



**United States Department of the Interior  
BUREAU OF LAND MANAGEMENT**

Redding Field Office  
355 Hemsted Drive  
Redding, California 96002  
Phone number 530-224-2100



In Reply Refer To:

**DEC 02 2013**

2710 (P)  
CACA 54251  
CA-360

Dear Reader:

Attached for your review is a Proposed Plan Amendment and Environmental Assessment (EA) for the proposed direct sale of the reversionary interest held by the United States in 5 acres previously patented under the Recreation and Public Purpose Act (R&PP) to the Forbestown Lodge No. 50, F. & A. M. (Forbestown Lodge) in Butte County in the Bureau of Land Management's (BLM) Redding Field Office. The BLM prepared this document in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Federal Land Policy and Management Act of 1976 (FLPMA), implementing regulations, the BLM's Land Use Planning Handbook (H-1601-1), and other applicable law and policy.

The BLM previously approved, and issued a patent under the R&PP to the Forbestown Lodge in March of 1971, to use the public land for a lodge, playground, and parking area. The Forbestown Lodge now wishes to purchase the reversionary interest to allow use of the land for additional purposes and to allow transfer of the land to a non-profit corporation associated with the Forbestown Lodge to provide better site management and to reduce liability to the association.

The 5-acre parcel was not identified for sale in the 1993 Redding Resource Management Plan (RMP) since it was already patented in 1971. In order to sell the reversionary interest held by the United States to the Forbestown Lodge, the BLM must amend the RMP to identify the land as suitable for sale under the authority of section 203 of the FLPMA. The Proposed Plan Amendment analysis identifies that sale of the reversionary interest to the Forbestown Lodge would serve important public objectives and meet the criteria for sale at section 203 of the FLPMA.

The Environmental Assessment for the Proposed Redding Resource Management Plan Amendment and Forbestown Reversionary Sale are available on the BLM Redding Field Office website at: [www.blm.gov/ca/st/en/fo/redding.html](http://www.blm.gov/ca/st/en/fo/redding.html). The proposed Plan Amendment is open for a 30-day review, comment, and protest period, ending on January 6, 2014.

The requirements for filing a timely protest are specified in BLM's resource management planning regulations at 43 CFR 1610.5-2 and on BLM's website. To file a protest, follow the instructions found at the following website address:

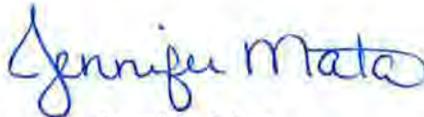
[www.blm.gov/wo/st/en/prog/planning/planning\\_overview/protest\\_resolution/filinginstructions.html](http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/filinginstructions.html)

Comments (but not protests) may be sent to: BLM Redding Field Office, 355 Hemsted Drive, Redding, CA, 96002, Attn: Jennifer Mata, or faxed to: (530) 224-2172, or emailed to: Ilene Emry at [iemry@blm.gov](mailto:iemry@blm.gov). Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The BLM must resolve any protests on the proposed plan amendment before issuing a decision. If no changes to the Environmental Assessment for the Proposed Redding Resource Management Plan Amendment and Forbestown Reversionary Sale are warranted based on comments received, the BLM will prepare a Decision Record that documents our decision on the proposed plan amendment and proposed land sale.

For additional information or clarification regarding the proposed plan amendment or the planning process, please contact Ilene Emry, Realty Specialist, at the BLM Redding Field Office at (530) 224-2100, or email [iemry@blm.gov](mailto:iemry@blm.gov).

Sincerely,



Jennifer Mata  
Field Manager

**United States Department of the Interior**

**Bureau of Land Management**

**Redding Field Office**

**Redding, California**

**Proposed Plan Amendment to the  
1993 Redding Resource Management Plan  
And Environmental Assessment for the Sale  
of the Reversionary Interest in 5 acres to the  
Forbestown Lodge No. 50,  
in Butte County, California**

**NEPA DOC #: DOI-BLM-CA-N060-2013-027-EA**

**CACA 54251**

**October 2013**

## Table of Contents

	Page
<b>Chapter 1: Introduction</b> .....	<b>1</b>
<b>Maps – Exhibits A - General Location Map and Exhibit B – Site Map</b> .....	<b>2</b>
<b>Purpose and Need for Plan Amendment and Proposed Reversionary Interest Sale</b> .....	<b>3</b>
<b>Decision to be Made</b> .....	<b>3</b>
<b>Conformance with BLM Land Use Plans</b> .....	<b>3</b>
<b>Relationship to Statutes, Regulations, and other Plans</b> .....	<b>3</b>
<b>Scoping, Public Involvement, and Issues</b> .....	<b>4</b>
<b>Chapter 2: Proposed Action and Alternatives</b> .....	<b>4</b>
<b>Alternative A: Sale of Reversionary Interest</b> .....	<b>4</b>
<b>Future Development of the Parcel without Reversionary Restriction</b> .....	<b>5</b>
<b>Alternative B: No Action, Continue Current Management with Reversionary Interest...</b>	<b>5</b>
<b>Alternatives Considered but Eliminated from Detailed Analysis</b> .....	<b>6</b>
<b>Chapter 3: Affected Environment and Environmental Consequences</b> .....	<b>6</b>
<b>Introduction</b> .....	<b>6</b>
<b>Affected Environment</b> .....	<b>6</b>
<b>Environmental Consequences</b> .....	<b>7</b>
<b>Alternative A: Proposed Action</b> .....	<b>7</b>
<b>Cultural Resources, Botany, Wildlife, Forestry, Surface and Groundwater Quality, Noxious Weeds and Invasive Species</b> .....	<b>7</b>
<b>Environmental Justice</b> .....	<b>7</b>
<b>Climate Change</b> .....	<b>7</b>
<b>Lands with Wilderness Characteristics</b> .....	<b>7</b>
<b>Minerals</b> .....	<b>7</b>
<b>Property Taxes</b> .....	<b>8</b>
<b>Future Development of the Parcel</b> .....	<b>8</b>
<b>Hazardous and Solid Wastes</b> .....	<b>8</b>
<b>Direct and Indirect Impacts</b> .....	<b>8</b>
<b>Cumulative Impacts</b> .....	<b>8</b>
<b>Alternative B: No Action</b> .....	<b>8</b>
<b>Direct and Indirect Impacts</b> .....	<b>8</b>
<b>Cumulative Impacts</b> .....	<b>8</b>
<b>Chapter 4: Consultation, Coordination, and Public Involvement</b> .....	<b>8</b>
<b>Persons, Groups, and Agency Consultation</b> .....	<b>8</b>
<b>List of Preparers</b> .....	<b>9</b>
<b>Appendix: Patent</b> .....	<b>10</b>

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
REDDING FIELD OFFICE**

**ENVIRONMENTAL ASSESSMENT**

Proposed Plan Amendment to the  
1993 Redding Resource Management Plan  
And Environmental Assessment for the Sale  
of the Reversionary Interest in 5 acres to the  
Forbestown Lodge No. 50,  
in Butte County, California

NEPA DOC #: DOI-BLM-CA-N060-2013-027-EA

POSITION	SIGNATURE
AIR, SOIL, & WATER	<i>[Signature]</i> 25 Oct 2013
BOTANY & RANGE	<i>[Signature]</i> 10/24/13
CULTURAL RESOURCES (Paleontology, Socioeconomics)	<i>[Signature]</i> 10/23/13
FIRE & FUELS MANAGEMENT	<i>[Signature]</i> 10/29/13
FORESTRY	<i>[Signature]</i> 10/29/13
LANDS (Use Authorizations, Land Tenure Adjustments)	<i>[Signature]</i>
MINERALS	<i>[Signature]</i>
RECREATION (Wilderness Character, VRM, Engineering)	<i>[Signature]</i> 10-24-13
WILDLIFE & FISHERIES	<i>[Signature]</i> 10/24/13
PLANNING & ENVIRONMENTAL COORDINATOR	<i>[Signature]</i> 11/1/2013

Project Lead:

*[Signature]*  
Signature

10/23/2013

Date

## CHAPTER 1 – INTRODUCTION

In 1971, the BLM conveyed five acres of public land in Butte County, California, to the Forbestown Lodge No. 50, Free and Accepted Masons, a California non-profit association (the Forbestown Lodge). The land was conveyed by patent (04-71-0165) issued under the authority of the Recreation and Public Purpose Act of June 14, 1926 (R&PP). The patent issued by the United States of America states that the lands were granted "... for lodge, playground and parking area purposes only..." and contained a provision that title to the land would revert to the United States in the event the lands were used for purposes not allowed under the terms of the conveyance or were transferred to another party without BLM's approval.

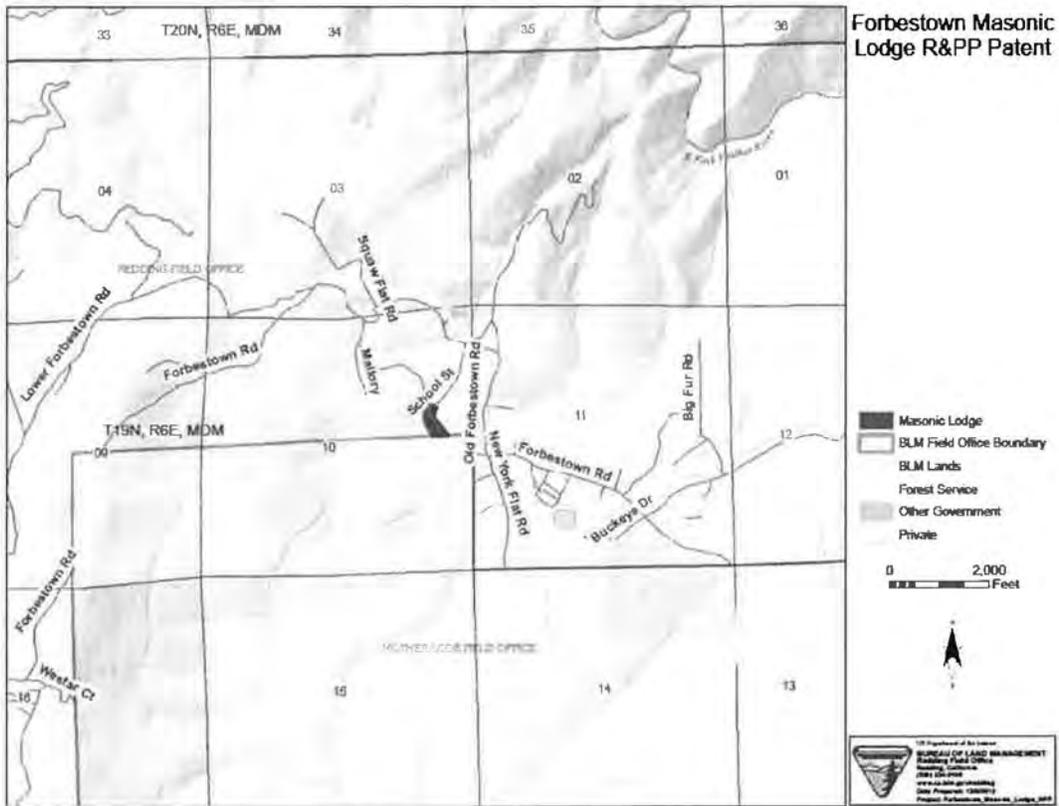
The Bureau of Land Management (BLM) received a request on March 3, 2010, from the Forbestown Lodge to purchase the reversionary interest retained by the United States in R&PP Patent 04-71-0165. This would allow the Forbestown Lodge to use the land for additional purposes and to allow transfer of the land to a non-profit corporation associated with the Forbestown Lodge to provide better site management and to reduce liability to the association. The patent conveyed the subject parcel described as M.D.M., T. 19 N., R. 6 E., sec. 10, lot 27 (APN: 073-160-031).

The BLM prepared this document in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Federal Land Policy and Management Act of 1976 (FLPMA), implementing regulations, the BLM's Land Use Planning Handbook (H-1601-1), and other applicable law and policy.

The BLM has authority under Section 203 of the Federal Land Policy and Management Act (FLPMA) to sell public lands, or interest in lands (including reversionary interests), but only where the BLM has determined through its land use plan that such lands or interests in lands meet the criteria for disposal under Section 203(a) of FLPMA.

The reversionary interest in the land conveyed to the Forbestown Lodge is not specifically identified for sale in the 1993 Redding Resource Management Plan (RMP) since it was patented in 1971, so a plan amendment is required to process a direct sale. The subject parcel is located outside of the identified 1993 RMP management areas where public lands would be retained, and private lands would be acquired from willing sellers.

**Legal Location:** M.D.M., T. 19 N., R. 6 E., sec. 10, lot 27, APN: 073-160-031



**Exhibit A – General Location Map**



**Exhibit B – Site Map**

## **PURPOSE AND NEED**

The BLM previously approved, and issued a patent under the R&PP to the Forbestown Lodge in March of 1971, to use the public land for a lodge, playground, and parking area. The BLM is responding to a request from the Forbestown Lodge to purchase the reversionary interest to allow use of the land for additional purposes and to allow transfer of the land to a non-profit corporation associated with the Forbestown Lodge to provide better site management and to reduce liability to the association.

## **DECISION TO BE MADE**

To complete this proposed transaction, the BLM must decide whether to amend the RMP to identify the subject parcel for disposal including reversionary interests and then to transfer the reversionary interest to the Forbestown Lodge.

## **CONFORMANCE WITH BLM LAND USE PLANS**

This action is not in conformance with the 1993 Redding RMP. An amendment would be needed to allow for the sale of the reversionary interest held by the United States in the Forbestown R&PP CAS 074589 patent (patent no. 04-71-0165) to the Forbestown Lodge in 5 acres patented to them in 1971 near Forbestown California.

Currently, the subject parcel is located in a disposal area that has the following RMP objectives and decisions, pages 51-53:

### **Ishi Management Area**

#### **I. Resource Condition Objectives**

##### **G. Remainder of the Management Area**

1. Enhance the resource management efficiency and public service mission of local, state, and Federal agencies via transfer of specific public land from BLM.
2. Enhance the ability to acquire high value resource lands within the Redding Resource Area by disposal of scattered public land interests within the Ishi management area.

#### **II. Land Use Allocations**

##### **G. Remainder of Management Area**

12. All public land interests not noted in II A-H (1-10) are available for exchange or sale.

The purpose of the plan amendment is to identify the reversionary interest held by the United States in patent 04-71-0165 as available for sale under the authority of section 203 of the FLPMA. The plan amendment is needed because the sale is not specifically identified in the RMP. It is located within a disposal area of the RMP but is not specifically written in the text or shown on the RMP maps, since it was already patented at the time of the RMP completion in 1993 .

## **RELATIONSHIP TO STATUTES, REGULATIONS AND OTHER PLANS**

Land use plan amendments are authorized in the FLPMA and in 43 CFR Subpart 1610.

This amendment would modify the 1993 Redding RMP, as discussed below.

The proposed actions are consistent with section 202 and 203 of the FLPMA:

## Title II – Land Use Planning; Land Acquisition and Disposition

Land Use Planning, section 202(a): The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands.

Sales, section 203 (a)" .... The Secretary determines that the sale of such tract meets the following disposal criteria: (1) such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency;"

### **SCOPING, PUBLIC INVOLVEMENT, AND ISSUES**

One letter was received in response to our mailing from the Mechoopda Indian Tribe. The Tribe is concerned with preservation of any Native American archaeological or cultural sites within the project area. They are not aware of any cultural resources in the area, but ask that any project activities be stopped if cultural resources are found. They also expressed a desire to preserve all watersheds, all riparian habitat conservation areas, and prohibit any project activities which would diminish water quality.

The proposed action does not directly involve any changes to site use or management. If the reversionary interest is sold to the Forbestown Lodge, any ground disturbing activities in the future would be monitored by the County through their environmental process associated with permit issuance.

The Forbestown Lodge was contacted to inquire about their future plans for the parcel if they purchase the reversionary interest. Their plan for the future includes possibly building a new lodge, as presently described in their previously approved Plan of Development.

The Butte County Planning Department was also contacted, in January 2013, to see what would be allowed if the reversionary interest was sold to the Forbestown Lodge. Any future changes to the parcel would need to be approved by the Butte County Planning Department and would go through their environmental process. They are familiar with the Forbestown parcel and building of the new lodge building on the parcel would be within current county zoning.

## **CHAPTER 2 - PROPOSED ACTION AND ALTERNATIVES**

### **ALTERNATIVE A: SALE OF THE REVERSIONARY INTEREST**

The proposed action is the direct sale of the reversionary interest in the above described land under the authority of section 203 of the FLPMA. This interest will be sold to the Forbestown Lodge No. 50 (the Lodge) for the appraised fair market value of \$50,000.00 minus the amount paid by the Lodge in 1971, when the parcel was patented to them under the Recreation and Public Purpose Act (R&PP Act). The direct sale would include the conveyance of the reversionary interest only. The use of the 5 acre parcel is subject to county zoning ordinances.

In order to complete the direct sale of the reversionary interest, the 1993 Redding Resource Management Plan must be amended to identify the reversionary interest held by the United States in five acres that was patented to the Forbestown Lodge under the Recreation and Public Purposes Act in 1971 as available for direct sale to the Forbestown Lodge:

Mount Diablo Meridian, California  
T. 19 N., R. 6 E., sec. 10, lot 27, APN: 073-160-031

### **Future Development of the Parcel without Reversionary Restriction**

The sale of the reversionary interest would allow additional future uses of the land by the Forbestown Lodge that may not be allowed currently under the R&PP Act. The Forbestown Lodge would no longer be restricted to activities described in the Plan of Development (as theoretically enforceable through exercise of reversionary clause. They would be limited to what is allowed by Butte County's zoning and the County requirements.

After acquisition of the reversionary interest, the Forbestown Lodge plans to transfer the title of the parcel from the Forbestown Lodge membership itself to the Hall Association, Inc., an incorporated entity that will construct the new Lodge building. The sale will provide significant liability protection for the Forbestown Lodge members, and will drastically reduce liability insurance costs. No immediate physical changes or development of the parcel are planned.

Short-range plans are to improve the recreation facilities at the site. The site will remain available at no or nominal charge for community, public, and non-profit picnics and other uses, as well as Lodge functions. The Forbestown Lodge (Hall Association, Inc.) wants to explore opportunities to generate revenue from the site by allowing private parties to rent the site for events and other uses. Revenue would defray taxes, insurance, and upkeep, and assist in funding construction of the new meeting hall, the original purpose for the parcel and still intended by the Forbestown Lodge.

Long-range plans are still to construct a new multi-purpose meeting hall on the property, the original intent. The meeting hall would also be available (as is the current, historic hall on other private land) for both Lodge and community and public use. The parcel is physically divided by School Street, a historical road. The significantly larger south portion is where the new meeting hall would be constructed. The Forbestown Lodge will explore opportunities to generate revenue for hall construction from the smaller north portion. It may relocate the recreation amenities to the north portion to allow hall construction, or may use the north portion for additional parking. The acquisition of the reversionary interest will also allow the Forbestown Lodge full control of the property to assist in financing hall construction.

### **ALTERNATIVE B: NO ACTION, CONTINUE CURRENT MANAGEMENT WITH REVERSIONARY INTEREST**

Under the No Action Alternative, the 1993 Redding RMP would not be amended to allow for the sale of the reversionary interest in the Forbestown R&PP CAS 074589 patent and the reversionary interest would not be sold to the Forbestown Lodge. The Forbestown Lodge would not be able to transfer the land to their non-profit corporation. The requirements of 5

the R&PP Act would remain in effect. The BLM would continue to visit the parcel for compliance checks as required by the R&PP Act.

## **ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS**

The subject lands were patented to the Lodge pursuant to the Recreation and Public Purposes Act. As such, the BLM is legally constrained in terms of who the reversionary interests may be transferred to. Beyond the proposed action (transfer reversionary interests to patentee through FLPMA authority sale) and the No Action (retain the reversionary interest, as is) alternatives, another possibility would be reversion, where the United States regains title to the land. For reversion to occur, the patentee would need to be found in non-compliance with the conditions of patent or agreeable to reversion. The Lodge is currently in compliance with the terms of patent and is requesting patent without a reversionary clause, and not open to reversion. Therefore, reversion is not a viable option. This alternative, and the subsequent transfer to other entities (such as other federal or State agencies) has been eliminated from further analysis, as the legal conditions for reversion do not currently exist.

Since the subject lands have been patented pursuant to the R&PP Act, the BLM is legally constrained to certain limited alternatives.

These are: (1) to dispose of the reversionary interest or (2) not to dispose of the reversionary interest.

## **CHAPTER 3 – AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES**

### **Introduction**

The following elements of the environment are not located within or adjacent to the subject parcel: Areas of Critical Environmental Concern, Floodplains, Prime or Unique Farmlands, Wetlands and Riparian Zones, Wild and Scenic Rivers or any lands with wilderness characteristics.

### **Affected Environment**

The Forbestown Lodge Recreation and Public Purpose (R&PP) patent is on five acres near community of Forbestown in Butte County, California. The Forbestown Lodge is currently using the parcel for a playground and parking area. The 5 acre parcel is surrounded by private land. It has very gentle topography, 0-10% slope and a vegetative cover of Ponderosa Pine, Manzanita, and other brush. The parcel is accessed by School Street which bisects the parcel and by Oroville-Forbestown highway adjacent to the parcel. There is no year around surface water but there is a seasonal drainage on the parcel. The parcel has been historically used for mining, recreation, timber production, wildlife habitat and public uses for rights-of-ways and the Forbestown Lodge picnic area, playground, and parking area. The parcel has had several site visits from January through June this year with no T&E and/or unique resources identified on this parcel. Field visits to the parcel was completed by the Redding Field Office Archaeologist, Forester, Botanist, and other office staff in the spring of 2013 with no T&E and/or unique resources identified on this land.

## **Environmental Consequences**

### ***Alternative A (Proposed Action)***

#### **Cultural Resources, Botany, Wildlife, Forestry, Surface, Groundwater Quality, Noxious Weeds, and Invasive Species**

A field visit to the parcel was completed by the Redding Field Office archaeologist in the spring of 2013. No new resource concerns were found.

The proposed action is a legal conveyance of the reversionary interest, a real estate transaction, and would have no effect on cultural resources. The foreseeable development scenario (building of a lodge) has been previously authorized and is not anticipated to have an effect.

Other actions by the Forbestown Lodge, or future successor's interest, will be subject to State and County code enforcement and analysis under the California Environmental Quality Act (CEQA).

#### **Environmental Justice**

No minority communities or low income communities are located in the immediate vicinity of the subject parcel. The proposed amendment and sale would not adversely affect such communities.

#### **Climate Change**

The proposed actions of amending the RMP and sale of the reversionary interest will not affect climate change since they are administrative in nature and do not include environmental disturbance. If the reversionary interest is sold to the Forbestown Lodge any changes to the parcel would need to be approved by the Butte County Planning Department and would go through their environmental process.

#### **Lands with Wilderness Characteristics**

Lands that clearly lack wilderness characteristics are those that do not meet the naturalness criterion because they have extensive surface disturbance and/or do not meet the size criterion of 5,000 acres or larger. Areas less than 5,000 acres may have wilderness characteristics and require protective actions if BLM determines that wilderness characteristics are present. The project area does not contain Lands with Wilderness Characteristics.

#### **Minerals**

The mineral estate was retained by the United States when the parcel was patented to the Forbestown Lodge under the R&PP Act in 1971. The proposed action will not affect the mineral estate since it will still be retained by the United States.

## **Property Taxes**

According to the Butte County Assessor's Office, the property taxes for the parcel would not change with the sale of the reversionary interest to the Forbestown Lodge since they already pay property taxes for the parcel. They may change if ownership of the parcel changes in the future.

## **Future Development of the Parcel**

The proposed action considers future development scenarios, proposed by the Lodge, as the most likely future use of the parcel, after conveyance of the reversionary interests. Once the reversionary interest is transferred, the Lodge will not be limited to these uses. It is possible that the parcel could be transferred from the Lodge or Hall Association to other private interests and developed for residential occupancy or other uses.

## **Hazardous and Solid Wastes**

The subject parcel is patented to the Forbestown Lodge. Any hazardous materials or solids waste concerns would be the responsibility of the County to enforce. No impacts were identified and no cumulative impacts are anticipated as a result of the proposed action.

## ***Alternative B (No Action)***

Under the No Action, the 1993 RMP would not be amended to allow for the direct sale of the reversionary interest held by the United States and the Forbestown Lodge would not acquire the reversionary interest held by the United States. There would be no new resource impacts associated with the Lodge retaining their lease and the BLM retaining their reversionary interest. There would be no direct or indirect impact from amending the RMP or sale of the reversionary interest to the Forbestown Lodge since the use will remain unchanged for some time. No cumulative impacts are anticipated since the sale would not be completed.

## **CHAPTER 4 – CONSULTATION, COORDINATION AND PUBLIC INVOLVEMENT**

### **PERSONS, GROUPS, AND AGENCIES CONSULTED**

A Notice of Intent was published in the Federal Register on December 4, 2012 to notify the public of the intent to prepare an amendment to the 1993 Redding Resource Management Plan (RMP) and with an associated environmental assessment which would allow for the sale of the reversionary interest held by the United States in the lands previously sold to Forbestown Lodge No. 50, Free and Accepted Masons under the authority of the Recreation and Public Purposes Act (R&PP).

This notice was also sent on December 7, 2013 to the Governor, governmental officials, Butte County Assessor's Office and Planning Department. It was also sent on December 17, 2013 to the Native American tribes in the area (Chico Rancheria /Mechoopda Indian Tribe, Round Valley Tribal Council Round Valley Indian Tribes of the Round Valley Reservation, Berry Creek Rancheria, Mooretown Rancheria, Enterprise Rancheria, Konkow Valley Band of Maidu, Pakan-Yani Maidu Band of Strawberry Valley Rancheria, Greenville Rancheria) and other interested parties. The notice was also published in the local newspaper and a news release was placed on the California BLM website.

The Butte County Planning Department was contacted as to the zoning for the 5 acre parcel and future development potential. The Butte County Assessor's Office was contacted to see the effect of the proposed action. The Forbestown Lodge was also contacted as to their future plans for the parcel if the reversionary interest was sold to them. The sale of the reversionary interest will help the Forbestown Lodge to reorganize and provide liability protection and reduce Federal compliance burden.

### **List of Preparers**

Ilene Emry, Realty Specialist/Project Lead  
Rebecca Carr, Supervisory Resource Management Specialist  
Charlie Wright, Supervisory Realty Specialist  
Eric Ritter, BLM Archaeologist  
Gary Diridoni, BLM Wildlife Biologist  
Chase Lentz, BLM Botanist  
Walter Herzog, BLM Forester  
Bill Kuntz, BLM Outdoor Recreation Planner  
Tim Bradley, BLM Fire Management Officer  
Joe Liebhauser, Forbestown Lodge representative  
Mark Michelana, Butte County Planning Department  
Tom Gey, BLM California State Office sales lead

## Appendix

Form 1810-9  
(March 1965)  
(formerly 4-1041)

Serial No. Sacramento 074589

### **The United States of America**

**To all to whom these presents shall come, Greeting:**

#### WHEREAS

Forbestown Lodge No. 50, F. & A. M.

is entitled to a Land Patent pursuant to the Act of June 14, 1926, 44 Stat. 741, as amended, 43 U.S.C. 869 (1964), for the following described land:

Mount Diablo Meridian, California

T. 19 N., R. 6 E.,

Sec. 10, Lot 27;

Containing 5 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named claimant the land above described for lodge, playground, and parking area purposes only; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, its successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted:

1. 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;
2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law;
3. A right-of-way for a road (§ 3712) and all appurtenances thereto, constructed by the United States through, over, or upon the land herein described and the right of the United States, its agents or employees, to maintain, operate, repair or improve the same, as long as needed or used for or by the United States;
4. The right to itself, its permittees or licensees, to enter upon, occupy and use, any part or all of said land lying within 20 feet of the center line of the transmission line right-of-way of the Pacific Gas and Electric Company,

Patent Number **04-71-0165**

CHD:RFL:REP

Serial No. Sacramento 074589

Sacramento 035376, for the purposes set forth in and subject to the conditions and limitations of Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818; and

SUBJECT TO those rights for water pipeline purposes as have been granted to the Yuba County Water District, its successors or assigns, by permit No. S 1746 under the Act of February 15, 1901, 31 Stat. 790, 43 U.S.C. 959.

PROVIDED, that no junkyards as defined in 23 U.S.C. 136 shall be hereafter established or maintained and no signs, billboards, outdoor advertising, structures or advertisement of any kind shall be hereafter erected, displayed, placed or maintained upon or within the above-described land, except that signs may be erected and maintained to advertise the principal activities conducted on the lands which are adjacent to the Federal Aid Highway; and

PROVIDED, further, that if the patentee or its successor attempts to transfer title to or control over the land to another or the land is devoted to a use other than that for which the land was conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or sub-contractors (including without limitation, lessees, sublessees, and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented land or any of the facilities thereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States; and

PROVIDED, further, that the grant of the above-described land is also subject to the following reservations, conditions, and limitations:

1. The patentee or its successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 241, and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) (1970 edition) for the period that the land conveyed herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.
2. If the patentee or its successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964, and the requirements imposed by the Department of the Interior issued pursuant to that title, during the period during which the land described herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits, the Secretary of the Interior or his delegate may declare the terms of this grant terminated in whole or in part.
3. The patentee, by acceptance of this patent, agrees for itself or its successors in interest that a declaration of termination in whole or in part of this grant shall, at the option of the Secretary or his delegate, operate to revert in the United States full title to the land involved in the declaration.
4. The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.

Patent Number 04-71-0165

Serial No. Sacramento 074589

5. The reservations, conditions, and limitations contained in paragraphs 1 through 4 shall constitute a covenant running with the land, binding on the patentee and its successors in interest for the period for which the land described above is used for the purpose for which this grant was made, or for another purpose involving the provision of similar services or benefits.
6. The assurances and covenant required by paragraphs 1 through 5 above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h).
7. The patentee, by acceptance of this patent, agrees that it will, upon request of the Secretary of the Interior or his delegate, post and maintain on the land conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area granted.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in Sacramento, California, the THIRTY-FIRST day of MARCH in the year of our Lord one thousand nine hundred and SEVENTY-ONE and of the Independence of the United States the one hundred and NINETY-FIFTH.

By /s/ J. R. Penny  
State Director  
California State Office

Patent Number 04-71-0165

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
REDDING FIELD OFFICE**

**FINDING OF NO SIGNIFICANT IMPACT**

Proposed Plan Amendment to the  
1993 Redding Resource Management Plan  
And Environmental Assessment for the Sale  
of the Reversionary Interest in 5 acres to the  
Forbestown Lodge No. 50, in Butte County, California

**EA Number: DOI-BLM-CA-N060-2013-027-EA**

**BACKGROUND**

In 1971, under the authority of the Recreation and Public Purpose Act of June 14, 1926 (R&PP), the BLM conveyed five acres of public land in Butte County, California, to the Forbestown Lodge No. 50, Free and Accepted Masons, a California non-profit association (the Forbestown Lodge).

The Forbestown Lodge now wishes to purchase the reversionary interest held by the United States in the original R&PP patent to allow use of the land for additional purposes and to allow transfer of the land to a non-profit corporation associated with the Forbestown Lodge to provide better site management and to reduce liability to the association.

The BLM has authority under Section 203 of the FLPMA to sell public lands, or interest in lands (including reversionary interests), but only where the BLM has determined through its land use plan that such lands or interests in lands meet the criteria for disposal under Section 203(a) of FLPMA.

The reversionary interest in the land conveyed to the Forbestown Lodge is not specifically identified for sale in the 1993 Redding RMP since it was patented in 1971, so a plan amendment is required to process a direct sale. This plan amendment would determine whether the reversionary interests held by the U.S. in five acres of land are difficult and uneconomic to manage as part of the public lands and are not suitable for management by another Federal department or agency.

When the U.S. retains a reversionary interest in lands conveyed under the R&PP Act, the BLM has an ongoing management responsibility to: 1) monitor the lands to ensure they are used for the purposes for which they were conveyed and, 2) take action, in accordance with due process of law, to revert title to the U.S. when the owner fails to comply with the terms of the conveyance. The BLM's management responsibilities associated with reversionary interests make those interests somewhat difficult and uneconomic to manage as part of the public land.

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in [1993 Redding RMP and EIS]; (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

## **CONTEXT**

The 5 acre subject parcel was patented to the Forbestown Lodge in 1971. The proposed action involves the amendment of the Redding RMP to allow for the sale of the reversionary interest held by the United States to the Forbestown Lodge. The proposed action only affects the 5 acre subject parcel.

## **INTENSITY**

I have considered the potential intensity/severity of the impacts anticipated from the project decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

### ***1. Impacts that may be both beneficial and adverse.***

The impact of the proposed action would be beneficial to the Forbestown Lodge by allowing them to own the parcel without the United States having a reversionary interest and the restrictions with that. It would also be beneficial to the United States to amend the 1993 Redding RMP to allow the sale of the reversionary interest to the Forbestown Lodge by not having to monitor the R&PP patent. No adverse impacts have been identified.

### ***2. The degree to which the proposed action affects public health and safety.***

No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety.

### ***3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

There are no unique characteristics of the geographic area that are being affected by this proposed action. The area has been historically mined, however, no cultural or historic sites were found or recorded in the vicinity of the proposed action other than the existing School House Road that has a Right-of-Way Reservation to the BLM on the R&PP patent for its protection.

### ***4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.***

No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).

### ***5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

The analysis does not show that this action would involve any unique or unknown risks.

**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.**

The RMP amendment and Forbestown Lodge R&PP reversionary interest sale is not precedent setting.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

No significant site specific or cumulative impacts have been identified.

**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 historic resources.**

The project area does not include any sites listed on the National Register of Historic Places or sites known to be eligible.

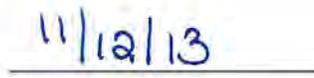
**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

No ESA listed species (or their habitat) are known to occur in the project area.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

There is no indication that this decision will result in actions that will threaten such a violation.

  
Field Manager, Redding Field Office

  
Date