted and reserved by Pacific Gas and Electric Company, its successors and assigns, in the deed from Pacific Gas and Electric Company to Yuba River Lumber Co., Inc., all oil, gas, other hydrocarbon substances, minerals and naturally created hot water and steam on, in or underlying the “affected lands”, together with the right to enter upon the surface of the “affected lands” for the purposes of exploring for, producing, extracting, taking, removing, and selling the same for storing, utilizing, processing, converting and otherwise treating such hot water and steam, and for

construction, reconstructing, maintaining, using, replacing and removing such facilities, including roads, as grantor shall from time to time deem necessary in connection therewith; provided, however, that grantor in its exercise of its rights hereby reserved shall not interfere with any structure then constructed on the “affected lands” and provided further that grantor shall compensate grantee for any and all losses and damages caused thereby to standing timber or trees located on any of the “affected lands” (including with-out limitation losses or damages suffered through prevention or substantial impairment of the cutting or maintenance thereof in a reasonable manner and in accordance with the rules and regulations as established by Federal, State or other Governmental Agencies) recorded July 3, 1974 in Book 1577 at Page 497, Official Records of Placer County.

(APN 068-090-009 por.)

(see Red Star Point C below)

Red Star Point (C)

T.14 N., R.13 E.

Section 21: That portion of Survey No. 4979 lying in Section 21, described as follows:

That portion of Survey No. 4979 described as beginning at a point distant North 7° 50' East, 1362.7 feet from the Southeast corner of said Section 21 and running thence North 7° 50' East, 1362.7 feet; thence due West, 990.0 feet; thence South 7° 50' West, 1362.7 feet; thence due East, 990.0 feet to the point of beginning, known as Harlan Placer Mining Claim.

EXCEPTING THEREFROM the following rights and interests excepted and reserved by Pacific Gas and Electric Company, its successors and assigns, in the deed from Pacific Gas and Electric Company to Yuba River Lumber Co., Inc., all oil, gas, other hydrocarbon substances, minerals and naturally created hot water and steam on, in or underlying the “affected lands”, together with the right to enter upon the surface of the “affected lands” for the purposes of exploring for, producing, extracting, taking, removing, and selling the same for storing, utilizing, processing, converting and otherwise treating such hot water and steam, and for construction, reconstructing, maintaining, using, replacing and removing such facilities, including roads, as grantor shall from time to time deem necessary in connection therewith; provided, however, that grantor in its exercise of its rights hereby reserved shall not interfere with any structure then constructed on the “affected lands” and provided further that grantor shall compensate grantee for any and all losses and

damages caused thereby to standing timber or trees located on any of the “affected lands” (including with-out limitation losses or damages suffered through prevention or substantial impairment of the cutting or maintenance thereof in a reasonable manner and in accordance with the rules and regulations as established by Federal, State or other Governmental Agencies) recorded July 3, 1974 in Book 1577 at Page 497, Official Records of Placer County.

(APN 068-090-009 por.) (Red Star Point B+C total) 60.08 acres

Little Crater

T.14 N., R.13 E.

Section 31: All.

EXCEPTING THEREFROM the following rights and interests excepted and reserved by Pacific Gas and Electric Company, its successors and assigns, in the deed from Pacific Gas and Electric Company to Yuba River Lumber Co., Inc., all oil, gas, other hydrocarbon substances, minerals and naturally created hot water and steam on, in or underlying the “affected lands”, together with the right to enter upon the surface of the “affected lands” for the purposes of exploring for, producing, extracting, taking, removing, and selling the same for storing, utilizing, processing, converting and otherwise treating such hot water and steam, and for construction, reconstructing, maintaining, using, replacing and removing such facilities, including roads, as grantor shall from time to time deem necessary in connection therewith; provided, however, that grantor in its exercise of its rights hereby reserved shall not interfere with any structure then constructed on the “affected lands” and provided further that grantor shall compensate grantee for any and all losses and damages caused thereby to standing timber or trees located on any of the “affected lands” (including with-out limitation losses or damages suffered through prevention or substantial impairment of the cutting or maintenance thereof in a reasonable manner and in accordance with the rules and regulations as established by Federal, State or other Governmental Agencies) recorded October 31, 1975 in Book 1679 at Page 152, Official Records of Placer County.

(APN 068-110-006-510) 645.66 acres

Total acres Placer County = 2808.14 acres

APPENDIX E

Parcel to be acquired by Tripartite Land Exchange

MILK LAKE PARCEL – Nevada County – Tahoe N.F. 480 acres
APNs 13-370-08,09,10

Parcels 1, 2 and 3, as shown on that certain parcel map filed in the office of the County Recorder of Nevada County, California on November 8, 1990, in Book 18 of Parcel Maps, at Page 62.