

## LAND MANAGEMENT CLASSIFICATIONS

**Recommended Action:** Adopt Resolution 17-09-04 (Attachment 1) approving land management classifications for California Tahoe Conservancy (Conservancy) ownership.

**Location:** All Conservancy owned interests in real property

**Fiscal Summary:** None

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### Overview

#### Description of Recommended Action

Staff recommends that the Board approve land management classifications for Conservancy owned land, including conservation and public access easements and land management agreements. These classifications are the first step toward a more comprehensive land management strategy. They will assist staff with the management of Conservancy lands and the development of the Conservancy's Americans with Disabilities Act (ADA) transition plan. These classifications also provide a foundation for a longer-term land management strategic plan process. The classifications are listed below and are further described in Attachment 2.

- I. Fee Title Lands
  - A. Urban Lots (estimated to be 90 percent of parcels)
  - B. General Conservation (estimated to be 7 percent of parcels)
    - 1. Beach
    - 2. Forest
    - 3. River and Riparian Corridor
  - C. Developed Recreation (estimated to be 2 percent of parcels)
    - 1. Beach
    - 2. Forest
    - 3. River and Riparian Corridor

D. Asset Lands (estimated to be 1 percent of parcels)

II. Non-Fee Title Lands

- A. Land Management Agreements
- B. Conservation, Public Access, and Recreation Easements
- C. Project Related Easements

Once approved, staff will inventory and classify all Conservancy parcels, identify common and pervasive management issues, evaluate current management tools, and develop a land management strategy. Discussions of required management levels and associated costs are expected to be a topic during the Conservancy's Strategic Planning process in early 2018.

**History**

The Conservancy's mission is to *"lead California's efforts to restore and enhance the extraordinary natural and recreational resources of the Lake Tahoe Basin."* The Conservancy's jurisdiction extends throughout the California side of the Lake Tahoe Basin (Basin), as defined in California Government Code section 66905.5.

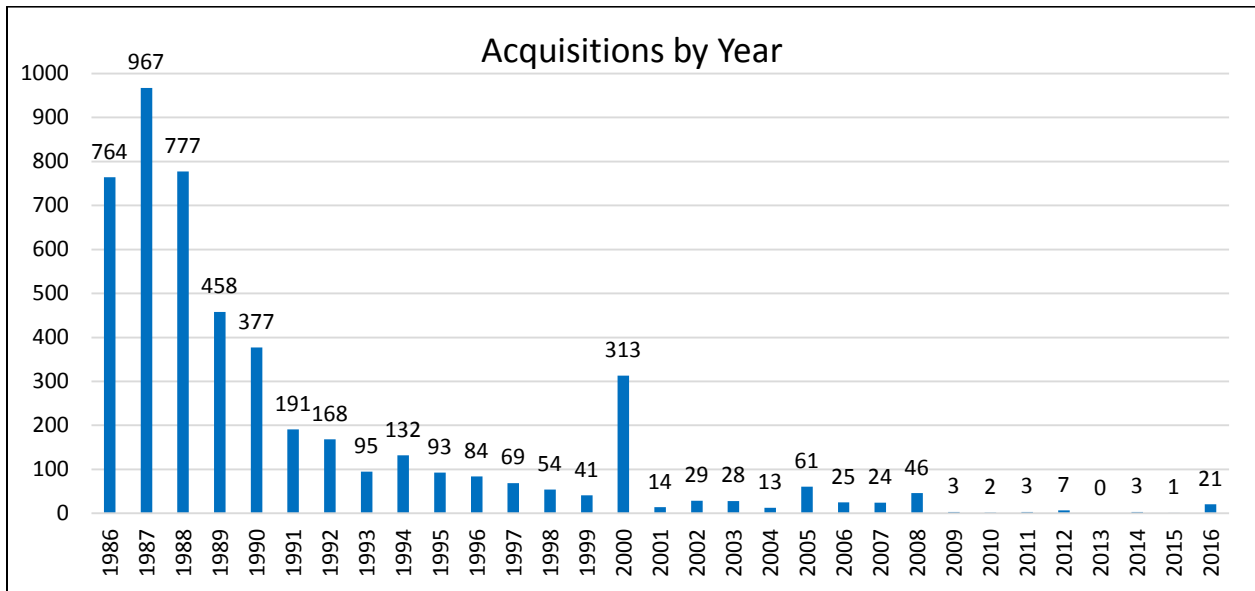
The Conservancy's enabling legislation related to land management dictates: *"The [C]onservancy shall take whatever actions are reasonably necessary and incidental to the management of lands and facilities under its ownership or control."* (Gov. Code, § 66907.9.) At its inception in 1984, the Conservancy's primary focus was to acquire sensitive land on the California side of the Basin. Soon after, the Conservancy established the Land Management Program (Program) to manage acquired land. Currently, the Conservancy manages nearly 4,700 parcels of land, totaling over 6,500 acres.

The Conservancy initially used the proceeds from the Lake Tahoe Acquisitions Bond Act of 1982 to purchase environmentally sensitive lands (ESL). These lands are comprised mainly of vacant, urban lots located within developed subdivisions with low land capability and averaging a quarter-acre in size. Under certain circumstances, the Conservancy will purchase both sensitive and non-sensitive, developable parcels through a single transaction as part of a "bulk acquisition." Some of the larger ESL purchases also assisted the State with the resolution of land use conflicts, including litigation settlements.

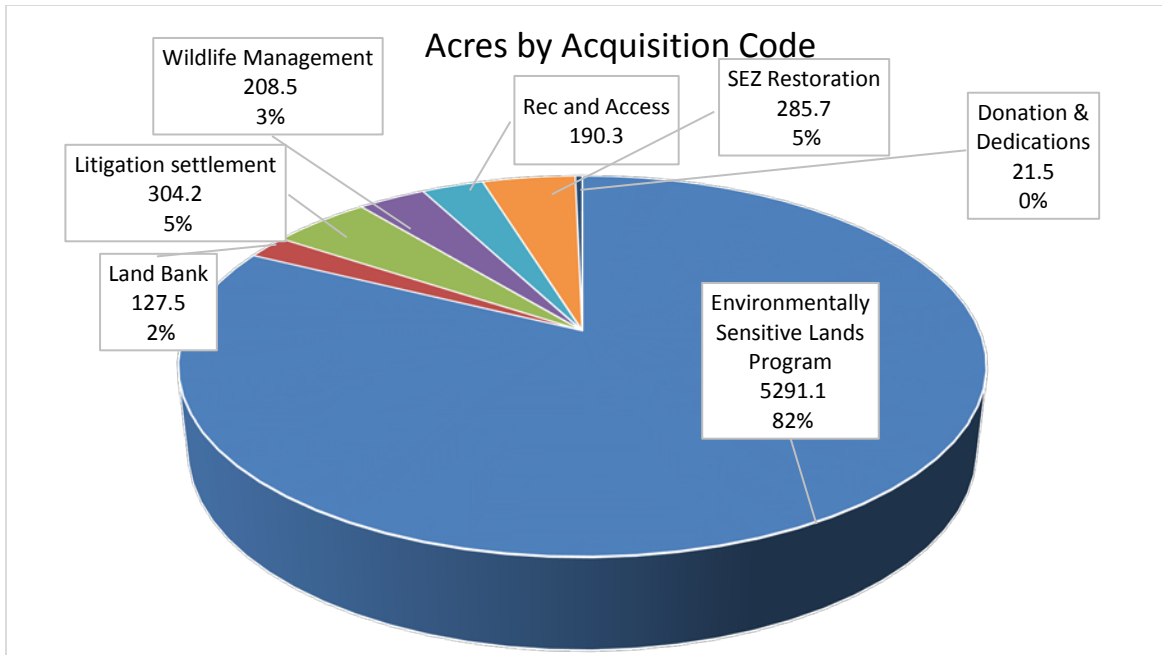
In 1987, the Tahoe Regional Planning Agency (TRPA) designated the Conservancy as the California Land Bank to implement important elements of the Lake Tahoe Regional Plan. The Land Bank facilitates transfers of land coverage and other rights associated with development at Lake Tahoe, and the Basin's land coverage mitigation programs.

To fulfill this new agency purpose, the Conservancy expanded its acquisition program. Acquisitions for this purpose can include high capability lands where the rights associated with the land, such as land coverage and development rights, are banked and transferred.

The Conservancy’s land acquisitions over the last 30 years have covered the full breadth of public purposes identified in the agency’s enabling legislation, including public access and recreation, protection and restoration of the natural environment, and enhancement of wildlife habitat. In some cases, the Conservancy purchases property that may provide opportunities for potential improvements, such as stream environment zone (SEZ) or wildlife habitat restoration projects. The Conservancy now acquires fewer parcels annually than it did early in its existence because the majority of sensitive lands are under public ownership and State funding has decreased. The graph below shows the number of acquisitions each year.



Conservancy staff designates acquisition codes to all of its land to track funding source(s) and the purpose for acquisition. The chart below shows the acres and relative percentages of Conservancy fee title ownership by primary acquisition code.



When appropriate, the Conservancy purchases conservation easements, which are less-than-fee title interest in property. This approach is sometimes utilized when there is a presence of, or potential for, homeowners association assessments, and purchasing such fee title interest is not allowed under the Conservancy ESL guidelines (i.e., avoid ongoing financial obligations). In other instances, the landowner wants to retain fee title, usually because they own the adjacent parcel. Other times, the Conservancy determines that an easement interest is sufficient to fulfill agency mission and acquisition program objectives. The Conservancy holds conservation easements on 211 parcels, totaling just over 100 acres.

### **Program Vision and Goals**

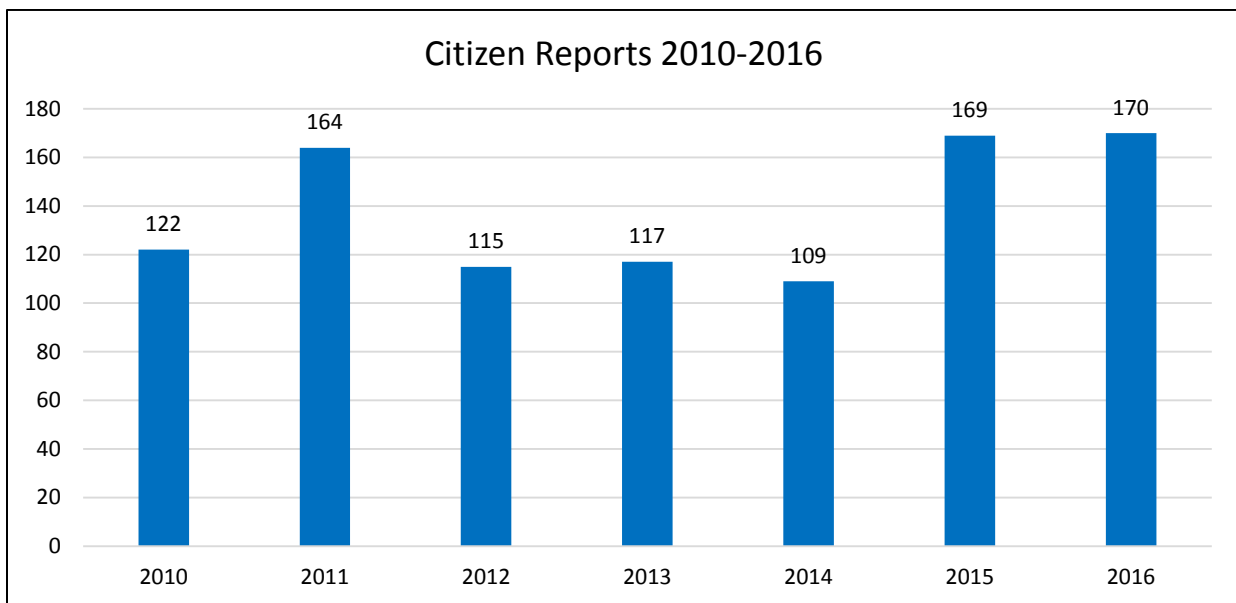
Recognizing the responsibility that comes with land ownership, the Conservancy initiated the Program in 1986, soon after the first acquisitions were completed. The Program focus is to preserve and restore natural conditions and open space values on Conservancy owned land. The Conservancy established the following Program goals:

- Manage property in a manner consistent with the purpose(s) for which it was acquired;
- Restore, maintain, protect, and enhance on-site resources;
- Provide public outreach and education where appropriate;
- Coordinate the management of such lands with other public agencies and private entities to facilitate more responsive, cost-effective, and/or comprehensive management arrangements; and

- Continue to develop the Conservancy's administrative and fiscal capability to manage all types of acquired properties.

### Land Management Issues & Current Management Tools

The Conservancy faces frequent challenges given the fragmented public/private ownership patterns, varying parcel sizes, and diverse management objectives of its ownership. Staff's routine parcel inspection and field observations identify the majority of land management issues on Conservancy lands, while the public and agency partners also report adverse conditions. Staff inspects at least half of all Conservancy parcels on an annual basis. As of July 1, 2017, the Program received 122 citizen reports for 2017. The graph below shows the number of citizen reports by year since 2010.



#### i) Encroachments/boundary disputes

Encroachments occur when someone mistakenly or intentionally uses Conservancy land without permission for fences, parking, lawns, or storing personal property. This results in varying degrees of degradation to the property. At a minimum, it causes disturbance to native vegetation and soils, but can also include structures and pavement that potentially defeat the purpose of acquisition. Encroachments are common because the majority of the Conservancy's ownership is within urbanized areas and, in some cases, without delineated boundaries.

Program staff addresses these situations by first identifying the property boundary to verify if an encroachment exists. If boundaries are difficult to determine, staff, with assistance from the Department of General Services, contracts for the professional services of a licensed surveyor to locate property lines.

Once property boundaries are determined, staff initially takes a cooperative approach by educating and working with the neighbor to remove the encroachment. Staff may send a formal letter to notify a property owner of an encroachment. The Conservancy may use contracted seasonal crews to restore the property and/or erect fencing to delineate boundaries and prevent further encroachments. In some cases, the staff will seek Board approval to grant an easement, issue a temporary license, or perfect a permanent boundary line adjustment to resolve encroachments. The Conservancy may call in law enforcement or take other legal action, particularly for an activity violating existing State or local laws and ordinances.

### **ii) Unauthorized uses**

While encroachments are the most common unauthorized use of Conservancy lands, other common unauthorized uses contribute to resource degradation, soil erosion, and water quality problems. Unauthorized uses cover a multitude of issues, including off-highway vehicle use and other vehicle access, illegal camping and campfires, tree cutting, vending, vegetation disturbance, dumping, and pet burial. Two of these issues are explained in more detail below.

Staff resolves unauthorized uses through a variety of means, including:

- communicating with the public;
- constructing barriers to prevent use;
- issuing of licenses or easements;
- requesting law enforcement assistance; and
- working with regulatory agencies, such as TRPA.

### **(a) Camping**

The Conservancy does not manage formal or primitive camping on its lands. Camping on Conservancy land may involve semi-permanent encampments constructed by vagrants, motorhomes using Conservancy land as campsites, or primitive camping (backpack, tent, sleeping bag). Unauthorized camping may also involve campfires, which have the potential for wildfire ignition.

Program staff addresses camping by:

- making contact with the camper directly or leaving a notice and business card;
- attempting to educate to gain compliance;
- calling law enforcement for vagrant camps and campfires; and
- utilizing contractors and staff to remove unoccupied camps.

### **(b) Dumping**

Dumping on Conservancy lands is an ongoing issue. Common materials dumped include large appliances and debris, animal feces, and yard waste.

Staff addresses dumping by:

- inspecting properties routinely;
- utilizing staff and contractors to clean the property;
- constructing vehicle barriers; and
- coordinating with local government for assistance with persistent issues.

### **iii) Damage to buildings/facilities**

The Conservancy has some developed properties available for public access and recreation. These properties have a variety of public access features, including interpretive displays, parking, trails, and comfort amenities. In many cases, these site improvements achieve multiple objectives, including water quality treatment and wildlife enhancement. Generally, these facilities require more frequent monitoring and ongoing maintenance. Damage to these facilities may include vandalism, theft, and graffiti.

Staff prevents and addresses damage to buildings and facilities by:

- entering into concession agreements, management agreements, volunteer agreements (e.g., Van Sickle site hosts);
- contracting for services; and
- inspecting properties routinely.

### **iv) Natural degradation to property**

The forces of nature can degrade Conservancy lands. For example, flooding from a rainstorm could cause soil erosion.

Staff addresses these issues by:

- performing routine inspections;
- responding to issues raised in citizen reports; and
- implementing projects to resolve problems.

### **v) Domestic animals**

Owners of domestic animals, such as dogs and horses, frequent Conservancy lands to recreate with their animals. Domestic animals can negatively affect wildlife, degrade resources, and cause trail user conflicts on Conservancy property.

Staff addresses these issues by:

- maintaining signage;
- providing waste stations and garbage cans;
- contracting with the local resource conservation district for education and outreach;
- implementing seasonal closure on certain properties; and
- contracting with law enforcement to enforce animal-related ordinances.

#### **vi) Hazardous conditions**

Potential hazards on Conservancy property are those that may threaten neighboring homes, property, recreational users, ecological resources, or utility infrastructure. Hazards may include trees, forest fuels, and drainage infrastructure failures.

Depending on the hazard, Program staff addresses these situations by:

- inspecting properties routinely;
- removing or mitigating the hazardous condition; and
- closing an area temporarily.

#### **vii) Public nuisances and disturbance**

The public uses many of the Conservancy properties for recreational purposes. These activities may lead to inappropriate behavior by some users, including consuming intoxicants, smoking, making noise, and fighting.

Staff addresses these situations by:

- maintaining signage;
- educating users; and
- utilizing law enforcement.

### **Land Management Projects**

In addition to routinely addressing the challenges and issues that arise, staff implements a variety of restoration, maintenance, and forestry health projects to achieve Program goals. Annually, staff undertakes projects as described below.

#### **a) Restoration**

The primary goals of the Program are resource protection, restoration, and enhancement on Conservancy lands. Staff implements projects, including:

- installation of erosion control structures, fences, and vehicle barriers;
- revegetation of barren and disturbed sites;
- fill removal;
- stabilization or restoration of road cuts;



- trail construction and rehabilitation; and
- SEZ restoration.

Some of these efforts require specialized contracts (e.g., the rental of dump trucks, excavators, and other heavy equipment). At the beginning of Fiscal Year (FY) 2017/2018 there were 86 restoration projects identified, but not completed. The following graph shows the number of restoration projects completed each year since 2010.



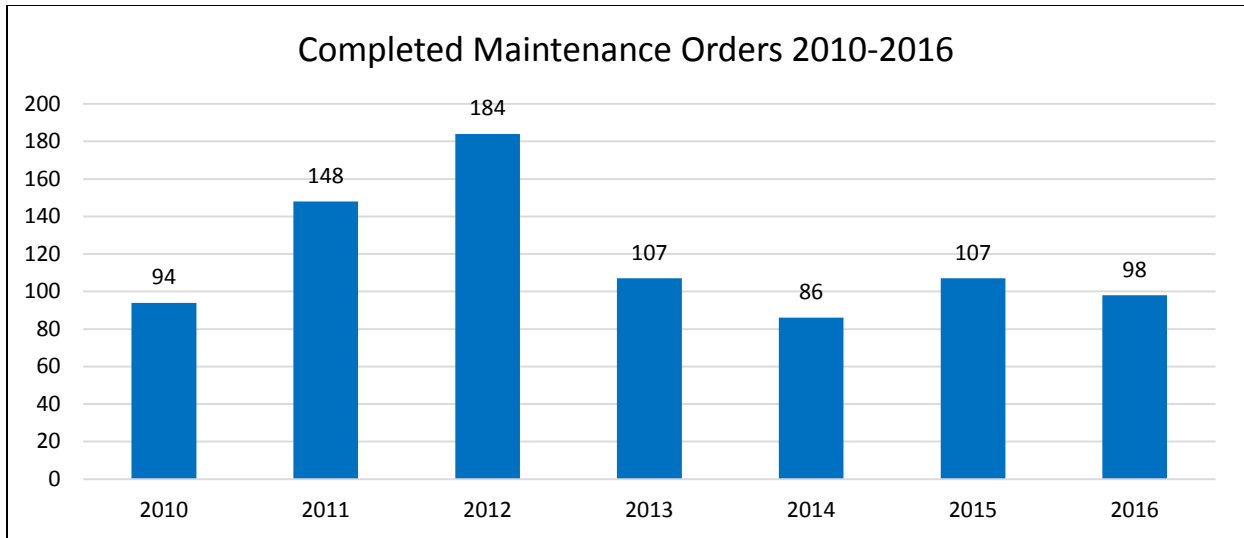
#### **b) Maintenance**

Maintenance of capital improvement facilities and projects is an ongoing and key component of the Program. The Conservancy must commit to long-term maintenance of capital projects that staff constructed with funding from other agencies.

Staff conducts maintenance and repairs the following items:

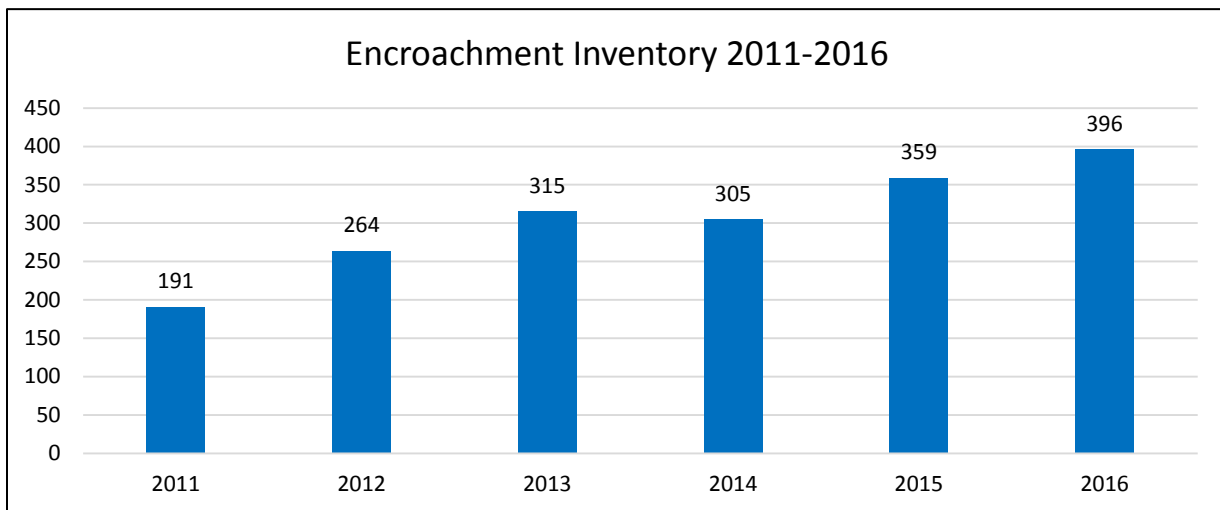
- fencing and vehicle barriers;
- drainage improvements;
- restoration project elements;
- buildings and other facilities;
- parking lots and driveways;
- hazardous conditions related to vegetation; and
- unpaved roads.

At the beginning of FY 2017/2018, there were 93 maintenance orders identified. The following graph shows the number of maintenance projects completed by year since 2010.



**c) Encroachment Resolution**

Staff spends a significant amount of time resolving encroachments. Encroachments are inconsistent with the purposes of acquisition and management of Conservancy lands, because they may lead to significant resource damage and potential public health and safety issues. On average, staff has resolved 25 encroachments each year for the last six years. Staff prioritizes encroachments by considering environmental benefits, complexity, feasibility of resolution, and cost. Unfortunately, the number of new encroachments discovered annually has outpaced the number resolved. The total accumulative number of existing encroachments over time is illustrated below.



Staff groups encroachments using four categories, which describe the general nature of and effort typically required to resolve an encroachment. The following chart describes

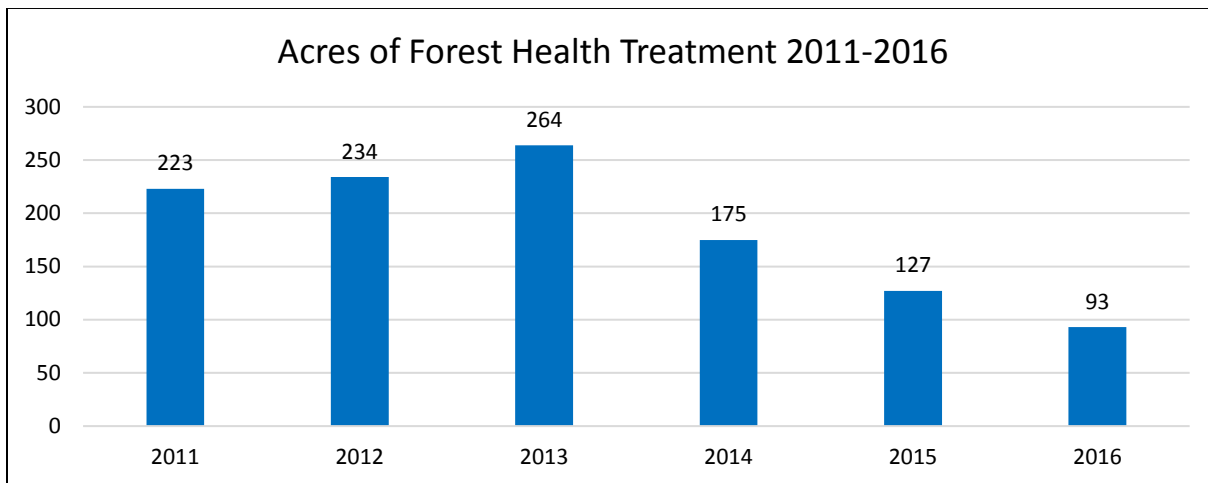
the current amount of encroachments in each of the four categories. Currently, there are 396 total unresolved encroachments.

Level of Effort	Category	Amount
1	Personal property storage	77
2	Parking and temporary roads	116
3	Landscaping, semi-permanent use	144
4 (Major)	Permanent structures, such as driveways and fences	58
	<b>Total Unresolved Encroachments</b>	<b>396</b>

#### d) Forest Health

Program staff manages forest resources consistent with the Conservancy’s Forest Improvement Guidelines, the *Lake Tahoe Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy*, as amended, and the *Community Wildfire Protection Plan*. These documents provide guidance for a multi-disciplinary approach to sustainable and resilient forest ecosystem management.

Approximately 5,560 acres of Conservancy lands are considered forested and require regular inspection. Conservancy forested lands vary by stand structure, age and species mixture, topography, and location relative to urban areas. Conservancy lands within the Defense Zone of the Wildland Urban Interface are the highest priority for forest health and fuels reduction projects. The graph below describes the annual number of acres treated for forest health since 2011. The reduction in treated acres in recent years is partly related to the reduced availability of funding and delays in the execution of grant agreements through partner agencies.



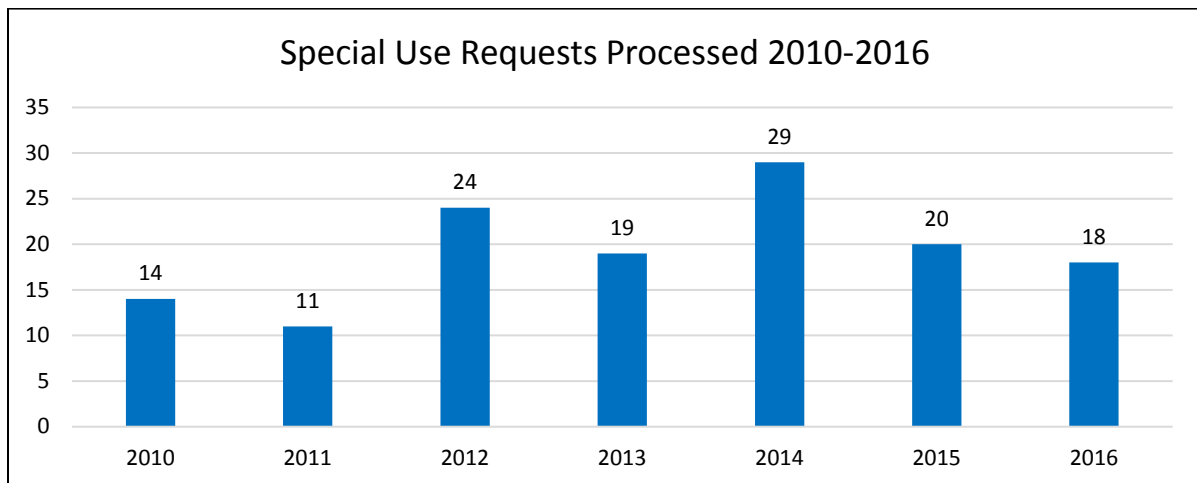
### e) Special Use

Staff reviews requests for public and private uses of Conservancy lands consistent with the Conservancy's Special Use Guidelines. The Conservancy may authorize special uses on Conservancy lands through the execution of a license, lease, or an easement.

Between January 1 and July 1, 2017, staff processed 13 special use requests.

These documents may convey the following types of rights:

- temporary access;
- water quality infrastructure;
- public and private utility facilities;
- monitoring stations;
- promotional photography;
- contaminated groundwater cleanup; and
- ski area operations.

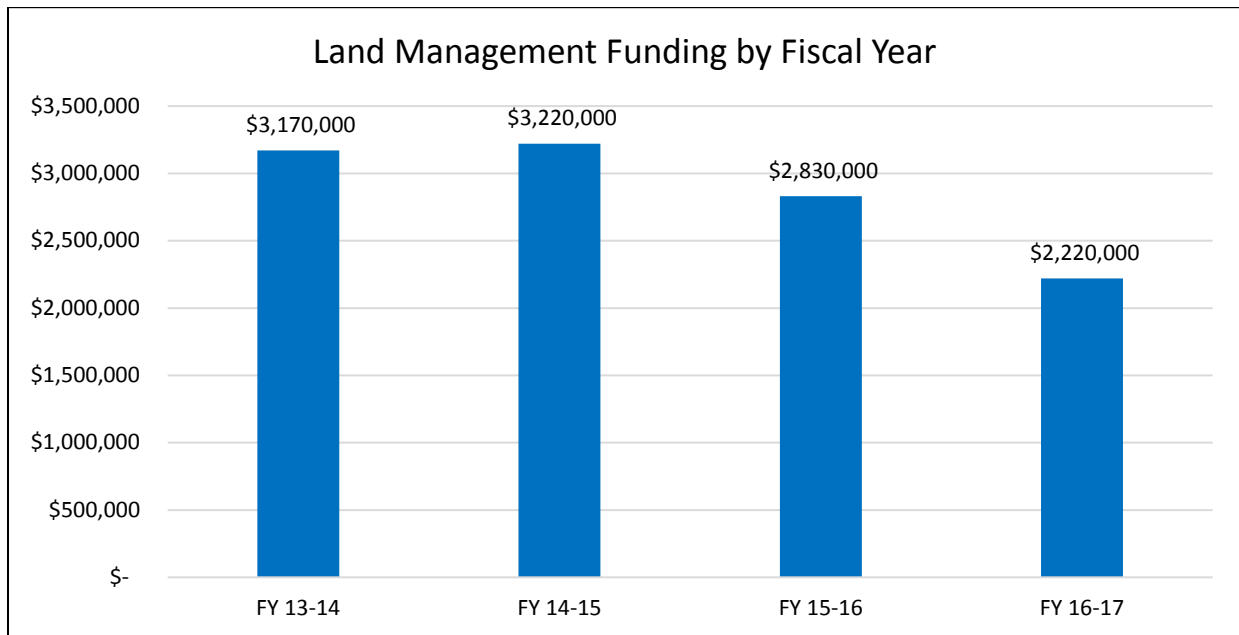


### Program Costs

Annual land management costs averaged approximately \$2,860,000 since FY 2013/2014. Limited fiscal and staff resources require the Conservancy to prioritize the issues and projects staff implements. For example, the Conservancy has gone from inspecting all of its parcels every year to now inspecting only half in any given year. The potential impacts associated with the reduced inspection level, includes not discovering management issues in a timely fashion, which can cause further environmental degradation or hazardous conditions. Decreased funding has caused reductions in the number of crew members to about half, affecting our ability to address resource damage, forest health, dumping clean-ups, and more. Also, as shown in the encroachments inventory table on the previous page, the Conservancy is unable to keep

pace with encroachments, which may have long-term environmental impacts and could affect the Conservancy’s standing as a good neighbor.

The graph below illustrates land management costs over the past four fiscal years. The recent decline in program costs represents a decrease in available and consistent funding sources to manage Conservancy lands.



### Next Steps

If the Board approves the land management classifications, staff proposes to take the following next steps:

- inventory and classify all Conservancy parcels;
- identify common and pervasive management issues existing within each classification; and
- evaluate current management tools used to address these issues.

Once staff completes these steps, this information will help the Conservancy determine if further planning, management, or regulatory tools are needed to achieve the Conservancy’s land management goals. Staff anticipates this analysis will help inform the Conservancy’s 2018 Strategic Planning process discussion related to Program goals, challenges, trade-offs, and funding needs.

This process and associated products will assist staff in managing Conservancy lands by:

- providing a basis for future management recommendations and helping direct the management of Conservancy lands;
- helping to demonstrate the Conservancy's active management of its lands;
- identifying gaps and inconsistencies in current management strategies and activities;
- creating improved consistency between the management practices of the Conservancy and other local land management agencies; and
- facilitating the development of management plans, policies, and regulations.

### **Financing**

The proposed action has no financial impacts.

### **Authority**

#### **Consistency with the Conservancy's Enabling Legislation**

The recommended land management classifications are consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.9 authorizes the Conservancy to "take whatever actions are reasonably necessary and incidental to the management of lands and facilities under its ownership and control."

#### **Consistency with the Conservancy's Strategic Plan**

The recommended action is consistent with the Strategic Plan because the classifications will lead to more efficient management of Conservancy lands (Strategy III) as well as overall agency operational efficiency and administrative capabilities (Strategy IV).

### **Compliance with the California Environmental Quality Act**

The land management classifications do not involve any commitment to any specific activity, which has the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and is therefore not a "project" within the meaning of the California Environmental Quality Act.

## **List of Attachments**

Attachment 1 – Resolution 17-09-04

Attachment 2 – Land Management Classifications

## **Conservancy Staff Contact**

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