

California Tahoe Conservancy
Agenda Item 9
July 21, 2011

**ANNUAL PROPERTY MANAGEMENT AUTHORIZATION AND
WARD CREEK WATERSHED RESTORATION PROJECT**

Summary: Consideration and the possible authorization of up to \$891,000 for direct property management, forest fuels maintenance, hazard abatement, and property restoration on Conservancy properties during Fiscal Year 2011-2012.

Location: Throughout the California side of the Lake Tahoe Basin.

Fiscal Summary:

Source of Funds:

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| Conservancy Support Funds | \$726,000 |
| Proposition 84 Bond or Other Funds | <u>165,000</u> |
| Total Recommended Authorization: | \$891,000 |

Recommended Action: Adopt Resolution 11-07-04 (Attachment 1).

I. Annual Property Management Authorization

Background

This is the 25th authorization sought by staff for property management activities. Since its inception, the California Tahoe Conservancy (Conservancy) has made significant progress developing and implementing a comprehensive Property Management Program, including the Forest Habitat Enhancement Program. The Conservancy's Property Management Program has successfully adapted to challenging conditions, including the management of over 4,890 parcels, a fragmented public/private ownership pattern, varying parcel sizes, differing management techniques throughout the Lake Tahoe Basin, and limited resources.

The Conservancy integrates short and long-term management considerations into all of its programs and projects. Specifically, the Conservancy has:

- Structured acquisitions to resolve management concerns prior to the close of escrow and through the purchase of conservation easements;
- Adopted grant guidelines that reinforce existing management roles, utilize grantees' existing management resources, and facilitate the management of common ownership areas;
- Increased its capability to inspect sites, clean properties, remove hazardous conditions, and resolve various use conflicts;
- Initiated restoration and resource enhancement activities, involving installation of erosion control measures, revegetation, stream environment zone (SEZ) restoration, forest resource management activities, and the maintenance and improvement of public access facilities;
- Coordinated the restoration and management of properties through the utilization of public and private sector expertise and resources, the coordination of resource planning, and management efforts with other public and private entities;
- Adopted and implemented guidelines to guide lease, license, and stewardship land management activities which are designed to transfer certain management responsibilities to appropriate third parties;
- Provided site security;
- Adopted and implemented snow storage guidelines to meet water quality and management objectives;
- Increased the Conservancy's administrative capability to restore and manage properties through staff development, internships, and procurement of management services from public agencies and private contractors; and
- Strengthened the Conservancy's Geographic Information System (GIS) capabilities, land ownership maps, and the procurement of management revenue sources (such as leases and the land coverage program) which support resource objectives.

A comprehensive overview of the Conservancy's Property Management Program is provided in Attachment 2.

Project Description

Staff is requesting authority to continue to develop, implement, and expend funds for the Conservancy's Property Management Program in order to further the various efforts listed above and other property management efforts.

This property management authorization, coupled with remaining funding authority from the property management authorizations granted by the Board in July 2010 and January 2011, will specifically allow the Conservancy to:

- Inspect all parcels to identify hazardous conditions, inappropriate uses by adjoining landowners, and resource restoration needs;
- Maintain and clean parcels as necessary;
- Respond to citizen complaints, commonly regarding fuels hazards, abandoned property, and trespass;
- Maintain approximately 40 acres of previously-completed fuels reduction work on forested urban lots;
- Identify and remove hazardous trees to protect life and property;
- Develop resource restoration prescriptions and contract for and supervise the seasonal Restoration Crew to implement 20-25 restoration projects;
- Assist with restoration activities implemented under other Conservancy programs;
- Contract for heavy equipment services necessary to implement larger restoration activities;
- Provide the Upper Truckee Marsh (UTM) Land Steward, a property caretaker, and contracted law enforcement services to protect resources on the Conservancy's Upper Truckee Marsh and Van Sickle properties;
- Contract for and supervise the seasonal Land Management Crew to perform fuels hazard reduction work, maintain past restoration projects, and maintain high-use properties such as the Upper Truckee Marsh; and
- Maintain the Conservancy's lakefront and public access facilities by contracting with other public agencies and entering into concession and management agreements with both public and private sectors.

To complete these activities, staff may be assisted by others including Tahoe Resource Conservation District (TRCD), El Dorado County Animal Control, El Dorado County Sheriff's Office, and the South Lake Tahoe Police Department. Project implementation may be performed by public and private entities,

including the Conservancy's Land Management Crew, the California Conservation Corps, AmeriCorps, the Nevada Conservation Corps, local fire protection districts, private licensed timber operators, and other private sector and non-profit work crews.

Dogs in the Upper Truckee Marsh

The Upper Truckee Marsh (UTM) represents the largest remaining wetland in the Tahoe Basin. In 2000, the Conservancy purchased the easterly 311 acres of the UTM from the Barton Family for the purpose of preserving and restoring water quality and habitat.

Since acquisition, in order to protect these values, the Conservancy has made numerous and increasing attempts to accommodate use patterns. These attempts have included educational opportunities informing the public on responsible use of the property and enforcement of leash regulations by local law enforcement services. Despite these efforts, staff has continually faced non-compliance of leash regulations at the UTM. As a result, in July 2010, staff recommended and the Board approved a seasonal closure prohibiting dogs on the Barton Meadow side of the UTM.

This closure runs from May 1 through July 31 each year unless such policy is changed. Staff continues to discuss the possibility of implementing a year-round, no dog policy, along with other potential options. Staff will report to the Board in September regarding the efficacy of the closure, compliance with leash regulations subsequent to the closure period, and recommendations for management options for the 2012 season.

The UTM Land Steward is educating the public about the policy change. Under contracts with the Conservancy, El Dorado County Animal Control and the El Dorado County Sheriff's Office are providing enforcement of the seasonal no dog policy at the UTM. Dogs will continue to be permitted on leash at the Conservancy's adjacent Cove East property. This policy is consistent with the purposes for which the Cove East property was acquired.

Project Budget

If the Board approves the requested authorization, staff will continue to implement the Conservancy's property management, forest fuels maintenance, and hazard abatement activities during the 2011-2012 fiscal year within the established budget limitations. Staff is requesting authority to expend up to \$891,000, consisting of \$726,000 in support funds and \$165,000 in capital outlay or TRPA mitigation funds. This amount is consistent with the anticipated 2011 Budget Act still under consideration at the time this report was prepared.

Staff has identified three main types of expenditures, reflecting a continuation of past priorities. Proposed expenditures are outlined as follows:

Land Management and Public Safety (Support Funds)

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| Land Management Crew | \$122,000 |
| Property Inspection and Cleanup | 130,000 |
| Hazard Tree Removal | 35,000 |
| Beach Maintenance and Security Contracts | 135,000 |
| Facilities and Maintenance | 50,000 |
| Project Planning | 59,000 |
| Equipment, Tools, and Supplies | 15,000 |
| Land Management Sub-total | \$546,000 |

Forest Fuels Maintenance (Support Funds)

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| CCC Maintenance Crew | \$180,000 |
| Forest Fuels Maintenance Sub-total | \$180,000 |

Resource Restoration and Enhancement (Capital Outlay Funds)

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| Restoration Crew | \$105,500 |
| Restoration Planning ** | 17,000 |
| Training, Uniforms, and Miscellaneous Expenses | 2,500 |
| Contracting and Project Implementation** | 0 |
| Restoration Equipment, Materials, and Supplies | 15,000 |
| Heavy Equipment Contract | 25,000 |
| Resource Restoration Sub-total | \$165,000 |

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| Total: | \$891,000 |
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**These budget items have carryover funding from the prior year.

The above amounts are estimates and reflect potential expenditures within these categories based on staff's prior experience. Actual expenditures will depend upon the available funding, actual need, and relative management priorities as established throughout the fiscal year, and will not exceed the total funds requested.

Consistency with the Conservancy's Enabling Legislation

The recommended management activities are consistent with the Conservancy's enabling legislation. Under Government Code Section 66907.10, the Conservancy is authorized to improve and develop acquired lands for a variety of purposes, including protection of the natural environment; protection of public access and recreational facilities; preservation of wildlife habitat areas; and access to and management of Conservancy owned lands. Under Government Code Section 66907.9, the Conservancy is authorized to initiate, negotiate, and participate in agreements for the management of land under its ownership and control with local public agencies, State agencies, federal agencies, nonprofit organizations, individuals, corporate entities, or partnerships. Finally, under Government Code Section 66906.8, the Conservancy is authorized to select and hire private consultants or contractors as necessary to achieve these purposes.

Compliance with the California Environmental Quality Act (CEQA)

Some Conservancy property management and restoration projects and all forest fuels maintenance projects fall within the purview of CEQA; CEQA analysis is thus required. While the actions proposed in this staff recommendation authorizing annual property management activities do not themselves require CEQA review, each project implemented pursuant to this staff recommendation will be subject to CEQA review. Staff will evaluate each project prior to implementation to determine whether the project is statutorily or categorically exempt from CEQA, or whether the project requires a negative declaration or environmental impact report. Where staff determines a project is statutorily or categorically exempt from CEQA, staff will file a Notice of Exemption with the State Clearinghouse. Where staff determines a project requires a negative declaration or an environmental impact report, the project will be brought to the Board for adoption of environmental findings and authorization to expend funds to implement the project.

II. Ward Creek Watershed Restoration Project

In July 2010, the Board, acting as Lead Agency, adopted the Negative Declaration (ND) and authorized \$25,000 for Restoration Crew staffing and materials to implement a drainage and stream environment zone (SEZ) component of the Ward Creek Watershed Restoration Project (Conservancy Board Resolution 10-07-05). In the fall of 2010, this project was 75% completed. However, work did not proceed as originally anticipated due to site conditions, equipment constraints, and heavy fall precipitation events. In order to complete the project as originally proposed in the ND and achieve all anticipated benefits, staff is now requesting up to \$10,500 for three additional weeks of crew time to complete the project in the fall of 2011. This amount is reflected in the \$105,000 total for "Restoration Crew" in the Project Budget section above.

As stated above, the Board adopted the ND on July 15, 2010 and a Notice of Determination (NOD) was posted by the State Clearinghouse on July 20, 2010. A copy of the Initial Study and ND are provided to the Board on the attached CD and are available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150 (Attachment 3).

Staff has reviewed the ND and believes that the proposed improvements are consistent with and have been adequately analyzed in the document. Staff has determined that the project, as proposed, would not cause a significant effect on the environment. Since completion of the ND, there is no new information, substantial changes to the proposed project, or changes to implementation which would involve any new significant effects that were not analyzed in the ND.

Staff recommends the Board review the ND and make the findings as set forth in the attached resolution. If the Board considers and concurs with the ND and authorizes the funding, staff will file an NOD with the State Clearinghouse pursuant to State CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.), section 15096. Attachment 4 contains the Conservancy's proposed NOD.

List of Attachments:

Attachment 1 – Resolution 11-07-04

Attachment 2 – Overview of the Conservancy’s Property Management Program

Attachment 3 – CEQA documentation (on CD)

Attachment 4 – Conservancy’s Notice of Determination

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