

California Tahoe Conservancy
Agenda Item 9c
June 20, 2013

ANNUAL FOREST HABITAT ENHANCEMENT AUTHORIZATION

Summary: Staff recommends authorization of up to \$1,362,002 for forest fuels initial treatment and hazard tree abatement on Conservancy properties during Fiscal Year 2013/2014.

Location: Throughout the California side of the Lake Tahoe Basin

Fiscal Summary:

Source of Funds:

Proposition 84 Bond or Other Funds	\$ 686,000
U.S. Bureau of Land Management Southern Nevada Public Lands Management Act	
Round 13 Grant Funds	\$ 500,000
Round 14 Grant Funds	\$ 176,002

Total Recommended Authorization: \$ 1,362,002

Recommended Action: Adopt Resolution 13-06-06 (Attachment 1).

Background

The California Tahoe Conservancy (Conservancy) has made significant progress developing and implementing a Forest Habitat Enhancement Program. In November 1990, the Conservancy Board (Board) adopted the Conservancy's Forest Resource Management Guidelines (Guidelines). The Forestry Program's objectives are to:

- Provide for a healthier, more diverse forest environment;
- Enhance wildlife habitat;
- Stabilize soils and reduce forest habitat fragmentation through road closures and installation of best management practices, revegetation, and erosion control measures;

- Provide for public safety and property protection through fuel hazard reduction;
- Use both public and private resources to implement forest resource management activities; and
- Act in a timely and environmentally sound manner.

The Conservancy conducts its forest health and fuels reduction activities consistent with the Emergency California-Nevada Tahoe Basin Fire Commission Report released in May 2008. This report's recommendations include:

- Implementing the U.S. Forest Service, Lake Tahoe Basin Management Unit's (LTBMU) "Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy – 10 Year Plan" (10 Year Plan) developed in 2005 for the Basin's forests;
- Facilitating the use of hand-thinning and low-impact equipment, and allowing pile burning in SEZs and on steep slopes, while protecting these sensitive areas; and
- Facilitating forest thinning practices and biomass processing as a means to reduce the intensity of future wildfires and the resulting pollution of air and water resources.

Since 1990, the Conservancy has, either directly or through contractors, treated approximately 2,800 acres, including 180 acres in the past year. Treatments consisted of forest health improvements, upland and riparian habitat enhancements, fuels reduction, maintenance, and Environmental Improvement Program related activities consistent with Attachment 2. In addition, the Conservancy completed the restoration and reforestation of the areas burned by the Angora Fire.

Conservancy staff is also updating the Forestry Program Guidelines, and anticipates bringing revised Guidelines to the Board for their consideration and possible adoption within a year.

As reported in last year's authorization, the Conservancy expanded its role as a funding coordinator for forest health and fuels reduction projects on the California side of the Basin by submitting a Southern Nevada Public Lands Management Act (SNPLMA) Round 13 grant nomination on behalf of four California Fire Districts/Departments (Lake Valley, City of South Lake Tahoe (City), Meeks Bay and North Tahoe), California Department of Parks and Recreation (DPR), and the Conservancy. Conservancy staff submitted two

consolidated projects: 1) A south shore proposal requesting \$320,069 for work by the City and Lake Valley on the City's airport land and adjoining Conservancy land, and 2) A north shore proposal requesting \$353,289 for a project on the West Shore (Sugar Pine Point State Park) and two projects on Conservancy parcels on the North Shore.

In June 2012, the Board authorized staff to accept the U.S. Bureau of Land Management (BLM) grant, if awarded, and to enter into agreements with the implementing agencies. Prior to entering into the agreements, Conservancy staff must ensure that the projects are subject to appropriate levels of environmental review. Staff has determined that the Board must review and accept the environmental documents prepared by the DPR and the City, and that the other projects are categorically exempt. The actions that the Board must take at this time related to DPR's environmental documentation are detailed below.

In fall 2012, the Conservancy was notified that it would be awarded a total of \$500,000 for the Round 13 north and south shore projects. As the lead agency for the SNPLMA request, the Conservancy recently signed implementation agreements with BLM and will be coordinating the implementation and administration of the \$500,000 grant award. All direct costs and some Conservancy staff time will be reimbursed by the grant funding. Staff recommends that the Board authorize staff to enter into agreements with four California Fire Districts/Departments (Lake Valley, City of South Lake Tahoe, Meeks Bay and North Tahoe) and DPR consistent with the final grant award.

As in Round 13, the Conservancy and its partner agencies submitted Round 14 nominations for both the north shore and south shore areas. The south shore proposal requested \$70,069 for work by the City and Lake Valley on the City's airport land and adjoining Conservancy land. The north shore proposal requested \$105,933 for projects at Sugar Pine Point State Park and on two Conservancy properties within North Tahoe's jurisdiction. Because these proposals would help the agencies complete the projects started under the SNPLMA 13 grant, they should compete well for dwindling SNPLMA funds. Public comment and further federal agency review will take place before the Secretary of the Interior approves the final grant awards in mid-August. Staff is requesting Board approval to accept the BLM grant, should it be awarded, and authorization to enter into agreements to implement the projects, pending environmental review.

The Conservancy's partner agencies are continuing to seek funding for area-wide projects that would include Conservancy land. Of particular note are the North Tahoe Fire Protection District requests for up to \$1,100,000 in Federal Emergency Management Agency (FEMA) funds and LTBMU Supplement funding. These federal funds would allow the fire protection districts to treat high-priority projects on Conservancy lands identified in the 10 Year Plan and Community Wildland Protection Plans (CWPP). The Conservancy's forestry project priorities are consistent with both the 10 Year Plan and the CWPP for the California portion of the Lake Tahoe Basin. Projects completed by partner agencies on Conservancy lands using other funding sources are implemented in accordance with a Memorandum of Understanding between the Conservancy and each of the fire protection districts on the California side of the Basin and the City Fire Department.

Program Description

Staff recommends Board authorization to 1) treat and restore an estimated 250 acres of Conservancy-owned land within the Wildland Urban Interface, including both upland and riparian habitats, and 2) to coordinate the planning, implementation, and monitoring of projects on up to an additional 100 acres of Conservancy-owned land that are being funded and implemented by our partner agencies.

During the 2013 field season, the Conservancy will complete projects at Van Sickel Bi-State Park, General Creek, Windsor and Commonwealth Streets, Meyers 5, and Talmont 2. Staff will also be planning for several 2014 projects, including Grand Avenue Interface, Mountain Drive, Lyons Ranch, Meyers 6 and pile burning activities at the General Creek and Mark Twain projects.

The Tahoe Resource Conservation District (TRCD) may assist the Conservancy with planning, administering, and monitoring future forestry and fuels reduction projects. Public and private entities, including a seasonal Forest Habitat Enhancement Crew hired by TRCD, the California Conservation Corps (CCCs), local fire protection districts, private licensed timber operators, the Nevada Conservation Corps, and non-profit work crews may implement the projects. These projects are included in the service contracts line item of the budget, except for the efforts contracted through TRCD which are listed separately in the budget.

Conservancy staff is currently engaged in discussions with staff from the Lahontan Regional Water Quality Control Board (Lahontan), Lake Tahoe Basin Fire Districts, and other large Basin land managers, such as Heavenly and Homewood Ski Resorts, to reduce sediment loads from forested uplands in accordance with the adopted Lake Tahoe Total Maximum Daily Load (TMDL). We anticipate that this collaborative effort will lead to a Memorandum of Understanding (MOU) between the Conservancy and Lahontan in late 2013.

Program Budget

Staff is requesting Board authority to expend up to \$1,362,002 in capital outlay and SNPLMA funding, as described below.

Forest Habitat Enhancement (Capital Outlay Funds)

Forest Habitat Enhancement Seasonal Crew (TRCD)	\$196,000
Project Planning (through TRCD)	80,000
Equipment , Materials, and Supplies	10,000
Service Contracts	400,000
SNPLMA Round 13 Grant funded contracts and administration	500,000
SNPLMA Round 14 Grant funded contracts and administration	
	<u>176,002</u>
Forest Habitat Enhancement Total:	\$1,362,002

The above amounts are estimates 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, but will not exceed the total funds requested.

In the past, staff has also requested annual support budget funding for forestry maintenance activities. Maintenance activities for 2013 and part of 2014 will be performed by CCC crews using authority approved by the Board in June 2012. Staff expects to request funding for maintenance activities again in June 2014.

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)

The implementation of all forest fuels projects falls within the purview of CEQA. As part of the project planning process, staff evaluates each project to determine the appropriate level of environmental review pursuant to CEQA. 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.

As stated earlier in this recommendation, in order for the Conservancy to enter into an agreement with Meek's Bay Fire Protection District and DPR, the Board must review, consider and take action related to CEQA. California Department of Parks and Recreation (DPR), acting as the lead agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for their Fuels Reduction and Understory Burning projects, which include Ed Z'Berg-Sugar Pine Point State Park (Project) in compliance with CEQA. DPR adopted the MND on June 29, 2012 and a Notice of Determination (NOD) was filed with the State Clearinghouse on June 29, 2012.

A copy of the IS/MND, including any public comments and responses, has been provided to the Board on CD (Attachment 3) and is available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150.

As a responsible agency, the Conservancy must consider the MND prepared by DPR and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the IS/MND and believes that the Project has been adequately analyzed. Staff has determined that the Project, as proposed, would not cause a

significant effect on the environment. The mitigation measures for the Project can be found on pages 4-11 of the MND.

Staff recommends that the Board review and consider the IS/MND prepared and adopted by DPR, together with any comments reviewed during the public review process; certify that it has independently considered and reached its own conclusions regarding the environmental effects of the Project; make the findings as set forth in the Resolution (Attachment 1); and authorize staff to enter into and agreement with DPR in support of Project implementation. If the Board considers and concurs with the IS/MND and authorizes the actions described above, staff will file a NOD with the State Clearinghouse pursuant to CEQA Guidelines, section 15096 (Attachment 4).

List of Attachments:

Attachment 1 – Resolution 13-06-06

Attachment 2 – Forest Habitat Enhancement Program

Attachment 3 – CEQA Documentation

Attachment 4 – Conservancy Notice of Determination

Conservancy Staff Contact:

Brian Hirt
Forest Habitat Enhancement

(530) 543-6049
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ATTACHMENT 1

California Tahoe Conservancy

Resolution

13-06-06

Adopted: June 20, 2013

ANNUAL FOREST HABITAT ENHANCEMENT AUTHORIZATION

Staff recommends that the Conservancy make the following finding based on the accompanying staff report pursuant to Public Resources Code section 21000 et seq.:

"The California Tahoe Conservancy, in its role as a responsible agency under the California Environmental Quality Act, has reviewed and considered the Initial Study and Mitigated Negative Declaration for California State Parks Fuels Reduction and Understory Burning for Ed Z'berg – Sugar Pine State Park. The Conservancy certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed project and finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment. The Conservancy incorporates the mitigation measures described in the IS/MND as a condition for approval of the project. The Conservancy hereby directs staff to file a Notice of Determination with the State Clearinghouse for this project."

Staff recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 669068, 66907.9 and 66907.10:

"The California Tahoe Conservancy hereby authorizes staff to expend up to \$1,362,002 for direct management and restoration as described in the accompanying staff recommendation and take all other necessary steps, subject to the provisions and conditions discussed in the accompanying staff recommendation and attachments, in order to implement the Conservancy's Forest Habitat Enhancement Program, including but not limited to the following activities: hazard reduction; project planning; ecological restoration; forest fuels reduction and maintenance; wildlife habitat enhancement; aspen and meadow restoration; execution of leases,

licenses, and agreements consistent with adopted guidelines; execution of contracts and agreements to implement forestry projects with grant funding; and coordination of management arrangements.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the California Tahoe Conservancy at a meeting thereof held on the 20th day of June, 2013.

In WITNESS THEREOF, I have hereunto set my hand this 20th day of June 2013.

Patrick Wright
Executive Director

ATTACHMENT 2

FOREST HABITAT ENHANCEMENT PROGRAM

Program Objectives: The Conservancy's objectives in implementing its forest habitat enhancement (FHE) and fuels reduction activities are outlined in the Conservancy's Forest Resource Management Guidelines, adopted by the Board in November 1990. These objectives reflect the need to:

- Provide for a healthier, more diverse forest environment;
- Enhance wildlife habitat;
- Stabilize soils and reduce forest habitat fragmentation through road closures and installation of best management practices, revegetation, and erosion control measures;
- Use both public and private resources to implement forest resource management activities; and
- Implement activities in a timely and environmentally sound manner.

The Conservancy allocates capital outlay and support funds for projects undertaken directly by the agency. In addition, the Conservancy seeks external funding that can fund either the Conservancy or its local fire protection district partners to implement projects on Conservancy lands consistent with regional priorities such as community wildfire protection plans.

The Conservancy owns 6,440 acres of land, comprising nearly 4,900 separate parcels, of which an estimated 5,560 acres are forested and considered necessary to review for possible management. These numbers may expand or contract depending on future land acquisition and possible land exchange transactions. Over time former meadows in the absence of disturbance can become encroached by lodgepole pine (*Pinus contorta*) and turn into a new forested area worthy of review and possible treatment.

Principles of FHE Objectives

In order to achieve program objectives and guide the development of prescriptions and the implementation of projects, the FHE Program utilizes the following principles.

Restoration of Historic Forest Species Mixture and Structure

Forest Health Thinning

- Remove trees as necessary (with an emphasis on smaller trees) to allow larger, healthier trees room to grow.
- Aim for historic stocking range (typically between 50 and 150 square feet of basal area per acre).
- Maintain the forest stand at historic stocking level through limited thinning and/or reintroduction of fire.

Small Group Openings

- Create small forest openings to allow new tree growth, forest structure diversity, and age diversity in forest stands over time.

Riparian Restoration

- Restore riparian areas by removing most or all competing conifers.

Prescribed Fire

- As appropriate, maintain thinning of larger parcels with maintenance-level prescribed burning. NOTE: This prescription is appropriate for large parcels that are not directly adjacent to communities and areas for which prescribed fire would not threaten public safety. As appropriate, maintain thinning of smaller parcels through piling and burning of small slash piles.

Hazardous Fuel Reduction

Forest Health Thinning

- Remove trees as necessary (with an emphasis on smaller trees) to allow larger, healthier trees room to grow.
- Aim for historic stocking range (typically between 50 and 150 square feet of basal area per acre).
- Maintain the forest stand at historic stocking level through limited thinning and/or reintroduction of fire.
- Remove larger trees when they appear to have health issues such as insect or disease outbreak (see Insects and Disease).
- Separate tree canopies from chaparral plant communities.
- Maintain treatments every ten years or as appropriate.

Hazard Tree Identification and Removal

Inspection and Removal

- Inspect all Conservancy parcels bi-annually to identify and remove trees deemed hazardous to adjacent improvements.

Insect or Disease Outbreak

Forest Health Thinning

- Thinning for forest health and fuels reduction purposes will usually mitigate the impacts of insects or diseases. This is the long term management approach and is generally the best method.

Active Forest Management

- Active, sometimes aggressive forest management is necessary when quickly spreading insect or disease issues are identified.

Reforestation Following Catastrophic Events

Land Management Intervention

- Recommend land management intervention, including tree planting and possible chaparral removal particularly within or adjoining urban areas.

Treatment of Sensitive Areas and Wildlife Considerations

There are Conservancy lands which, due to their unique placement within the Tahoe Basin or other special resource attribute, are considered more sensitive to human impacts or of special value to wildlife. Even within lands which are not considered sensitive, basic measures are necessary to assure that all resources can be protected.

Coarse Woody Debris (CWD) and Snag Recruitment Standards

- Urban Core and Wildland-Urban Interface (WUI)
- General Forest (Not Urban Core or Wildland-Urban Interface)
- Riparian/Streamside Zones

Riparian Habitat Identification and Protection

- Identify boundaries of riparian habitat through characteristics such as soil type (i.e., changes from heavy clay soil to silt soil) and indicator

species (e.g., presence of meadow grasses and sedges, willow and alder).

- Protect riparian habitat using methods acceptable to TRPA, Lahontan, and CalFire.

Cultural Resource Identification and Protection

- Identify sites requiring protection through an Archaeological Assessment or literature or database review of available written resource information.
- Conduct field assessments to identify known and new sites and determine level of significance. If new sites are identified or additional information is discovered about a known site, the Archaeological database is updated. Mitigation measures are recommended for each site identified and reviewed by the appropriate regulatory Archaeologist, who must approve or modify the mitigation measures (or deny the activity entirely).

Best Management Practices (BMPs)

- Employ the maximum feasible BMP requirements to provide maximum water quality protection. The California Forest Practice Rules and TRPA and Lahontan regulations stipulate which BMPs are minimally required based upon the scope of the project.

Initial and Maintenance Treatment

Initial Treatment

- Provide initial treatment when forest management has not occurred since forest establishment or when past treatment was limited and did not establish the forest to a healthy state (see Section A, Restoration of Historic Forest Species Mixture and Structure).

Maintenance Treatment

- Provide maintenance level treatments when initial treatment(s) are complete and the forest achieves a relatively healthy state. Maintenance treatments are necessary an average of every ten years (more frequently for landscapes dominated by brush species and adjoining improvements).
- Provide maintenance treatments through a variety of means such as low intensity (understory) burning or hand crew removal of fuels.

Monitoring and Adaptive Management

Fuel Reduction and Forest Health Project Effectiveness Monitoring

- Monitor effectiveness of fuel reduction and forest health projects using pre and post-treatment data from Continuous Forest Inventory (CFI) plots. Additional data may be collected to answer specific questions regarding insect/disease outbreaks, soil compaction, etc.
- Take photographs at CFI plot locations and/or other photo points before and after forestry treatments to document the project immediately before and after treatment and over time.

Quaking Aspen Status and Restoration Effectiveness Monitoring

- Periodically assess stands of quaking aspen (*Populus tremuloides*) to track changes in stand status. Monitor aspen regeneration using transects to quantify aspen stems before treatment and periodically following treatment to determine the effectiveness of restoration projects.

Songbird Population Monitoring

- Monitor songbird populations on selected project sites within various vegetation types to assess the effect of projects on songbird populations. Specifically, monitor songbird populations in aspen stands to track population and species changes over time and any changes associated with restoration treatments.

Forest Trend Monitoring

- Monitor trends in forest health, structure, composition, forest pathogen occurrence, etc. through the periodic measurement of all CFI plots. The ideal cycle of measurement is every ten years or before and after each treatment.

Prioritization of Project Areas

Projects

- Give the highest treatment priority to projects located within the Urban Core, followed by projects within the Wildland-Urban Interface, then general forest lands that are outside the Urban Core or WUI.

Hazard Trees

- Give the highest management priority to hazard trees, regardless of location, identified by Conservancy staff and the public. Identification of hazard trees occurs independently of project prioritization.

ATTACHMENT 3

FOREST HABITAT ENHANCEMENT PROGRAM

California Department of Parks and Recreation

Initial Study
Mitigated Negative Declaration
Notice of Determination

On attached CD

ATTACHMENT 4

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA. 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA. 96150

Subject:

The Filing of Notice of Determination in compliance with section 21108 of the Public Resources Code.

Project Title:

California State Parks Fuels Reduction and Understory Burning including Ed Z'berg-Sugar Pine Point State Park

State Clearinghouse Number:

2012042002

Contact Person:

Brian Hirt

Telephone Number:

(530) 543-6049

Project Location:

Ed Z'berg-Sugar Pine Point State Park located south of Tahoma on the western shore of the Lake Tahoe in El Dorado County

Project Description:

Fuels reduction, riparian restoration, and maintenance prescribed fire of roughly 125 acres

This is to advise that the California Tahoe Conservancy, acting as a responsible agency, has approved the above described project on, June 20, 2013, and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. An Initial Study and Mitigated Negative Declaration for the project was prepared and approved by California Department of Parks and Recreation on June 29, 2012 and a Notice of Determination was filed on June 29, 2012. The Notice of Determination, Initial Study and Mitigated Negative Declaration, and record of project approval may be examined at California Department of Parks and Recreation, Sierra District Office, 1155 North Lake Boulevard, Tahoe City, California 96145-. The California Tahoe Conservancy has reviewed and considered the Initial Study and Mitigated Negative Declaration that was prepared by California Department of Parks and Recreation prior to project approval.
3. The Mitigation Measures, located on pages 4-11 of the Mitigated Negative Declaration, were made a condition of the approval of the project by California Department of Parks and Recreation and the California Tahoe Conservancy.

Fish and Wildlife Fees: An Environmental Filing Fee has been paid. A copy of the receipt will be submitted with this NOD.

Date Received for Filing:

Patrick Wright
Executive Director