



Recording Requested by
COUNTY OF SISKIYOU

Siskiyou County Recorder
Craig S. Kay, Assessor-Recorder
DOC - 2022-0000966

When Recorded Mail to:
Chris Chase
Michigan-California
Timber Company LP
PO Box 766
Yreka, CA 96097

Requested By: Public
February 4, 2022 02:34 PM
Total Paid: \$134.00

Receipt No.: 2022360428
Inelson/ASR-126/1-16

**DECLARATION OF RESTRICTIVE COVENANT FOR A JOINT TIMBER
MANAGEMENT PLAN**

(Government Code § 27281.5)

THIS DECLARATION OF RESTRICTIVE COVENANTS (“Declaration”) is executed on February 4, 2022, by Michigan California Timber Company, LP, a California limited partnership (“Declarant”).

RECITALS

WHEREAS, Declarant is the owner of two parcels real property located in Siskiyou County California with Assessor’s Parcel Numbers 015-420-200 and 015-420-230, which is more particularly described in the attached and incorporated Exhibit A (“Property”); and

WHEREAS, Declarant filed an application for boundary line adjustment for the Property (BLA-21-22), which included the Big Meadows Joint Timber Management Plan (“Plan”) submitted in accordance with Section 51119.5 of the California Government Code; and

WHEREAS, on November 17, 2021, the Planning Commission of the County of Siskiyou recommended, in Resolution PC 2021-026, that the Board of Supervisors of Siskiyou County (“Board”) approve Boundary Line Adjustment BLA-21-22 subject to certain conditions of approval, including, but not limited to, the recordation of the Plan as a deed restriction that runs with the land and that must remain “in force for a period of not less than ten (10) years from the date the project is approved by four-fifths vote of the Board of Supervisors”; and

WHEREAS, Section 51119.5 of the California Government Code requires that the Plan be recorded as a deed restriction before the Board approves Boundary Line Adjustment BLA-21-22; and

WHEREAS, Section 27281.5 of the California Government Code requires a recorded document in the event a governmental entity imposes a restriction on the ability of an owner of real property to convey the real property; and

WHEREAS, this Declaration is being recorded in compliance with Sections 27281.5 and 51119.5 of the California Government Code.

NOW, THEREFORE, Declarant declares as follows:

1. Restrictive Covenant.

a. Upon the Board's approval of the Boundary Line Adjustment BLA-21-22 in accordance with Section 51119.5, the management and harvesting of timber on the Property shall be in accordance with the Plan, a copy of which is attached as Exhibit B and incorporated herein. This restrictive covenant shall run with the land rather than the owners of the Property. The restrictive covenant shall be in force immediately upon the Board's approval of Boundary Line Adjustment BLA-21-22 in accordance with Section 51119.5 and shall remain in force for a period of 10 years from the date of approval after which time the restrictive covenant shall automatically expire, terminate, and have no further force or effect. In the event that the Board does not approve Boundary Line Adjustment BLA-21-22 in accordance with Section 51119.5, this Declaration shall be void in its entirety and deemed automatically released from the Property.

b. Declarant shall have one-year from the date that the Board approves Boundary Line Adjustment BLA-21-22 to record all instruments necessary to complete the boundary adjustment. Declarant may obtain a twelve (12) month extension of the deadline by submitting a written application and fee to the Planning Division before the expiration of the initial one-year period.

2. Declarant's Reserved Rights. Declarant reserves to itself, and to its representatives, heirs, successors, assigns, transferees, agents, and lessees, all rights inuring from ownership of the Property not otherwise restricted or prohibited by virtue of this Declaration, including, but not limited to, the right to engage in or permit others to engage in all uses of the Property that are not expressly prohibited by this Declaration, and are not inconsistent with the purposes of this Declaration.

3. Successors and Assigns Bound. Declarant hereby agrees and acknowledges that the Property shall be held, sold, conveyed, owned, and used subject to the applicable terms, conditions and obligations imposed by this Declaration relating to the use of the Property, and matters incidental thereto. Such terms, conditions, and obligations are a burden and restriction on the use of the Property, as applicable.

The provisions of this Declaration shall (subject to the limitations contained in this Declaration and without modifying the provisions of this Declaration) be enforceable as equitable servitudes and conditions, restrictions and covenants running with the land, and shall be binding on the Declarant and upon each and all of its respective heirs, devisees, successors, and assigns, grantees, mortgagees, lienors, officers, directors, employees, agents, representatives, executors, trustees, successor trustees, beneficiaries, administrators, any person who claims an interest in the Property, and upon future owners of the Property and each of them.

4. No Other Restrictions. This Declaration imposes no other obligations or restrictions on Declarant, and neither its successors, nor any other person or entity claiming under them, shall be in any way restricted from using the Property except as provided herein.

5. General Provisions.

a. Controlling Law. The interpretation and performance of this Declaration shall be governed by the laws of the State of California and any applicable federal law.

b. Construction. Any general rule of construction to the contrary notwithstanding, this Declaration shall be construed in accordance with its plain and ordinary meaning and not against Declarant or any subsequent owner of the Property.

c. Severability. If any provision of this Declaration or the application thereof is found to be invalid, the remaining provisions of this Declaration or the application of such provisions other than that found to be invalid shall not be affected thereby.

d. Termination of Rights and Obligations. The rights and obligations of any owner of the Property under this Declaration, including Declarant, shall terminate automatically as to that owner of the property upon transfer of the owner's interest in the Property.

e. Captions. The captions in this Declaration have been inserted solely for convenience of reference and are not a part of this Declaration and shall have no effect upon its construction or interpretation.

6. Modification. Except as otherwise provided above, this Declaration shall not be amended, released, terminated, or removed from the Property without the prior written consent of the County of Siskiyou and all owners of the Property.

7. Recordation. This Declaration shall be recorded in the Siskiyou County Recorder's Office.

DECLARANT:

By: 

Print Name: Chris Chase

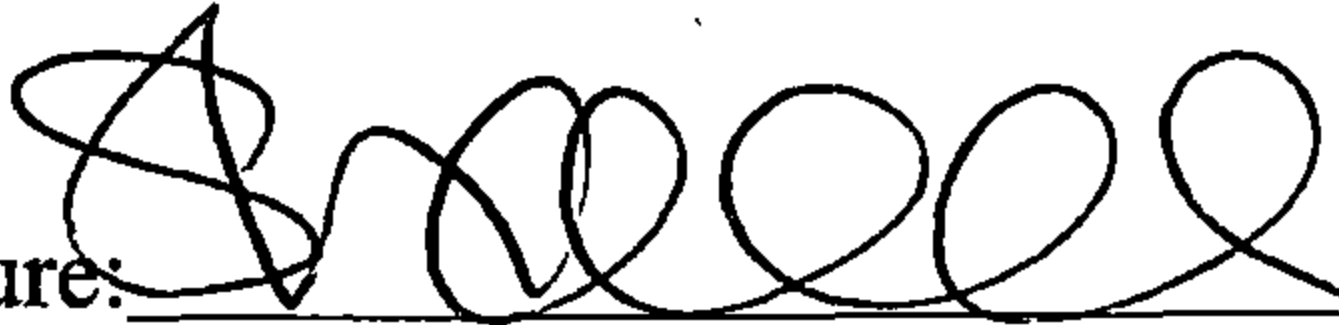
Title: General Manager California Operations,
Michigan-California Timber Company, LP

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF SISKIYOU

Subscribed and sworn to (or affirmed) before me on this 4 day of February, 2022,
by Christopher Chase, proved to me on the basis of satisfactory
evidence to be the person(s) who appeared before me.

Signature: _____



(Seal)



EXHIBIT A

Legal Description of the Property

Legal Description for PARCEL A

**Michigan-California Timber Company
Boundary Line Adjustment
(BLA2122)
September 3, 2021**

A parcel of land located in the State of California, County of Siskiyou, described as follows:

That portion of Section 29, Township 44 North, Range 10 West, Mount Diablo Base and Meridian, located northerly of the thread of Scott River.

Legal Description for PARCEL B

**Michigan-California Timber Company
Boundary Line Adjustment
(BLA2122)
September 3, 2021**

A parcel of land located in the State of California, County of Siskiyou, described as follows:

That portion of Section 29 located southerly of the thread of Scott River and the Southeast Quarter of the Northeast Quarter of Section 30, Township 44 North, Range 10 West, Mount Diablo Base and Meridian.

EXHIBIT B

Joint Timber Management Plan

BIG MEADOWS JOINT TIMBER MANAGEMENT PLAN



INTRODUCTION

This Joint Timber Management Plan (JTMP) is being prepared to fulfill the requirements of California Government Code 51119.5 pertaining to the division of parcels zoned as timber production (T.P.Z.). The Michigan-California Timber Company, LLC (MCTC) is proposing a parcel division in Siskiyou County, California in Township 44-North Range 10-West Sections 29 and 30 as part of a Boundary Line Adjustment prepared by North State Land Surveying. Specifically, parcel 015-420-230 is proposed to be divided into two parcels: "PARCEL A" and "PARCEL B". PARCEL A is being proposed to be north of the thread of the Scott River. PARCEL B is being proposed to be south of the thread of the Scott River and is also being proposed to include existing parcel 015-420-200. See MAP 1 on page 6. *Italic typeface indicates verbage from EXHIBIT "A" CRITERIA FOR T.P.Z. MANAGEMENT PLANS* while **bold typeface indicates MCTC's discussion.**

SECTION 1

Map showing legal description and the assessor's parcel number(s) and map(s). Additionally, as part of the management plans, the map shall contain the following elements.

- a) *Stated scale:* see **MAP 1 on page 6, MAP 2 on page 7, and MAP 3 on page 8.**
- b) *Location of existing roads and principal streams:* see **MAP 1 on page 6, MAP 2 on page 7, and MAP 3 on page 8.**
- c) *Broad timber types including any unstocked areas:* see **MAP 2 on page 7.**
- d) *Estimated Site Classes:* see **MAP 2 on page 7.**
- e) *Name of owners of surrounding lands and type of zoning:* see **MAP 1 on page 6.**
- f) *Total number of acres in parcels:* see **table in bottom right corner of MAP 2 on page 7.**
- g) *Total number of stocked acres:* see **first row of table in bottom right corner of MAP 2 on page 7.**
- h) *Total acres of the various site classes:* see **first row of table in bottom right corner of MAP 2 on page 7.**
- i) *Date:* see **bottom portions of MAP 1 on page 6, MAP 2 on page 7, and MAP 3 on page 8.**
- j) *Name of preparer:* see **bottom portions of MAP 1 on page 6, MAP 2 on page 7, and MAP 3 on page 8.**

SECTION 2

- a) *Status of access, both legal and physical:* **Parcel A is legally accessible via Scott River Road. Scott River Road bisects the parcel and two spur roads access both the northern and southern portions of Parcel A. Each spur road is gated. Parcel B is legally accessible from a series of spur roads via Big Meadows Road "BMR" (see MAP 3 on page 8). All spur roads are physically accessible except for the 605, 607, 608 roads and the western portion of the 600 road. Access is planned to be restored to these roads in the summer of 2021. The 600, 700, 1000, and 1200 roads are gated at their intersection with Big Meadows Road.**

b) *Approximate age and condition of forest stands:*

| Stand # | Approximate Age | Stand # | Approximate Age |
|----------------|------------------------|----------------|------------------------|
| 01 | Nontimber | 13 | 82 |
| 02 | Nontimber | 14 | 82 |
| 03 | 111 | 15 | 82 |
| 04 | 67 | 16 | 82 |
| 05 | 82 | 17 | 92 |
| 06 | 67 | 18 | 48 |
| 07 | 58 | 19 | 73 |
| 08 | 50 | 20 | 73 |
| 09 | Nontimber | 21 | 61 |
| 10 | 111 | 22 | 61 |
| 11 | 65 | 23 | 46 |
| 12 | 44 | | |

In general all stands within the proposed parcels appear in good condition. The rate of mortality is at an acceptable level with little influence from drought and/or insect outbreaks. Mistletoe, fir engraver (*Scolytus ventralis*), bark beetles (*Dendroctonus spp.*) and other agents do not appear to be extensively present. Stands 04, 05, 12, 22, 23 had sanitation harvesting entries in 2018.

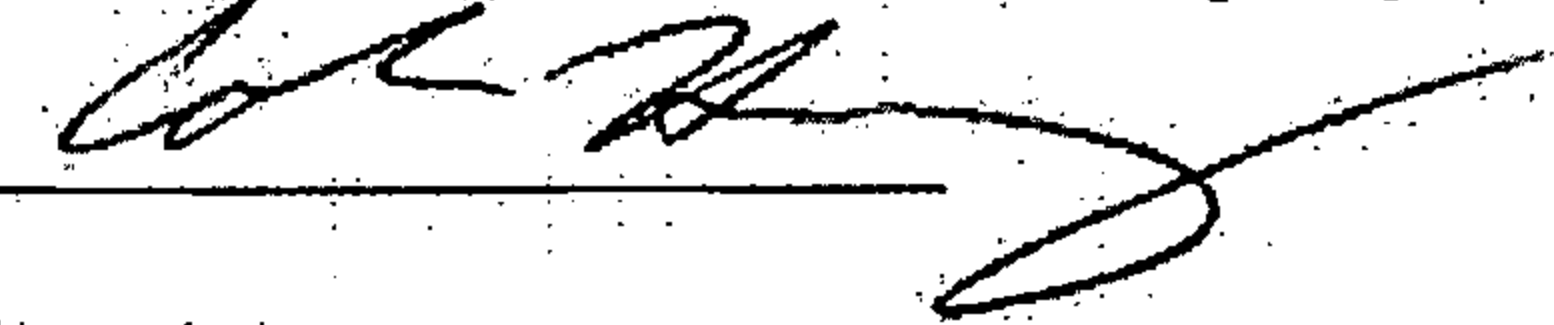
- c) *Statement of owner's objective in owning and managing the property:* Michigan-California Timber Company strives to be good stewards of the land, air, and water to practice sustainable forestry without compromising the needs of future generations. MCTC's main management goal is to maximize a sustainable yield of forest products while not precluding management for other resources such as: water quality, wildlife, fish, historic sites/artifacts, and recreation.
- d) *Measures to be employed for the control of insects & diseases:* If stand health and/or vigor appears to be affected by either abiotic or biotic factors then affected trees are planned to be removed. Sanitation and/or salvage harvesting will be limited to trees that are being attacked, diseased, dead, dying, or deteriorating. Pre-commercial and commercial thinning will also be utilized where feasible. Post-harvest top and slash piles will be burned in a timely fashion to minimize potential insect or disease outbreaks.
- e) *Measures, if any, for stocking understocked areas and for treating overstocked areas:* As stated in Section 3 the proposed parcels meet the stocking standards of the Forest Practice Rules. Unstocked areas exist within the proposed parcels but are either small enough or are areas that do not naturally bear timber (i.e. water, river channel, or grass) and therefore do not bring the parcels below the stocking standards of the Forest Practice Rules. If evenaged management is used on the proposed parcels then, as required by the Forest Practice Rules, the harvest area shall be regenerated to at least the minimum stocking standards (14 CCR 932.7(b)). Pre-commercial and commercial thinning will also be utilized where feasible to treat overstocked areas.

- f) **Plan for protection from fire, trespass and other agents:** As stated in Section 2 Item a), all private spur roads that access the proposed parcels via a public road are gated.

MCTC takes multiple precautions to limit the impact of wildfire such as; developing an annual fire plan, maintaining firefighting tools and equipment, conducting annual fire line training for staff, conducting routine fire inspections of contractors, monitoring fire weather conditions, observing Red Flag activity levels, maintaining membership in the Northern California Fire Cooperative Association, and opening gates prior to forecasted lightning events.


- g) **Timetable for eventual harvest:** The harvest areas of the Snow Creek and Isinglass Timber Harvest Plans (THP) occur within proposed Parcel B. 14 acres of Unit 5 of the Snow Creek THP occurs within Parcel B, clearcutting is the proposed silviculture. Units 4, 5, 6, 7, 8, 9, & 12 of the Isinglass THP occur within proposed Parcel B for a total of 134 acres. The proposed silviculture includes Seed Tree Seed Step, Alternative Prescription (Shelterwood Removal & Sanitation/Salvage), and another Alternative Prescription (Modified Shelterwood Seed Step). Harvest of these units is planned for 2022. No other timber harvest plans for proposed for the next decade on the proposed parcels.
- h) **Schedule for inventory:** Inventory for the proposed parcels was last collected in 2020. MCTC keeps a 10 to 15 year schedule on updating the inventory over its entire ownership. Therefore Parcel B will be cruised in 2031-2036.
- i) **Evidence that the owner possesses the knowledge to manage the forest property, or has sought advice and information from appropriate sources:** Michigan-California Timber Company (an affiliate of Timber Products Company) has been managing timberlands in Siskiyou County since 1994 and previously in the Sierra Nevada for nearly a century. Currently MCTC employs 5 Registered Professional Foresters (RPF) combining for over 90 years of forestry experience.

- j) **Signature and License number of Registered Professional Forester:**
Registered Professional Forester: Cole Humphrey #3106

Signature: 

- k.) **Signature of owner:**

Michigan-California Timber Company: Chris Quirnbach – Chief Forester

Signature: 

- l.) **Date:** 6/03/2021

SECTION 3

The parcel shall currently meet the stocking standards of the Forest Practice Rules, or the owner must enter into an agreement with the Board to meet the standards within five years: the proposed parcels meet the stocking standards of the Forest Practice Rules. Unstocked areas exist within the proposed parcels but are either small enough or are areas that do not naturally bear timber (i.e. water, river channel, or grass) and therefore do not bring the parcels below the stocking standards of the Forest Practice Rules.

SECTION 4

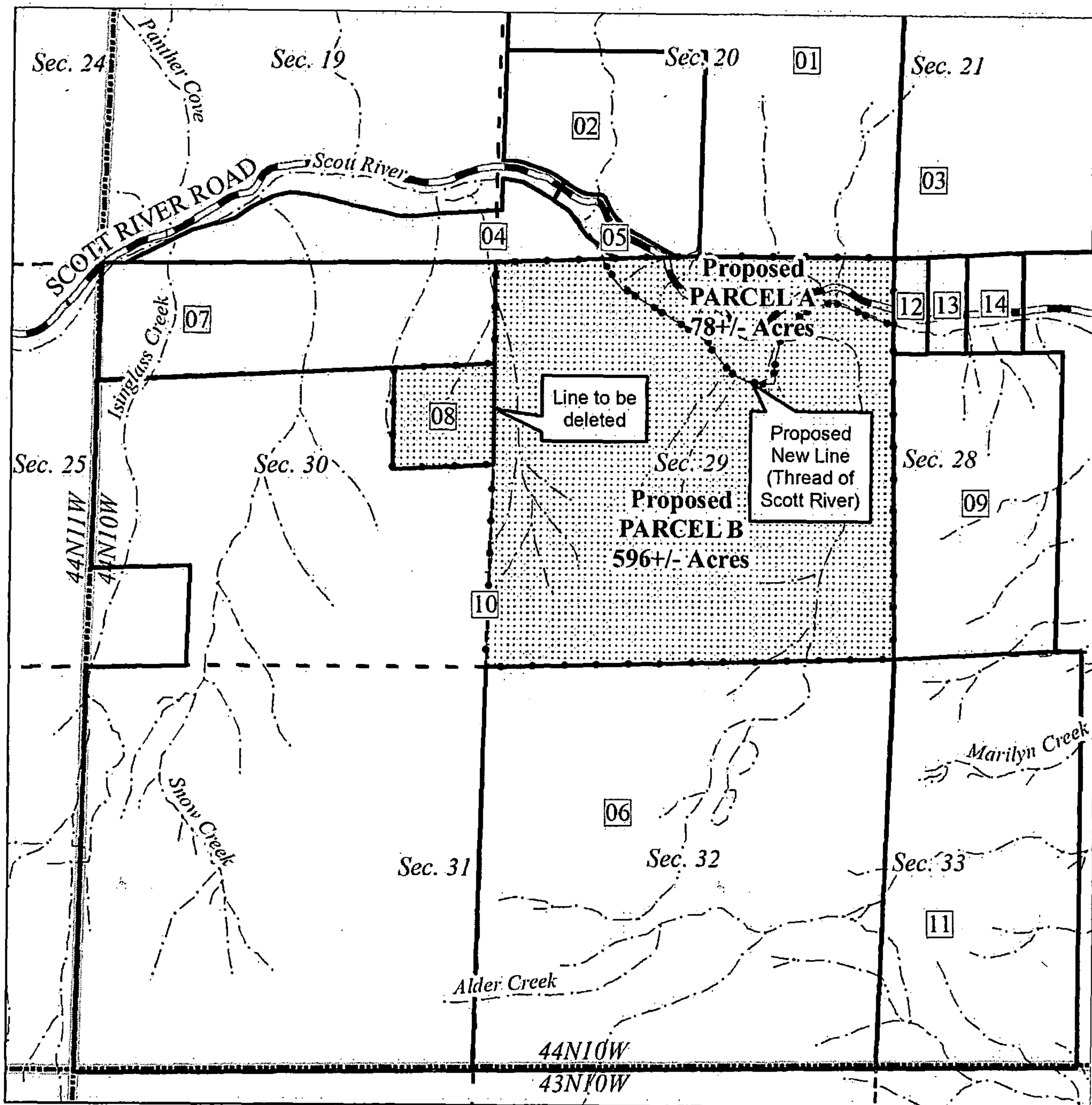
The parcel shall contain a minimum equivalency to 40 acres of site class III Timberland to the following productivity schedule:

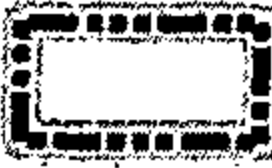




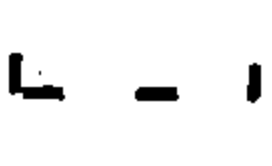

| <i><u>Site Class</u></i> | <i>Minimum Number of Acres*</i> | <i>Minimum Parcel Equivalency</i> |
|--------------------------|---------------------------------|-----------------------------------|
| <i>I</i> | <i>18 acres</i> | <i>2.2:1</i> |
| <i>II</i> | <i>25 acres</i> | <i>1.6:1</i> |
| <i>III</i> | <i>40 acres</i> | <i>1:1</i> |
| <i>IV</i> | <i>80 acres</i> | <i>1:2</i> |
| <i>V</i> | <i>120 acres</i> | <i>1:3</i> |

**Based on relative productivity of site classes. Tech. Bulletin #354 USDA-Dunning&Reineke*

As indicated in the table in the bottom right corner of MAP 2 on page 7, the parcels meet the 40-acre threshold since proposed PARCEL A has a minimum equivalency of 62 acres while PARCEL B has a minimum equivalency of 592 acres.

MAP 1



-  Township Range Boundaries
-  Existing Parcel Boundaries
-  Proposed Parcels
-  Principal Streams
-  Map Points
-  Section Lines
-  County Road



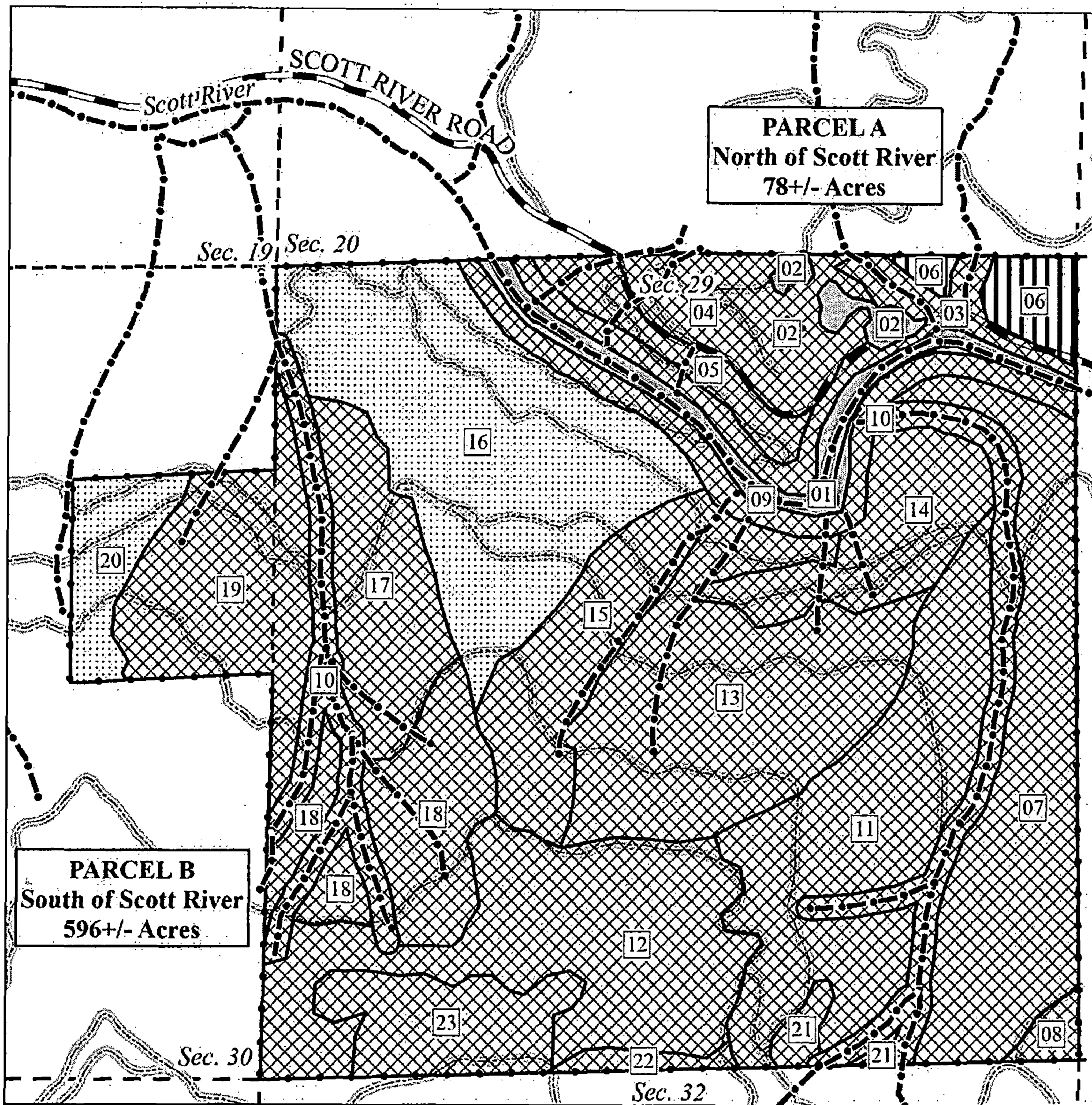
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Prepared by:
Chris Quirnbach
5/25/2021

Mount Diablo Base and Meridian

| MapPoint | Type of Zoning | Name Of Owner |
|----------|---------------------------|---|
| 01 | TPZ | FRUIT GROWERS SUPPLY COMPANY |
| 02 | TPZ | FRUIT GROWERS SUPPLY COMPANY |
| 03 | TPZ | FRUIT GROWERS SUPPLY COMPANY |
| 04 | TPZ | BENNETT RONALD L & TERE |
| 05 | Single-Family Residential | WEBB CHRIS S & SYLVIA GOMEZ |
| 06 | TPZ | MICHIGAN CALIFORNIA TIMBER COMPANY LP |
| 07 | TPZ | BENNETT RONALD L & TERE |
| 08 | TPZ | MICHIGAN CALIFORNIA TIMBER COMPANY LP |
| 09 | TPZ | MICHIGAN CALIFORNIA TIMBER COMPANY LP |
| 10 | TPZ | MICHIGAN CALIFORNIA TIMBER COMPANY LP |
| 11 | TPZ | MICHIGAN CALIFORNIA TIMBER COMPANY LP |
| 12 | Single-Family Residential | COURTRIGHT BRUCE A & CATHERINE L BARASH TRUST |
| 13 | Residential | KNORR JULIED TRUST |
| 14 | Residential | HUGG KENNETH RAY TRUSTEE |

MAP 2



| Stocking Status/Site Class | Acreage | | |
|------------------------------------|-----------|------------|------------|
| | PARCEL A | PARCEL B | Total |
| Stocked Areas (all Site Class III) | 62 | 592 | 654 |
| Unstocked Areas (No Site Class) | 16 | 4 | 20 |
| Total | 78 | 596 | 674 |

- Proposed Parcels
- Douglas-fir Forest
- Mixed Conifer Forest
- Ponderosa Pine Forest
- Unstocked Area
- Principal Streams
- Section Lines
- Existing Roads
- County Road
- Private Road
- Stand Numbers

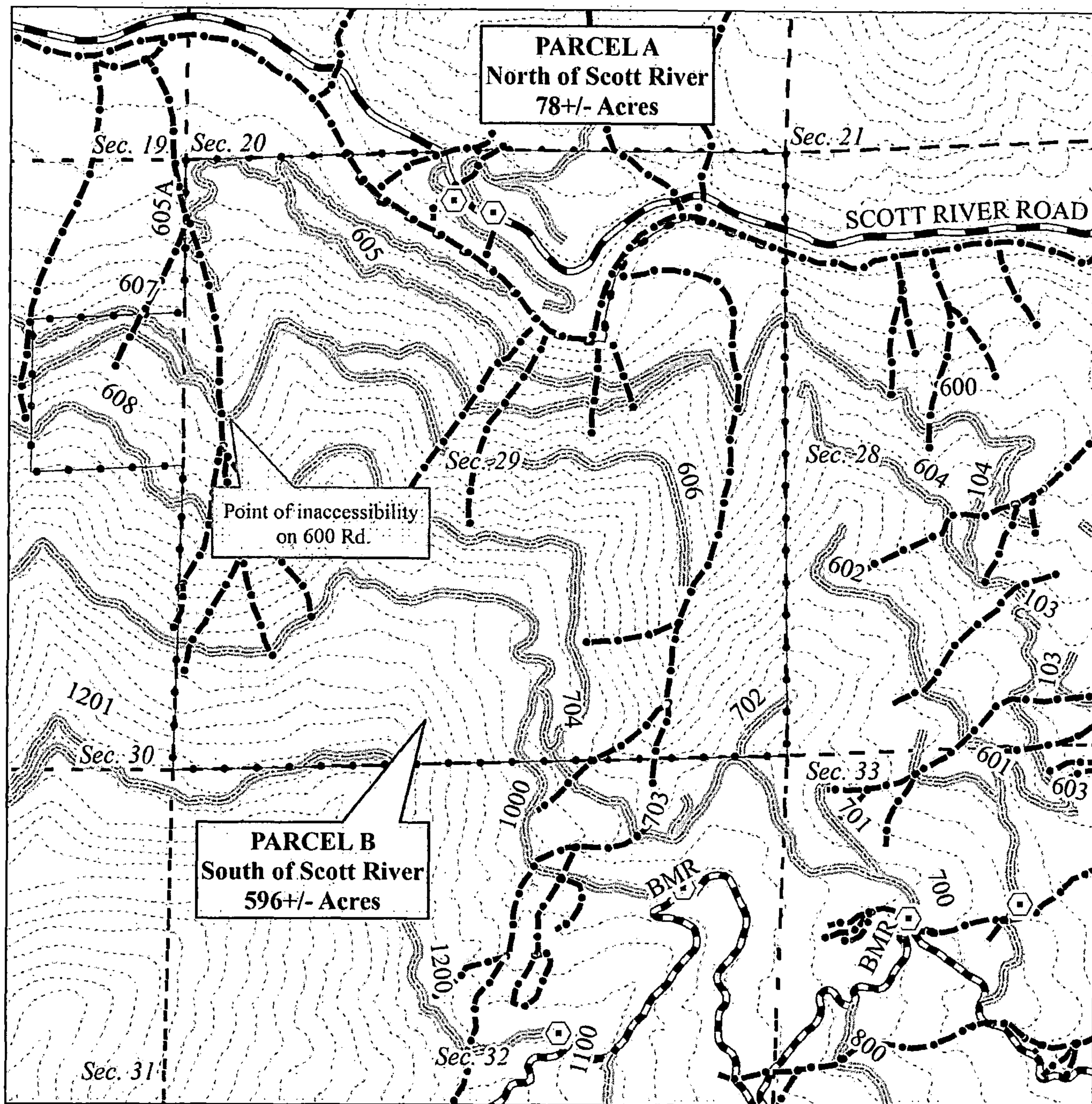
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Prepared by:
Chris Quirnbach
5/25/2021

Township 44-North Range 10-West
Mount Diablo Base and Meridian

MAP 3



- Proposed Parcels
- Principal Streams
- Gates
- Section Lines
- Existing Roads
- County Road
- MAINLINE
- Private Road

| Road Number | Accessible | Road Number | Accessible | Road Number | Accessible |
|-------------|------------|-------------|------------|-------------|------------|
| 600 | Yes* | 605A | No | 702 | Yes |
| 601 | Yes | 606 | Yes | 703 | Yes |
| 602 | Yes | 607 | No | 704 | Yes |
| 603 | Yes | 608 | No | 1000 | Yes |
| 604 | Yes | 700 | Yes | 1200 | Yes |
| 605 | No | 701 | Yes | | |

* See call out



1:16,000

Prepared by:
Cole Humphrey
5/26/2021

80 Meter Contour
Township 44-North Range 10-West
Mount Diablo Base and Meridian