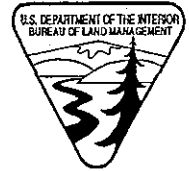




United States Department of the Interior



BUREAU OF LAND MANAGEMENT
California State Office
2800 Cottage Way, Suite W1834
Sacramento, CA 95825
www.ca.blm.gov

In Reply Refer To:
2200 (CA930)P
CACA 43098-FD/PT

OCT 06 2006

RECEIVED OCT 10 2006

CERTIFIED—RETURN RECEIPT REQUESTED

DECISION

Bonnie E. Lampley, Board President :
Shasta Community Services District : Salmon Creek Resources
P.O. Box 2520 : Land Exchange
Shasta, CA 96087-2520 :

Protest Dismissed
Public Land to be exchanged

On April 26, 2006, the Redding Field Manager signed the Decision Record and Finding of No Significant Impact for a Land Exchange of the Federal land described below, subject to any and all valid rights of record, as proposed in Environmental Assessment (EA) CA-360-RE-2004-15. The Decision Record selected the proposed action as the preferred alternative. The land to be exchanged is described as:

FEDERAL LANDS

Location (Redding 1:100,000 USGS Surface Management Map)	Acres
Shasta County Mount Diablo Meridian, California T.32N.,R.5W.,Section 32, Lots 155,173,174,175,176,227,228,229; T.31N.,R.5W.,Section 5, Lots 17,18,19,21,22,49,50; T.31N.,R.5W.,Section 6, Lots 8,9,10,17,18,19,20,22,26.	215.85+/-

NON-FEDERAL LANDS

Location (Weaverville 1:100,000 USGS Surface Management Map)	Acres
Trinity County Mount Diablo Meridian, California T.32N.,R.8W., Portion of Section 22, excepting therefrom that portion of Buckhorn Dam as described in Book 273 of Official Records page 218, Trinity County Records	566+/-

On May 1, 2006, the Redding Field Manager issued a public notice of availability of decision on exchange of lands in Shasta and Trinity counties on the above referenced decision. Interested parties were invited to submit written protests to the Redding Field Manager. In a letter received June 18, 2006, Bonnie Lampley, on behalf of Shasta Community Service District, submitted a timely filed protest to the Redding Field Manager's decision of April 26, 2006. Responses to your protest are stated below.

The decision to complete the exchange with Salmon Creek Resources, Inc., was reached in conformance with the Redding Resource Management Plan of 1993 (RMP). Important objectives will be accomplished by this exchange. This exchange will assist in implementing land tenure adjustment decisions in the RMP by consolidating land ownership in an area in need of restoration of critically eroding land in the Grass Valley Creek Watershed Area, while also disposing of lands identified in the RMP as surplus.

The authority for the exchange is Section 206 of the Federal Land Policy and Management Act of October 21, 1976, as amended, 43 U.S. C. 1716, and Title 43 of the Code of Federal Regulations, Part 2200.

Land Use Plan Conformance

The proposed action and alternatives conform to the following approved land use plan: *1993 Redding Resource Management Plan (RMP)*.

Federal Land:

The Federal land involved in this exchange was analyzed as part of the Shasta Management Area in the RMP and associated Final Environmental Impact Statement (FEIS). The RMP was finalized in 1993 which governed the disposition of the subject Federal lands in Shasta County and describes the goal of the land tenure program: *"to transform the scattered land base of the Redding Resource Area into consolidated resource management units to meet the needs of the public land users. This goal will be pursued primarily through exchange, sale, and acquisition, followed by some Recreation and Public Purposes Act leases and patents in support of the objectives of the RMP."* (RMP Record of Decision, page 17, as amended). The selected Federal land is a part of the scattered land base addressed in the RMP and has been identified as available for disposal. Based on the allocations and guidance in the RMP, the subject Federal parcel is suitable for consideration of exchange.

Land use allocations for the subject Federal land is described in the RMP on page 45, II.F.5 (as amended): *"Transfer via R&PP, or exchange, to the State of California, County of Shasta, City of Redding, community service districts or any other qualified organization administrative responsibility of any portion of 6,000 acres of public land to meet local communities' services needs. Within two years from approval of the Final RMP, the organizations mentioned above will be given an opportunity to submit R&PP applications for specific parcels prior to the land being offered for exchange. Offer for exchange or sale to any party after two years from approval of the final RMP."* No R&PP

applications were received for this parcel during the two year window and therefore, the parcel was segregated for disposal by exchange.

Non-Federal Land:

The non-Federal parcel involved in this exchange was analyzed as part of the Grass Valley Creek Watershed within the Trinity Management Area of the RMP Environmental Impact Statement. The resource condition objective of that watershed is to: *"Reduce the sediment load entering the Trinity River via Grass Valley Creek for the improvement of anadromous fisheries."* (RMP Record of Decision, page 39).

Land use allocations for the subject non-Federal lands are described in the RMP on page 40, II.D.9: *"Acquire available unimproved lands within the watershed via appropriate funding, exchange or donation."*

Public Involvement

The public's involvement in the land use planning process extends over a number of years and the BLM Redding Field Office has made extensive efforts to involve the public in reaching a decision on the exchange of lands. Detailed information including public meetings, presentations, workshops, and other forms of participation/involvement having been held is stated in the following documentation available for review at the Redding Field Office upon request:

1. Notice to the public of initial issue scoping in the development of the Redding Resource Management Plan, published in the Federal Register on December 15, 1988 and February 3, 1989, to request comments and give dates of scheduled public meetings.

2. Draft Redding Resource Management Plan and Environmental Impact Statement (DEIS) of March 1991, approved January 25, 1991. A narrative on the open public meetings held and consultation and coordination is documented on pages 1-4 and 5-1, respectively.

3. Proposed Redding Resource Management Plan and Final Environmental Impact Statement (FEIS) of July 1992, approved August 8, 1992. A narrative on the open public meetings held is documented on page 1-4 and in an overview of public participation beginning on page 5-1.

4. Redding Resource Management Plan and Record of Decision of June 1993 (ROD), approved July 27, 1993. A narrative of public involvement is documented beginning on page 6.

5. Notice of Exchange Proposal (NOEP) published in the Record Searchlight (County of Shasta) and The Trinity Journal (County of Trinity) during the weeks of

September 1 through September 22, 2004, invited comments concerning a proposed land exchange.

6. Environmental Assessment (EA) CA-360-RE-2004-15 was prepared on the proposed land exchange. A narrative of public involvement during the EA process is documented on pages 50-52 of the EA.

7. Finding of No Significant Impact/Decision Record (DR) as to the land exchange proposed in the EA, approved on April 26, 2006. A narrative of public involvement is documented on pages 14 and 15 of the DR. A Notice of Decision to exchange lands in Shasta and Trinity counties published in two local newspapers on May 1, 2006, invited interested parties to submit written protests to the Redding Field Manager.

Comments / Responses

The concerns raised by the Shasta Community Service District (SCSD) related to the subject land exchange focused (1) on a claim that a discrepancy in the appraisal report exists concerning water availability on the Federal parcel, and (2) a claim that a meeting described in the EA between BLM and SCSD did not take place. The following are BLM's responses to these points:

1. The appraisal report indicates that the information received from J.R. Kaufman from your office explained that there was no water available to the parcel at that time and that any water would have to be brought in at the developer's expense. The water availability was considered a risk, including unknown costs, for development which was indeed used in comparing sales and determining value. The information you provided is within the scope of what was analyzed in the appraisal report and is consistent with the methodology that was used to determine the value. BLM concludes that the appraisal report accurately describes the relevant facts of the parcel relating to availability of water and future risks of development. Therefore, a discrepancy does not exist.

2. The SCSD's letter states: *"In the April 2006 Environmental Assessment report it was stated that at least one meeting was held with District staff in March 2005. This meeting did not occur."* In the EA, the meetings that were described on pages 50-52 were shown to explain the public involvement process that took place during consideration of the exchange. The BLM could not identify where in the EA that a meeting on March 2005 with SCSD was described.

The only meetings that a member or members of the SCSD attended as listed in the EA were March 2002 and October 2003. However, the SCSD was present at least at one Resource Advisory meeting involving the exchange (February 2, 2005), that is not listed in the EA. The EA describes a meeting that was held in March 2005 with the BLM, California Department of Fish and Game, Shasta County Planning Department and the exchange proponent to discuss protection of Salt Creek. The EA did not state that the

SCSD attended that meeting. Never the less, whether the SCSD did or did not attend all of the meetings involving the exchange would not reflect a change in the final decision.

Based on the documentation contained in the EA# CA-360-RE-2004-15, I have determined that the Decision Record, dated April 26, 2006, issued by the Authorized Officer of the Bureau of Land Management, Redding Field Office complies with the Federal Land Management and Policy Act, Bureau policies, and all other applicable laws/regulations. I have reviewed your protest letter and no new substantive information has been provided that would affect the original decision.

Additionally, I conclude that the public interest will be well served by completion of this land exchange because it supports the objectives in the 1993 Redding Resource Management Plan and will allow consolidation of resources to achieve better management of public lands to protect fish and wildlife habitat, watersheds, and enhance recreation opportunities and public access.

Shasta Community Service District's protest to the Decision for the Salmon Creek Resources Exchange, CACA 43098-FD/PT, is hereby dismissed.

If any party with standing is adversely affected by this action, there is a right of appeal to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations in 43 C.F.R., Part 4, and Subpart E. If an appeal is taken, the notice of appeal must be filed in the California State Office of the Bureau of Land Management, 2800 Cottage Way, Room W-1834, Sacramento, California, 95825 within thirty (30) days from receipt of this decision.

The appellant has the burden of showing that the decision appealed from is in error. Do not send the appeal directly to the IBLA. A copy of the notice of appeal and of any statement of reasons, written arguments, or briefs must be served upon any adverse parties, and in addition to the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California, 95825, within fifteen (15) days of the filing of any specific document.

If the procedures set forth in the regulations are not followed, an appeal is subject to dismissal. Form 1842-1 is enclosed for additional information.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

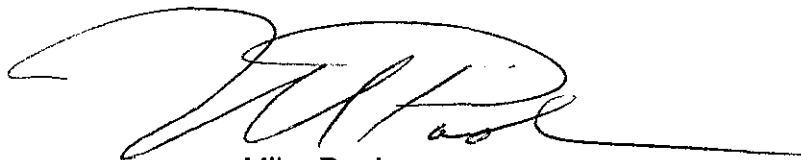
A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same

time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards

Standards for Obtaining a Stay

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

A handwritten signature in black ink, appearing to read 'Mike Pool', with a long horizontal flourish extending to the right.

Mike Pool
State Director

Enclosure
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

WITH COPY TO SOLICITOR..

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.