

Preservation Ranch One Forest - Conservation Easement

Date: August 25, 2009

A. Introduction

The One Forest Concept was created for Preservation Ranch to eliminate the potential for fragmentation of the timber resource and the wildlife and fisheries habitat by placing the timber rights and timber management responsibility in the hands of one entity, as oppose to the individual fee owner(s) of the underlying parcels. The One Forest Concept allows a single management entity, The Preservation Ranch Forest Group (“Forest Group”), to control and manage the 14,985 acres that make up on the Commercial Timberland Management Area of the property, in perpetuity. This management structure ensures that over time, as parcels are sold and acquired by different entities that the 14,985 acres will continue to be managed and maintained in an environmentally sensitive manner as a single resource subject to the restrictions and oversight of the One Forest Conservation Easement (CE) and the entity holding the CE (see description below).

The One Forest Concept is accomplished by separating the timber rights from the fee interest and placing the timber rights in the hands of the Forest Group. This leaves the property owner(s) with fee title to the property but without the rights to manage the forest / harvest timber, the rights to harvest timber and mange the forest would be held exclusively by the Forest Group. In order to ensure that the Forest Group manages the timber resources in an environmentally protective manner consistent with the restrictions proposed as part of the Preservation Ranch project, a CE will be held by a qualified third-party, such as, the Sonoma County Land Trust or Sonoma County Agricultural Preserve and Open Space District. The CE entity will be responsible for monitoring the Forest Group’s management actions and compliance with the CE restrictions discussed below, in perpetuity.

The Forest Group member(s) will be either Preservation Ranch, or a cooperative made up of the 61 parcel owner(s), or a combination the two. Over time as new property owners purchase fee title to properties on the Preservation Ranch they will be fully notified that the non-vineyard portion of their parcel is subject to the One Forest Easement with all timber rights held by the Forest Group.

This management structure will ensure that the entire Preservation Ranch will be subject to landscape level sustained yield forestry requirements with environmental protection measures that improve wildlife and fisheries habitat and watershed values. This approach allows for multiple ownerships while still ensuring that the entire forest resource will be responsibly managed in perpetuity maximizing the resource’s environmental benefits while integrating agriculture, wildlife conservation, and a large working forest on a landscape level.

B. Conservation Easement Restrictions

A conservation easement is proposed to be recorded on the parcels that make up the 14,985-acre Commercial Timberland Management Area of the Preservation Ranch Property (see Project Description), as a condition of approval of project. The proposed One Forest Conservation Easement restrictions are as follows:

1. Forest Stewardship Plan Requirement

A forest stewardship plan (plan) shall be prepared for the property prior to starting active timber harvesting operations. The plan shall incorporate the conservation easement restrictions for the property (discussed below) so that all timber management and harvest operations are in compliance with the conservation easement restrictions. The plan shall also be compliant with third-party forest management certification standards. Examples of such certification systems are Forest Stewardship Council (FSC), Green Tag Forestry, Sustainable Forestry Initiative (SFI), and the American Tree Farm System.

2. Unevenage Management Requirement

Unevenage management shall be the only silvicultural system allowed for commercial timber harvesting on the Property, and is defined by the Board of Forestry Forest Practice Rules (FPR) Title 14, California Code and Regulations Section 913.2 Regeneration Methods Used in Unevenaged Management (14 CCR 913.2) as described herein.

FPR 14 CCR 913.2 Uneven-age Management. Uneven-aged management is utilized to establish and maintain an uneven-aged stand structure. Uneven-aged management attributes include the establishment and/or maintenance of a multi-aged, balanced stand structure, promotion of growth on leave trees throughout a broad range of diameter classes, and encouragement of natural reproduction.

3. Sustained Yield of Timber

Sustained yield shall be required for all commercial timber harvesting on the Property. "Sustained yield" is defined as limiting the yield of commercial timber products that an area of commercial timberland can produce continuously at a given intensity of management to that which is consistent with required environmental protections and which, achieves a balance between growth and harvest over time. The time period measuring the balance between growth and harvest shall be 10 years (decade). Timber harvest levels in a decade cannot exceed 90% of growth in a decade for the first 60 years, at which point harvests may be balanced with growth but shall not exceed growth in a decade without the express permission of the grantee for the sole purpose of meeting the sustained yield timber objectives. The starting year of a decade for purposes of this constraint is the year this easement is recorded, and harvest and growth shall be measured as gross merchantable log volume.

4. Timberland Conversion Prohibition and Permanent Dedication of the Land to Timber Production

All lands that are zoned as Timber Preserve (TP) are permanently reserved for timber production and all timberland conversions are prohibited, except for a one time allowance for one less than 3 acre conversion for residential or agricultural building construction and associated small garden, orchard, or pasture within Timber Preserve zoned parcels that do not contain any Rural Residential Development (RRD) zoned lands. Within parcels that have TP and RRD split zoning, no use other than timber production shall occur on TP lands and no future timberland conversions shall be allowed on any lands, including less than 3 acre timberland conversions.

Timberlands are defined as lands available and capable of the growing of a crop of trees of any commercial species to produce lumber and other forest products (see California Z' Berg Njedly Forest Practice Act Section 4526). Commercial species for the area of California where the property is located are the following Group A species: Coast Redwood (*Sequoia sempervirens*), Incense Cedar (*Libocedrus decurrens*), Douglas Fir (*Pseudotsuga menziesii*), -Port Orford Cedar (*Chamaecyparis lawsoniana*), Grand Fir (*Abies grandis*), California Red Fir (*Abies magnifica*), Western Hemlock (*Tsuga heterophylla*), White Fir (*Abies concolor*), Western Redcedar (*Thuja plicata*), Jeffrey Pine (*Pinus jeffreyi*), Bishop Pine (*Pinus muricata*), Ponderosa Pine (*Pinus ponderosa*), Monterey Pine (*Pinus radiata*), Sugar Pine (*Pinus lambertiana*), Sitka Spruce (*Picea sitchensis*), Western White Pine (*Pinus monticola*) (see California Forest Practice Rules, Title 14, CCR Section 895.1).

5. Old Growth Tree and Wildlife Tree Retention.

Existing individual live old growth redwood (*Sequoia sempervirens*) trees will be permanently retained (retention trees). In areas where a timber harvest is proposed, retention trees will have a permanent metal tag installed at breast height during preparation of the applicable timber harvest plan and prior to timber operations. An old growth redwood tree is defined as a live tree that is larger in diameter than 40 inches at breast height (DBH) and exhibiting one or more of the following characteristics as determined by a professional forester: thick hard layered scaly bark, large limbs over 6 inches in diameter, broken or multivariate tops, epicormic branches growing from the bark, heavy moss, and fire scars.

For wildlife habitat benefits near vineyard areas, timber harvest plans shall retain two (2) of the largest (by diameter) live Douglas-fir trees/acre that are within an area that is not less than two hundred (200) feet and not more than five hundred feet (500) from the edge of a vineyard to provide future raptor nesting and roosting platforms. Wildlife trees shall be permanently marked during applicable timber harvest plan preparation and prior to timber operations within these areas as described above for retention trees.

6. Large Tree Management Area.

Within the Large Tree Management Areas (LTMA) all timber harvest plans shall retain a proportion of the forest in large diameter conifers that will provide legacy tree wildlife habitat benefits. These retention goal levels shall be in effect for perpetuity, but may be altered with express permission of the grantee for the sole purpose of furthering the goal of providing legacy tree wildlife habitat benefits.

- At least eight conifer trees/acre or a minimum of 40 square feet of basal area/acre shall be retained after harvest of the trees in the top size classes that are present prior to harvest. Retention trees shall be from the upper third of the largest 6 inch size classes present over 18-inches diameter at breast height (DBH)) until the large tree retention goal of six trees/acre 32 inch DBH and greater, and two trees/acre 40-inch DBH and greater can be attained on average per 20 acre harvest unit with trees scattered across the unit to the extent feasible.
- A minimum of three conifer snags/acre greater than 24-inch DBH, and a minimum of ten downed conifer logs/acre equal to or greater than 24-inch in diameter and a minimum of 10 feet in length shall be retained after harvest where present on average per 20 acre harvest unit with snags and downed logs scattered across the unit to the extent feasible.

7. Riparian Management Area.

The Riparian Management Areas (RMA) are intended to result in increased protection zones for all Class I fish bearing watercourses. The primary objective in the RMA is managing these riparian forests to improve habitat for all fish and wildlife species, and specifically for the threatened steelhead trout that are present in the watershed, as well as the endangered coho salmon found downstream in the Main Stem of the Gualala River. The secondary objective is to maintain and enhance wildlife corridors that afford cover and forage to terrestrial wildlife species. Any future timber harvest activities in the RMA will be managed to meet the following riparian objectives (source: California Salmonid Stream Habitat Restoration Manual, CDFG.) :

- Controlling the amount of light reaching the stream which affects temperature and productivity
- Providing litter and invertebrate fall
- Promoting stream bank stability
- Buffering impacts from adjacent uplands
- Providing large woody debris for recruitment to channels.

Specific restrictions are as follows:

The Riparian Management Areas (RMA) shall be protected with permanent 200-foot wide Watercourse and Lake Protection Zones (WLPZ) as defined by Forest Practice Rules (FPR) 14 CCR 916.4(b)(3). This extended WLPZ shall be located on each side of the watercourse.

The FPR 14 CCR Section 916.9(g) restrictions for Protection and Restoration in Watersheds with Threatened or Impaired Values regarding canopy retention shall be permanently in effect within the RMA as follows:

Within a WLPZ for Class I waters, at least 85 percent overstory canopy shall be retained within 75 feet of the watercourse or lake transition line, and at least 65 percent overstory canopy within the remainder of the WLPZ. The overstory canopy must be composed of at least 25% overstory conifer canopy post-harvest. (See FPR 14 CCR916.9 (g).)

Harvesting of hardwoods shall only occur for the purpose of safely creating cable yarder corridors or enabling conifer regeneration.

Provision for adaptive management: In the event that the most current Board of Forestry Threatened and Impaired Watercourse Protection Rules or equivalent State and Federal forest management rule restrictions require increased canopy retention, these new rules shall supersede these retention standards.

Timberland conversions shall be prohibited in the RMA.

The width of the WLPZ shall be measured along the surface of the ground from the watercourse transition line or in the absence of riparian vegetation from the top edge of the watercourse bank as per FPR 14 CCR 916.4 (b)(3).

8. Timber Right Easements

The Forest Group shall be granted timber easements over all the parcels underlying the Commercial Timberland Management Area of the property. This timber easement shall provide for the exclusive right to manage and harvest the timber growing on the property with the fee/parcel owner retaining free use and enjoyment of the property for uses not considered incompatible with the timber easement, such as, hunting, recreation, water supply, etc. The Forest Group shall also be granted an easement onto the RRD zoned portions of the property for the purposes of facilitating timber harvest. The locations of the timber harvest access easements on the RRD zoned property shall be identified in the final vineyard development plans. The timber easement shall expressly reference the CE restrictions, discussed above, and require the Forest Group to comply with all said restrictions subject to the oversight and monitoring of the CE holder.