# CALIFORNIA TAHOE CONSERVANCY

Board Packet December 13, 2018



## MEETING OF THE CALIFORNIA TAHOE CONSERVANCY BOARD

Thursday, December 13, 2018 at 9:30 a.m.

Hotel Azure Tahoe 3300 Lake Tahoe Boulevard South Lake Tahoe, CA 96150

## **Directions to Hotel Azure Tahoe:**

From CA/NV Stateline: On U.S. Highway 50 westbound, travel approximately 2.65 miles. Hotel Azure Tahoe is on the left just past Fremont Avenue.

BROOKE LAINE, Chair City of South Lake Tahoe

BOARD MEMBERS

LYNN SUTER, Vice-Chair Public Member

> LARRY SEVISON Placer County

ADAM ACOSTA Public Member

BRYAN CASH Natural Resources Agency

> **KAREN FINN** Department of Finance

> > SUE NOVASEL El Dorado County

**JEFF MARSOLAIS** U.S. Forest Service (ex-officio)

> PATRICK WRIGHT Executive Director

From South Lake Tahoe "Y" at U.S. Highway 50 and State Route 89: On U.S. Highway 50 eastbound, travel approximately 2.8 miles to Hotel Azure Tahoe located on the corner of Lake Tahoe Boulevard and Rufus Allen Boulevard. Turn right into the first driveway past Rufus Allen Boulevard.

## 1. Roll Call

## 2. Consent Items

a. Approval of Minutes (action) (Resolution 18-12-01)

b. Approval of Board Agenda (action) (Resolution 18-12-02)

c. Southern Nevada Public Land Management Act Round 16 California Regional Hazardous Fuel Reduction Projects (action): Consideration and possible authorization of up to \$484,250 for the implementation of three high priority hazardous fuel reduction and forest health projects: Van Sickle Bi-State Park Phase II, Tahoma Unit, and Montgomery Estates Urban, and the execution of contracts as necessary.

CEQA considerations:

- Categorical Exemptions:
  - Resolution 18-12-03.1 Van Sickle Bi-State Park Phase II
  - o Resolution 18-12-03.2 Tahoma Unit
  - o Resolution 18-12-03.3 Montgomery Estates Urban

## (Resolutions 18-12-03.1 – 18.12.03.3)

- 3. Executive Director's Report
- 4. Public Comment on Items Not on the Agenda

**5. Tahoe Regional Planning Agency Memorandum of Understanding on the Conservancy Land Bank (action):** Consideration and possible authorization for staff to enter into an updated memorandum of understanding with the Tahoe Regional Planning Agency to acquire, sell, bank, and transfer development rights and land coverage.

CEQA consideration: not applicable

### (Resolution 18-12-04)

**6.** Conservancy Strategic Plan 2018-2023 (action): Consideration and possible adoption of the Conservancy Strategic Plan 2018-2023.

CEQA consideration: not applicable

### (Resolution 18-12-05)

**7. Conservancy Enabling Legislation (discussion only):** Discuss the process of developing and seeking updates to the Conservancy's enabling legislation.

CEQA consideration: not applicable

**8. Conservancy Board Procedures (action):** Consideration and possible adoption of the Conservancy Board Procedures.

CEQA consideration: not applicable

### (Resolution 18-12-06)

**9.** Americans with Disabilities Act Transition Plan Update (discussion only): Discuss the Conservancy's draft Americans with Disabilities Act Transition Plan and initiate the public comment period.

CEQA consideration: not applicable

**10. 2018 Conservancy Highlights (discussion only):** Discuss the Conservancy's 2018 highlights and accomplishments.

CEQA consideration: not applicable

### 11. Chair's Report

• Consideration of Legislative Committee Assignments

### 12. Board Member Comment

a. Potential Agenda Items for the February 28 Board Meeting (discussion only): Discuss potential agenda items for the February 28 board meeting.

### 13. Public Comment on Items Not on the Agenda

#### 14. Adjourn

**Schedule/General Meeting Information:** Agenda items may be taken out of sequence at the discretion of the Conservancy Board Chair. Items are numbered for identification purposes and will not necessarily be considered in this order. Members of the public intending to comment on agenda and non-agenda items may be asked to use the meeting sign-in sheet before the start of the meeting. The Board Chair may limit the amount of time allocated for public comment on particular issues and for each individual speaker. All board materials, such as board books and board packets, exhibits, PowerPoint presentations, and agenda materials, are hereby made a part of the record for the appropriate item.

**Discussion Items:** Discussion items or tours involve staff presentations and updates; no Board action will be taken. (Gov. Code, § 11122.)

**Consent Items:** Consent items are expected to be routine and non-controversial. Recommendations will ordinarily be acted on without discussion. If any Board member, staff member, or other interested party or member of the public requests discussion of a consent item, it may be removed from consent and taken up in the regular agenda order, or in an order determined by the Board Chair.

**Staff Reports:** Staff reports on individual agenda items requiring Board action may be obtained on the Conservancy's website at http://www.tahoe.ca.gov or at the Conservancy's office. Staff reports will also be available at the Board meeting.

**Meeting Information:** Please contact Lori Uriz by e-mail at lori.uriz@tahoe.ca.gov, by phone at (530) 542-5580 or (530) 543-6069, or regular mail correspondence to 1061 Third Street, South Lake Tahoe, California 96150.

**Accessibility:** In accordance with Title II of the Americans with Disabilities Act of 1990, reasonable accommodations are available. Requests for reasonable accommodations should be made at least five working days in advance of the meeting date. To request reasonable accommodations, including documents in alternative formats, please call (530) 542-5580 [California Relay Service (866) 735-0373 or 711].

**Use of Electronic Devices:** Board members accessing their laptops, phones, or other electronic devices may use the equipment during the meeting to view the meeting materials which are provided in electronic format. Any use of these devices for direct communication employed by a majority of the members of a State body to develop a collective concurrence as to action to be taken on an item is prohibited.

Cover Photo: Courtesy of Chris Carney California Tahoe Conservancy Agenda Item 2.a December 13, 2018

## BOARD MEETING MINUTES October 11, 2018

#### October 11, 2018 (9:30 a.m.) Board Meeting

Staff prepared the minutes from the same-day audio recording and transcription by Foothill Transcription Company, which were certified on October 23, 2018.

### Agenda Item 1. Roll Call

Chair Laine called the meeting to order with a 9:43 a.m. roll call at the Lake Tahoe Community College in South Lake Tahoe, California.

#### **Members Present:**

Brooke Laine, Chair, City of South Lake Tahoe Lynn Suter, Vice Chair, Public Member Adam Acosta, Public Member Sue Novasel, El Dorado County Larry Sevison, Placer County Bryan Cash, California Natural Resources Agency Karen Finn, California Department of Finance Jeff Marsolais, U.S. Forest Service (ex officio)

### **Members Absent:**

None

#### **Others Present:**

Patrick Wright, Executive Director Jane Freeman, Deputy Director Mike Steeves, Staff Counsel Danae Atchison, Deputy Attorney General

## Agenda Item 2. Consent Items

## a. Approval of Minutes

The Board considered the minutes from the August 8, 2018 meeting.

## Ms. Novasel moved to approve the resolution and Mr. Cash seconded the motion. Resolution 18-10-01 passed unanimously.

## b. Approval of Board Agenda

The Board considered the agenda for the day's meeting.

## Ms. Novasel moved to approve the resolution and Ms. Finn seconded the motion. Resolution 18-10-02 passed unanimously.

### c. Extension of Alert Tahoe License Agreements

Ms. Finn requested that staff remove Item 2.c from the consent calendar in order for the Board to have a substantive discussion on the Item.

Mr. Nick Meyer, Associate Environmental Planner, presented Item 2.c.

Ms. Finn asked why staff is proposing 25-year extensions of the Alert Tahoe license agreements and not for a shorter duration. Mr. Meyer explained that the terms of the license agreements are being negotiated. Mr. Meyer said the Conservancy extends license agreements for a similar duration when the entity is requesting perpetual access to a site.

Mr. Sevison asked if these agreements preclude other activities on these sites because the sites are well suited for recreation. Mr. Meyer said no, the Conservancy has already worked with Alpine Meadows to ensure the location worked and did not affect skiing on the Ward Creek parcel.

Mr. Wright addressed Ms. Finn's comment about the 25-year extension and said staff could come back to the Board at the next meeting with a summary of how the Conservancy typically deals with license agreements to provide additional

context.

There were no public comments.

## Ms. Finn moved to approve the resolution and Ms. Novasel seconded the motion. Resolution 18-10-03 passed unanimously.

## Agenda Item 3. Executive Director's Report

Mr. Wright discussed the Dollar Creek Forest Health and Biomass Project. Mr. Wright said the Board gave staff clear direction in June to work closely with the Highlands Homeowners Association on issues surrounding haul roads and traffic. Mr. Wright reported that staff has done that and the Highlands Homeowners Association is supportive of the project.

Mr. Wright discussed the Loop Road Project, which is moving forward for approval to the Tahoe Regional Planning Agency (TRPA) and other entities. Mr. Wright said there are potential impacts of that project on Van Sickle Bi-State Park (Park) and that Conservancy staff has been working very closely with the Tahoe Transportation District and Nevada State Parks to minimize the impacts of the project on the Park.

Mr. Wright announced Mr. Todd Ferrara's departure from the California Natural Resources Agency (CNRA) and the Conservancy Board. Mr. Wright said staff is excited to have Mr. Bryan Cash serve on the Board on behalf of CNRA given how intimately familiar he is with the Conservancy's budget and operations.

Mr. Wright also announced that Ms. Lisa O'Daly will be retiring from the Conservancy in the fall and preparations are underway to see her off. Mr. Wright stated that the Conservancy hired a new Communications Director, Mr. Chris Carney, and the Conservancy is thrilled to have him.

Mr. Wright introduced Mr. Juan Carlos Urizar, Associate Environmental Planner, to discuss the work that the Conservancy, Tahoe Resource Conservation District (Tahoe RCD) crews, and Bushwhacker's Tree Service completed on the Alta Mira property. Mr. Urizar explained that through a lot of teamwork and collaboration, the entities safely removed the hazardous trees that were ready to fail and fall into Lake Tahoe where numerous people recreate and utilize the shoreline. Mr. Wright added that TRPA rules generally do not allow work like this directly on Lake Tahoe and therefore it took a lot of work to obtain the necessary approvals to address the hazard.

Mr. Wright and Chair Laine thanked Mr. Urizar for removing the hazardous trees.

## Agenda Item 4. Public Comment on Items Not on the Agenda

Chair Laine asked if any members of the public wished to comment on items not on the agenda. There were no public comments.

## Agenda Item 5. Project and Program Authorizations

## a. Tahoe Pines Restoration Project

Mr. Joe Pepi, Associate Environmental Planner, presented Item 5.a.

Ms. Novasel asked about the breakdown of the \$452,000 project costs and how much comes from the Habitat Conservation Fund, Lake Tahoe Conservancy Account, and Proposition 84.

Mr. Kevin Prior, Chief Administrative Officer, responded that the Conservancy goes through a series of iterations with the California Department of Finance (DOF) on assigning funding to the projects and the Conservancy makes a decision based on that. Mr. Prior continued explaining that this project does not take away from existing projects because the money is appropriated to the Conservancy as capital line items in the budget with DOF.

Mr. Marsolais questioned whether the Conservancy is required to think about replacing or investment in replacing the overnight accommodations for camping.

Mr. Stuart Roll, Natural Resources Program Supervisor, said that the former project manager worked through that issue with TRPA and persons at one time (PAOT) allocations did not apply to this particular situation.

Mr. Wright said TRPA's general rule is that every time an entity removes a campsite, that entity must replace it with another one. Mr. Wright stated that it does not minimize the Conservancy's commitment to keep working on developed recreation sites. Mr. Wright said staff would look into why this particular situation was not affected by TRPA's rule.

Mr. Marsolais clarified that it was less about TRPA rules and more about how groups in the Lake Tahoe Basin (Basin) need to create more opportunities for sustainable recreation, especially with the increase in use. Mr. Marsolais said the Conservancy might want to think about the relationship between this project and other future investments.

Mr. Cash said he was excited to see this project move forward. Mr. Roll responded by thanking CNRA for providing \$3 million to acquire the property in 2007 from the Sierra Nevada Cascade Grant Program.

Chair Laine asked how many campsites staff removed. Mr. Roll said 52.

There were no public comments.

## Ms. Finn moved to approve the resolution and Mr. Cash seconded the motion. Resolution 18-10-04 passed unanimously.

b. Tahoe-Central Sierra Initiative – Lake Tahoe Basin State Responsibility Area Lands Grant

Mr. Forest Schafer, Forest Science and Management Coordinator, presented Item 5.b.

Ms. Finn asked if it was limited to the State Responsibility Area lands. Mr. Schafer responded affirmatively.

Ms. Finn asked if Mr. Schafer could explain to the Board what kind of numerics, measurements, and monitoring the staff must do based on the funding source.

Mr. Schafer said the applicants to this grant program are required to follow the California Air Resources Board (CARB) methodology for quantifying the benefits over the lifetime of the project, which is 60 years. Mr. Schafer explained that the Conservancy first calculated the current carbon stocks on the ground, then calculated what will be removed, and finally the probability of fire occurring in the area. Mr. Schafer said the Conservancy was able to calculate a benefit of approximately .07 metric tons of carbon per dollar spent by using CARB's approved methodologies.

Ms. Finn asked if the Conservancy then calculated the carbon associated with prescribed burning. Mr. Schafer responded affirmatively that the monitoring requirements are actually reduced for this round of California climate investments.

Mr. Sevison asked Mr. Marsolais if the forest industry is in a slump and, if so, how that is impacting forest health projects.

Mr. Marsolais said the idea behind the Tahoe-Central Sierra Initiative (TCSI) is that agencies need to think on a sub-regional landscape level, not just an agency level. Mr. Marsolais commented that Mr. Wright and Mr. Jim Branham, Executive Director of the Sierra Nevada Conservancy, were the architects behind bringing the right sub-regional landscape together to solve these problems.

Mr. Marsolais agreed that there are depressed timber markets and federal export bans. Mr. Marsolais said the California Public Utilities Commission is engaged in dialogue with biomass facilities regarding tier-one and tier-two high-hazard zone materials, and it involves complex math. Mr. Marsolais said there has to be assurance that the material will be available and no individual national forest could produce enough of that material. Mr. Marsolais said when entities start dealing with these issues at a landscape level; one could start to think through the economics at the scale that matters, for example the TSCI landscape, which involves three national forests, a couple of Conservancies, and work on private lands.

Mr. Sevison asked if there are any economic drawbacks or regulations that prohibit selling timber overseas. Mr. Marsolais said there are federal requirements applicable to the United States timber business for timber coming off federal public lands. Mr. Wright said he thought there were similar restrictions in place in California.

Mr. Wright thanked Mr. Marsolais. Mr. Wright said the groups involved with the TCSI worked closely together and it paid off. Mr. Wright said TCSI entities received \$27 million collectively and that was a huge success. Mr. Wright explained that to address forest health issues and wildfires, agencies must go big; however, the entire forest health process in California needs to be reinvented.

Vice Chair Suter and Chair Laine complimented all of the TCSI partners for their efforts.

Chair Laine invited public comment.

Ms. Norma Santiago said there is an ongoing effort to build or rebuild the biomass infrastructure in California, including introducing technologies that create marketable commodities such as biochar or biofuels. Ms. Santiago said she attended a Commonwise workshop where she learned there is a collaborative structure in California that is looking at these large landscapes and discussing how to manage the product as well as take the product to market. Ms. Santiago said California is making a huge commitment in defining these markets so the materials can be processed and taken to market.

Mr. Marsolais said California and Nevada had the largest wildfires this year. Mr. Marsolais said the Board should contemplate the issue of pace and scale. Mr. Marsolais said there is an important role for the Board to play in shaping the narrative and ensuring entities are attacking these forest health issues at a certain pace because the wildfires are burning up more acres each year than the agencies are treating. Mr. Marsolais said it would be great for the Board to continue an active dialogue and think about how the new Communications Director could help us shape a narrative and engage with the public.

Mr. Sevison moved to approve the resolution and Ms. Finn seconded the motion. Resolution 18-10-05 passed unanimously.

### Agenda Item 6. Discussion Items

### a. Upper Truckee River Update

Mr. Roll presented Item 6.a.

Ms. Novasel asked if the Conservancy needed fee title to complete the restoration on the private land. Mr. Roll responded that the Conservancy does not necessarily need fee title; easements would suffice. Mr. Roll explained that the negotiations with the owners have been challenging and because of that some areas could be fee title ownership and other areas may be easements.

Ms. Finn asked if that area was under one ownership. Mr. Roll responded that there are multiple owners and the properties are divided up in numerous trusts, which makes them complex acquisitions.

Vice Chair Suter asked how many acres is within the hatched area on a map in the presentation. Mr. Roll responded that there is around 40 acres of private property.

Vice Chair Suter asked if the flooding significantly damaged the Airport Reach and whether the Airport Reach was restored now. Mr. Roll said there are areas in the Airport Reach that have experienced erosion but the City of South Lake Tahoe has applied vegetation treatments to those areas with mixed success.

Vice Chair Suter asked how much it cost to fix the damage from the storms. Mr. Roll estimated it cost \$50,000-\$100,000 to address the issues.

Vice Chair Suter asked about the potential diversion structure and whether the Conservancy was planning to take water out of the private property channel and divert it. Mr. Roll explained where the potential diversion structure would be located. Mr. Roll said, without filling the existing channel, the Conservancy would construct the pilot channels and the pilot channels would receive some flow during higher flow events. Mr. Roll said the science panel and project team is looking at ways to ensure the new channels are functioning properly. Mr. Roll said the potential diversion structure would be one way of trying to get additional flows into the pilot channels.

Chair Laine invited public comment.

Ms. Santiago commented that the Conservancy hosted a panel discussion in 2012 focusing on the development of a strategy for the Upper Truckee, taking into account the various restoration projects that were and are planned for the primary reaches of the river; how these projects are integrated in a way that each would build on the success of the other; and prioritizing the reaches by impacts to the river system. Ms. Santiago said panel members made recommendations based on the findings.

Ms. Santiago discussed the Golf Course Reach and the California Environmental Quality Act (CEQA) litigation. Ms. Santiago said California Department of Parks and Recreation re-released a draft environmental document naming Alternative 2B as the preferred alternative. Ms. Santiago said, while Alternative 2B may provide the best strategy for the restoration of the river, it is still dependent on an encroachment into Washoe Meadows State Park to accommodate the holes.

Ms. Santiago provided the Board with a letter from scientists that study the geomorphic aspects of Lake Tahoe and its surrounding tributaries. Ms. Santiago said the scientists state their concerns about the impact this encroachment would have on the river and the lack of sufficient analysis in the current environmental document on how the outcomes of the previous reach restorations impact the Golf Course Reach. Ms. Santiago explained that the scientists submitted the letter

during the public comment period for the most recent draft environmental document. Ms. Santiago provided the Board with a picture of the Lake Tahoe Golf Course, conceptual land-use and routing, along with her written comments and the letter. Ms. Santiago indicated that routing the course differently would avoid encroaching on Washoe Meadows State Park.

Ms. Lauri Kemper asked about the difference between the Upper Truckee Marsh environmental document certification and the design process alternative. Ms. Kemper explained that the Conservancy already certified the environmental document but there are a lot of details regarding the diversion structure and pilot channels that the Conservancy is discussing in the design phase.

Chair Laine stated that staff will address Ms. Kemper's question at the close of public comment and asked if other members of the public had comments.

Ms. Nicole Cartwright, Tahoe RCD's Executive Director, thanked the Conservancy for the opportunity to become a new landowner in the Upper Truckee River and acknowledged the leadership that the Conservancy staff has provided.

Mr. Tom Rosenberg commented about the flooding near Reach One. Mr. Rosenberg said he is a strong proponent of the Marsh project but expressed frustration that many of the details were not clear at the time the Board certified and approved the project. Mr. Rosenberg said the details are now becoming clearer and the analysis that the Conservancy did should be updated. Mr. Rosenberg said the climactic conditions and project have both changed.

Mr. Rosenberg stated that those who live in the area are relying heavily on the premise and the promise of the project to do no harm, but we do not know the details. Mr. Rosenberg said staff is responsive and he is supportive of the project, but he does not want to be harmed by it without knowing the details.

Mr. Rosenberg said he hoped the Board supported the staff doing a full analysis of the project and its impacts on private lands. Mr. Rosenberg discussed the diversion feature and questioned whether it would back the water up on private land, the flood and insect effects, and other potential issues. Mr. Rosenberg said there should be an opportunity for the information to be presented to the Board and public as well as a public comment period.

Chair Laine asked Mr. Roll to comment on the questions that were raised

regarding the environmental document certification process.

Mr. Roll said there are different approaches to environmental documentation, but the approach the Conservancy took was to provide a comprehensive environmental impact report and environmental impact statement that looked at five alternatives and to analyze the alternatives equally. Mr. Roll commented that it would be cost-prohibitive to develop all of them at the detailed design level. Mr. Roll said the Conservancy looked at the project alternatives from a conceptual standpoint but ensured that the conceptual design of each alternative was developed enough to understand the full breadth of potential environmental impacts. Mr. Roll said staff develops project designs after the CEQA approval and then staff refines the designs and works with permitting agencies, which involves a public process. Mr. Roll welcomed the public engagement on the project.

Chair Laine asked when the Board certified the CEQA document. Mr. Roll said December 2015.

Chair Laine asked Mr. Roll if he is aware of any significant deviations in the project. Mr. Roll said staff is looking into those details but staff has not identified any new significant impact that would require a new, additional CEQA document.

Chair Laine asked if the potential diversion structure is intended to divert or will it back up water on privately owned areas. Mr. Roll explained that it would be a little bit of both. Mr. Roll said, in order to divert, it would potentially have to back up some water so that the water could pour into the new channels, which are at a higher elevation. Mr. Roll said this is something that staff is beginning to analyze.

Chair Laine said she understood the homeowners' positions and encouraged staff to continue to work and communicate with the property owners.

Mr. Marsolais asked if there is a review process under CEQA where, if the design is actually outside the scope of the decision, staff would bring it back to the Board for some supplemental activity related to the original environmental document.

Mr. Steeves, Staff Counsel, said the initial process is at the staff level to determine whether the possible change in design feature would potentially cause an impact

that staff did not evaluate in the original document. Mr. Steeves said, if staff gets to that point, staff would come back to the Board either with a supplemental analysis or with a new document. Mr. Steeves said staff is not at that point yet, but there is an internal process to make that assessment.

There were no further public comments.

## b. 2018-2023 Strategic Plan Update

Mr. Dorian Fougères, Chief of Natural Resources, and Ms. Lisa Beutler, Stantec, presented Item 6.b.

Mr. Marsolais commented about funding shortfalls. Mr. Marsolais said staff should reflect strategies on how to fill the funding shortfalls in the document.

Mr. Wright said there are two major items staff wanted to get across with respect to the Strategic Plan. Mr. Wright said, first, the initial graphic on State and Basinwide priorities that the Conservancy needs to address. Mr. Wright commented that the Conservancy also recognizes it needs to scale up and that is the theme of the Strategic Plan. Mr. Wright said the Conservancy is working collectively to scale up through collaborative partnerships. Mr. Wright said the second major theme is managing the Conservancy's land and dealing with fires, hazard trees, encroachments, and other issues. Mr. Wright commented that the issue is how the Conservancy pays for the management of its land when the Conservancy is reliant on bond money, which does not pay for the day-to-day land management issues.

Mr. Wright said he would like to provide the Board with more time over the next several weeks to review the Strategic Plan thoroughly and provide staff with input.

Mr. Cash asked if staff discussed how to enhance sales of the license plate; for example, improving marketing methods. Mr. Wright said the Conservancy is doing that and, in fact, has a request for proposal out now.

Mr. Cash asked if staff mentioned the license plate sales and marketing in the Strategic Plan. Mr. Fougères said the Strategic Plan is not that detailed, however, the concept of finding ways to enhance existing funds or find new sources of funding is addressed in the Strategic Plan.

Ms. Finn commented that the funding shortfall chart on page 15 makes it look like funding went from \$1.4 million to \$600,000, which is misleading. Mr. Fougères said what Ms. Finn stated is accurate and captures an important aspect of this graphic. The graphic depicts land management funding under the financial sustainability principles that are outlined on page 16 of the Strategic Plan. Mr. Fougères said if you take what is outlined on page 16 and were to apply that in the years ahead, the graphic shows where the Conservancy would have the shortfall. Mr. Fougères said the lead in text above the graphic tried to convey this, but Mr. Fougères recommended staff could improve the text to convey the message better.

Mr. Sevison commented that the funding issue is difficult to address. Mr. Sevison suggested the Conservancy implement certain fees on its lands through concession agreements. Mr. Sevison said it is getting more difficult to find money and the Conservancy needs to be creative.

Ms. Finn asked, if Proposition 3 passes, would it present different issues or programs for staff and, if so, would staff need to address those issues or programs in the Strategic Plan. Mr. Wright said it would not significantly affect the Conservancy's goals and strategies. Mr. Wright said the Conservancy would have more funding if Proposition 3 passes. Mr. Wright said Proposition 3 would provide \$10 million for the Upper Truckee River, \$30 million for storm water, and \$60 million for a full range of Environmental Improvement Projects. Mr. Wright said Proposition 3 would provide the Conservancy with the ability to do more but it will not fundamentally change policy areas, like Proposition 68's focus on community access.

Mr. Sevison commented that it would be helpful for the Board if staff held a workshop periodically to discuss these types of items. Mr. Sevison said the Board could discuss the priorities each member would like to focus on; for example, whether the Conservancy should focus on forest health, bike trails, or water quality.

Mr. Fougères said that staff designed the strategic planning process to address exactly what Mr. Sevison is requesting. Mr. Fougères commented that the Strategic Plan provides staff with that direction, because the Board has endorsed the goals and strategies in the Strategic Plan.

Mr. Wright commented that staff would come back to the Board if Proposition 3

passes to discuss how the Conservancy should use the money over the course of three, five, seven, or more years. Mr. Wright said, once the Governor's releases the budget and perhaps at the February or April meeting, staff will discuss with the Board what the Conservancy's priority projects should be.

Mr. Fougères requested the Board provide feedback and comments by the end of Friday, October 19. The Board agreed.

Ms. Novasel requested an annual workshop where the Board could have the ability to track the Strategic Plan goals with actual performance measurements.

Mr. Marsolais commented that staff did a great job with the performance and effectiveness monitoring portion of the Strategic Plan. Mr. Marsolais said staff should be thoughtful when completing the effectiveness monitoring and expressed that sometimes less is more.

There were no public comments.

## Agenda Item 7. Chair's Report

Chair Laine discussed the proposed Board meeting dates for 2019. Chair Laine checked with the Board to ensure they were okay with the proposed meeting dates. Chair Laine said there could be a situation where there are no items for a meeting and proposed to provide staff flexibility to cancel meetings if that occurs.

Chair Laine announced that the Operations Committee met and the Board Procedures will be discussed at the Board meeting in December.

Chair Laine discussed Mr. Wright's salary and mentioned that the California Department of Human Resources (CalHR) and the Governor's Office recently did a study of several different Conservancy Executive Directors' salaries. Chair Laine said CalHR and the Governor's Office decided to move the Executive Directors into a new exempt category salary range that tops out at a little under \$140,000, which is less than what the Board approved. Chair Laine mentioned that the Governor's Office has the final say and not the Board with respect to the Executive Director's salary. Chair Laine mentioned that the Board cannot discuss salary in closed session but requested the Conservancy's legal staff weigh in on the issue. Ms. Aitchison commented that the Board cannot discuss the Executive Director's salary in closed session.

## Agenda Item 8. Board Member Comment

## a. Potential Agenda Items for the December 13 Board Meeting

Chair Laine invited the Board to provide comments and there were no comments from the Board.

## Agenda Item 9. Public Comment on Items Not on the Agenda

Chair Laine invited public comment on items not on the agenda and there were no public comments.

## Agenda Item 10. Closed Session

Chair Laine announced that the Board would recess for the closed session and reconvene following the closed session to return to the remainder of the agenda.

Following the completion of the closed session, the Board reconvened in open session. Chair Laine announced that there was no reportable action. At 12:35 p.m., Chair Laine said the Board would reconvene after lunch at the tour location.

## Agenda Item 11. Upper Truckee River Reach 5 Restoration Project Tour

Mr. Pepi and Ms. Teresa Cody, Restoration Hydrologist with the U.S. Forest Service Lake Tahoe Basin Management Unit, led a tour of the Upper Truckee River Reach 5 Restoration Project. The tour covered several stops along the Upper Truckee River, including the old and restored channels.

## Agenda Item 12. Adjourn

Chair Laine adjourned the meeting from the tour location at 3:10 p.m.

California Tahoe Conservancy Resolution 18-12-01 Adopted: December 13, 2018

## **APPROVAL OF MINUTES**

I hereby certify that the foregoing is a true and correct copy of the minutes of the October 11, 2018 meeting of the California Tahoe Conservancy adopted on December 13, 2018.

IN WITNESS THEREOF, I have hereunto set my hand this 13th day of December, 2018.

California Tahoe Conservancy Agenda Item 2.b Resolution 18-12-02 Adopted: December 13, 2018

## APPROVAL OF BOARD AGENDA

I hereby approve the December 13, 2018 Board agenda of the California Tahoe Conservancy adopted on December 13, 2018.

IN WITNESS THEREOF, I have hereunto set my hand this 13th day of December, 2018.

California Tahoe Conservancy Agenda Item 2.c December 13, 2018

## SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT ROUND 16 CALIFORNIA REGIONAL HAZARDOUS FUELS REDUCTION PROJECTS

**Recommended Action**: Adopt Resolutions 18-12-03.1—18-12-03.3 (Attachments 1-3) authorizing the 1) expenditure of up to \$484,250 to implement three high priority fuel hazard reduction and forest health projects, identified through the California Tahoe Conservancy's (Conservancy) Southern Nevada Public Land Management Act (SNPLMA) Round 16 grant, and 2) execution of contracts as necessary to implement the three projects:

- Van Sickle Bi-State Park Phase II Fuel Hazard Reduction Project,
- Montgomery Estates Urban Fuel Hazard Reduction Project, and
- Tahoma Unit Fuel Hazard Reduction Project.

**Location**: Conservancy-owned property comprised of three separate project locations, totaling 149 acres. Two project locations are on the south shore, and the third is located on the west shore adjacent to the community of Tahoma. (Attachments 4a-4c)

**Fiscal Summary**: Through a Federal Trust Fund appropriation, \$484,250 of the SNPLMA Round 16 grant award will fund the recommended authorization.

## Overview

## **Description of Recommended Action**

Staff recommends the Board authorize the expenditure of up to \$484,250 to implement three high priority fuel hazard reduction and forest health projects, identified through the Conservancy's SNPLMA Round 16 grant, and execution of three contracts as necessary to implement the projects.

The Tahoe Fire and Fuels Team (TFFT), a voluntary association of 20 Lake Tahoe Basin (Basin) fire suppression and land management agencies that include the Conservancy, developed a process to prioritize proposed treatment areas under the SNPLMA grant. The TFFT identified the following projects as tier 1, which are the highest priority for

forest health and fuels treatment, and recommended them for funding under the Conservancy's SNPLMA grant. These projects continue the Conservancy's longstanding commitment to protecting Basin communities from wildfire, and restoring forest resilience.

## 1. Van Sickle Bi-State Park Phase II Fuel Hazard Reduction Project

Staff recommends the Board authorize the award of a contract to the Tahoe Douglas Fire Protection District (TDFPD) for up to \$351,000 to complete hazardous fuels reduction on 108 acres of Conservancy-owned property within the Van Sickle Bi-State Park. This treatment will complement the Van Sickle Bi-State Park Phase I (25 acres) treatment completed in 2013. Treatments will modify fire behavior and protect valuable infrastructure, including the Stateline commercial area and the Gondola at Heavenly Valley Ski Area. TDFPD hand crews will cut and pile vegetation, and then burn material in accordance with El Dorado County Air Pollution District rules.

## 2. Montgomery Estates Urban Fuel Hazard Reduction Project

Staff recommends the Board authorize the award of a contract to the California Conservation Corps (CCC) for up to \$104,000 to complete hazardous fuels reduction on 32 acres of Conservancy-owned urban-intermix lots within the Montgomery Estates subdivision on the south shore. Treatments on urban-intermix lots will complement defensible space requirements on properties. The project includes hand thinning vegetation, chipping, and the removal of biomass.

## 3. Tahoma Unit Fuel Hazard Reduction Project

Staff recommends the Board authorize the award of a contract to the North Lake Tahoe Fire Protection District (NLTFPD) for up to \$29,250 to complete hazardous fuels reduction on nine acres of Conservancy-owned property, west of the community of Tahoma and just north of the El Dorado/Placer County line. The treatment will complement recent U.S. Forest Service, Lake Tahoe Basin Management Unit work in the area protecting the community of Tahoma from catastrophic wildfire. NLTFPD hand crews will cut and pile vegetation, and then burn it in accordance with Placer County Air Pollution District rules.

Staff anticipates entering into three contracts for the three fuel hazard reduction projects in February 2019.

## History

In December 2016, the Board authorized acceptance of a \$6,814,500 SNPLMA Round 16 Hazardous Fuels and Wildfire Prevention grant from the Bureau of Land Management (BLM). The Board also approved expenditures of up to \$1,969,500 for activities associated with planning, monitoring, and assessment, and related direct and indirect costs, with the understanding that staff will return to the Board for authorization to fund specific implementation projects from the remaining grant funds not previously authorized.

The grant from BLM provides funding for fuels reduction and forest health projects on 1,200-1,800 acres within the Wildland Urban Interface (WUI) over a six-year term. The grant covers lands owned and managed by the State of California, local jurisdictions, and large private landowners on the California side of the Basin. Staff finalized the grant agreement with BLM in March 2017, and works closely with the TFFT to prioritize, plan, and monitor the funded projects.

## Financing

Staff recommends the Board authorize \$484,250 in SNPLMA Round 16 Hazardous Fuels and Wildfire Prevention grant funds, which were included in a 2018 Federal Trust Fund appropriation. The proposed budget includes \$96,850 previously authorized for planning, layout, and project preparation activities and \$484,250 of newly authorized funds for implementation.

Location	Acres	Amount
Van Sickle Bi-State Park Phase II	108	\$351,000
Montgomery Estates	32	\$104,000
Tahoma Unit	9	\$29,250
Proposed Contracts (New	140	\$484,250
Authorization)	149	
Planning, Layout, Project		
Preparation (Previously		¢06.850
Authorized Activities		\$96,850
December 2016)		
Total Budget		\$581,100

## Project Budget

## Authority

## Consistency with the Conservancy's Enabling Legislation

Implementation of these projects is consistent with the Conservancy's enabling legislation. Specifically, Government Code 66907.10 authorizes the Conservancy to improve and develop lands for a variety of purposes, including protection of the natural environment. Government Code 66907.9 authorizes the Conservancy to initiate, negotiate, and participate in agreements for the management of land under its ownership and control with public agencies and other entities.

## Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with the Conservancy's Strategic Plan, Strategy III.A-Effectively Manage Conservancy-owned Lands. The proposed projects use federal grant funds to facilitate hazardous fuels reduction treatments on 149 acres of Conservancy-owned land, located within in high priority WUI areas.

## Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's Forest Improvement Program Guidelines. The projects reduce the risk of property and forest loss from catastrophic wildfire and increase the health and vigor of the forest. Healthy forests are better equipped to deal with the effects of climate change, sequester carbon, improve visual appeal, and increase wildlife function.

## **Consistency with External Authorities**

The recommended action is consistent with the Lake Tahoe Environmental Improvement Program (EIP), specifically, EIP project #02.01.01.0144.

This action is also consistent with the most recently adopted versions of both the 2014 *Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Protection Strategy* and the 2015 *Lake Tahoe Basin Community Wildfire Protection Plan*.

## Compliance with the California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), certain classes of activities are statutorily exempt from CEQA or are exempt because they have been determined by the Secretary of the California Natural Resources Agency to have no significant effect on the environment. Pursuant to Public Resources Code sections 21001(f) and 21082, the Conservancy has also adopted regulations to implement, interpret, and make specific, the provisions of CEQA. (See Cal. Code Regs., tit. 14, § 12100 et seq.) Staff has evaluated these projects, and found them to be exempt under CEQA. The projects qualify as categorically exempt under CEQA Guidelines, section 15304 (Minor Alterations to Land), and the Conservancy's CEQA regulations, section 12102.4. Staff drafted notices of exemption (NOEs) for the projects (Attachments 5-7). If the Board approves the projects, staff will file the NOEs with the State Clearinghouse pursuant to CEQA Guidelines section 15062.

## List of Attachments

Attachment 1 – Van Sickle Bi-State Park Phase II Resolution 18-12-03.1 Attachment 2 – Montgomery Estates Resolution 18-12-03.2 Attachment 3 – Tahoma Unit Resolution 18-12-03.3 Attachment 4a – Van Sickle Bi-State Park Phase II Project Map Attachment 4b – Montgomery Estates Project Map Attachment 4c – Tahoma Unit Project Map Attachment 5 – Van Sickle Bi-State Park Phase II Notice of Exemption, Exhibit A Attachment 6 – Montgomery Estates Notice of Exemption, Exhibits A and B Attachment 7 – Tahoma Unit Notice of Exemption, Exhibit A

## **Conservancy Staff Contact**

Milan Yeates

milan.yeates@tahoe.ca.gov

California Tahoe Conservancy Resolution 18-12-03.1 Adopted: December 13, 2018

## VAN SICKLE BI-STATE PARK PHASE II FUEL HAZARD REDUCTION PROJECT

Staff recommends that the California Tahoe Conservancy (Conservancy) adopt the following resolution pursuant to Government Code sections 66907.9 and 66907.10:

"The Conservancy hereby authorizes the award of a contract to the Tahoe Douglas Fire Protection District for up to \$351,000 for the Van Sickle Bi-State Park Phase II Fuel Hazard Reduction Project, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation."

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 13th day of December, 2018.

In WITNESS THEREOF, I have hereunto set my hand this 13th day of December, 2018.

California Tahoe Conservancy Resolution 18-12-03.2 Adopted: December 13, 2018

## MONTGOMERY ESTATES URBAN FUEL HAZARD REDUCTION PROJECT

Staff recommends that the California Tahoe Conservancy (Conservancy) adopt the following resolution pursuant to Government Code sections 66907.9 and 66907.10:

"The Conservancy hereby authorizes the award of a contract to the California Conservation Corps for up to \$104,000 for the Montgomery Estates Urban Fuel Hazard Reduction Project, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation."

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 13th day of December, 2018.

In WITNESS THEREOF, I have hereunto set my hand this 13th day of December, 2018.

California Tahoe Conservancy Resolution 18-12-03.3 Adopted: December 13, 2018

## TAHOMA UNIT FUEL HAZARD REDUCTION PROJECT

Staff recommends that the California Tahoe Conservancy (Conservancy) adopt the following resolution pursuant to Government Code sections 66907.9 and 66907.10:

"The Conservancy hereby authorizes the award of a contract to the North Lake Tahoe Fire Protection District for up to \$29,250 for the Tahoma Unit Fuel Hazard Reduction Project, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation."

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 13th day of December, 2018.

In WITNESS THEREOF, I have hereunto set my hand this 13th day of December, 2018.



ATTACHMENT 4a Van Sickle Bi-State Park Phase II **Fuel Hazard Reduction** Project

## ATTACHMENT 4b

## Montgomery Estates Urban Fuel Hazard Reduction Project



Lake Tahoe 50 **Placer County El Dorado County** Tahoma Mr. Keek California Tahoe Conservancy Sources: TRPA, CTC, ESRI December 2018 \*Map for reference purposes only.

ATTACHMENT 4c Tahoma Unit **Fuel Hazard Reduction Project** 

## NOTICE OF EXEMPTION

TO: Office of Planning and Research 1400 10th Street, Room 121 Sacramento, California 95814 FROM: California Tahoe Conservancy 1061 Third Street South Lake Tahoe, California 96150

#### **Project Title**:

Van Sickle Bi-State Park Phase II Fuel Hazard Reduction Project

#### **Project Location – Specific:**

This project is located on 108 acres of California Tahoe Conservancy property within the boundaries of the Van Sickle Bi-State Park in South Lake Tahoe, as shown on the attached map (Exhibit A).

**Project Location** – City: Unincorporated

*Project Location – County:* El Dorado County

### **Description of Nature, Purpose and Beneficiaries of Project:**

The project consists of cutting live, dead, dying, diseased trees, and shrubs to reduce conifer and shrub densities and fuel continuity with hand crews on 108 acres of Conservancy-owned property. The activity will promote increased health and vigor of the stand, and reduce wildfire threat to the adjacent community.

#### Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 12/13/2018) (Agenda Item 2.c.)

#### Name of Person or Agency Carrying Out Project:

Tahoe Douglas Fire Protection District

#### **Exempt Status:**

- \_\_\_\_\_ Ministerial (Sec. 15073)
- \_\_\_\_\_ Declared Emergency (Sec. 15071 (a))
- \_\_\_\_\_ Emergency Project (Sec. 15071 (b) and (c))
- X\_Categorical Exemption, Class 4, § 15304 "Minor Alterations to Land"
  - (See also Cal. Code Regs., tit. 14, § 12102.4)

#### **Reasons Why Project is Exempt:**

The project involves fuel management activities to reduce conifer densities and other forest fuels for fire hazard reduction. The project consists of minor alterations to the condition of the land and will not result in a significant change in land use or intensity of use.

Contact Person	Telephone
Milan Yeates	530-543-6058

**Date Received for Filing:** 



EXHIBIT A Van Sickle Bi-State Park Phase II Fuel Hazard Reduction Project

## NOTICE OF EXEMPTION

TO: Office of Planning and Research 1400 10th Street, Room 121 Sacramento, California 95814 FROM: California Tahoe Conservancy 1061 Third Street South Lake Tahoe, California 96150

#### **Project Title**:

Montgomery Estates Urban Fuel Hazard Reduction Project

#### **Project Location – Specific:**

This project is located on 32 acres of California Tahoe Conservancy property within the Montgomery Estates subdivision in South Lake Tahoe, as shown on the attached map (Exhibit A) and attached list of associated Assessor's Parcel Numbers (Exhibit B).

Project Location – City:	<b>Project Location – County:</b>
Unincorporated	El Dorado County

#### **Description of Nature, Purpose and Beneficiaries of Project:**

The project consists of removing live, dead, dying, and diseased trees, and reducing conifer densities with hand crews on 32 acres of urban-intermix parcels. The activity will promote increased health and vigor of the stand, and reduce fire threat to the adjacent community.

#### Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 12/13/2018) (Agenda Item 2.c.)

#### Name of Person or Agency Carrying Out Project:

California Conservation Corps

#### **Exempt Status:**

- \_\_\_\_\_ Ministerial (Sec. 15073)
- \_\_\_\_\_ Declared Emergency (Sec. 15071 (a))
- Emergency Project (Sec. 15071 (b) and (c))
- X\_Categorical Exemption, Class 4, § 15304 "Minor Alterations to Land"
  - (See also Cal. Code Regs., tit. 14, § 12102.4)

#### **Reasons Why Project is Exempt:**

The project involves fuel management activities to reduce conifer densities and other forest fuels for fire hazard reduction. The project consists of minor alterations to the condition of the land and will not result in a significant change in land use or intensity of use.

Contact Person	Telephone
Milan Yeates	530-543-6058

**Date Received for Filing:** 

## EXHIBIT A





#### EXHIBIT B

## MONTGOMERY ESTATES URBAN FUEL HAZARD REDUCTION PROJECT

Assessor's Parcel Numbers		
025-721-11	025-792-18	
025-721-15	025-793-06	
025-744-07	080-192-03	
025-831-03	025-735-02	
025-721-13	025-733-16	
025-792-32	025-734-02	
025-792-12	025-792-11	
025-792-19	025-735-03	
025-802-05	025-733-01	
025-742-10	080-192-07	
025-744-03	025-793-09	
025-721-08	080-193-02	
025-721-14	080-193-03	
025-721-10	080-192-08	
025-726-11	025-734-03	
025-721-16	025-793-12	
025-724-01	025-792-22	
025-726-10	025-734-04	
025-793-08	080-192-15	
025-792-01	025-732-14	
080-192-28	080-192-18	
025-792-33	025-732-15	
025-732-07	025-801-06	
025-735-07	025-744-04	
025-733-09	025-803-18	
025-801-01	025-803-06	
025-733-05	025-803-05	
025-804-04	025-745-01	
025-802-01	025-744-01	
025-745-08	025-744-02	
025-812-10	025-731-07	
025-821-23	025-805-01	
025-833-02	025-745-02	
025-812-01	025-802-04	
025-814-11	025-802-02	
025-744-08	025-745-05	
#### EXHIBIT B

## MONTGOMERY ESTATES URBAN FUEL HAZARD REDUCTION PROJECT

025-814-05	025-745-06			
025-756-04	025-741-03			
025-812-09	025-741-02			
025-821-21	025-745-10			
025-751-03	025-821-03			
025-831-02	025-741-01			
025-813-11	025-832-10			
025-813-09	025-815-07			
025-813-10	025-815-13			
025-812-18	025-812-20			
025-815-08	025-831-23			
025-812-06	025-812-21			
025-832-01	025-831-18			
025-815-12	025-831-17			
025-811-09	025-831-12			
025-733-11	025-812-02			
025-734-06	025-833-11			
025-721-07	025-793-15			
025-802-06	025-792-25			
025-725-01	025-793-02			
025-735-01	080-193-07			
025-792-20	025-792-28			
025-733-02	025-734-05			
025-805-03	025-792-24			
025-756-05	025-792-26			
025-755-09	025-732-06			

## **ATTACHMENT 7**

## NOTICE OF EXEMPTION

TO: Office of Planning and Research 1400 10th Street, Room 121 Sacramento, California 95814 FROM: California Tahoe Conservancy 1061 Third Street South Lake Tahoe, California 96150

#### **Project Title**:

Tahoma Unit Fuel Hazard Reduction Project

#### **Project Location – Specific:**

This project is located on nine acres of California Tahoe Conservancy (Conservancy) property situated north of the Placer/El Dorado county line, west of the community of Tahoma, as shown on the attached map (Exhibit A).

**Project Location** – City: Unincorporated

**Project Location – County:** Placer County

#### **Description of Nature, Purpose and Beneficiaries of Project:**

The project consists of cutting live, dead, dying, diseased trees, and shrubs to reduce conifer and shrub densities and fuel continuity with hand crews on nine acres of Conservancy-owned property. The activity will promote increased health and vigor of the stand, and reduce wildfire threat to the adjacent community.

#### Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 12/13/2018) (Agenda Item 2.c.)

#### Name of Person or Agency Carrying Out Project:

North Lake Tahoe Fire Protection District

#### **Exempt Status:**

- \_\_\_\_\_ Ministerial (Sec. 15073)
- \_\_\_\_\_ Declared Emergency (Sec. 15071 (a))
- \_\_\_\_\_ Emergency Project (Sec. 15071 (b) and (c))
- X\_Categorical Exemption, Class 4, § 15304 "Minor Alterations to Land"
  - (See also Cal. Code Regs., tit. 14, § 12102.4)

#### **Reasons Why Project is Exempt:**

The project involves fuel management activities to reduce conifer densities and other forest fuels for fire hazard reduction. The project consists of minor alterations to the condition of the land and will not result in a significant change in land use or intensity of use.

Contact Person	Telephone
Milan Yeates	530-543-6058

**Date Received for Filing:** 

Patrick Wright Executive Director

Lake Tahoe 50 **Placer County El Dorado County** Tahoma A ceet California Tahoe Conservancy Sources: TRPA, CTC, ESRI December 2018 \*Map for reference purposes only.

EXHIBIT **A** Tahoma Unit Fuel Hazard Reduction Project

California Tahoe Conservancy Agenda Item 3 December 13, 2018

## EXECUTIVE DIRECTOR'S REPORT

## A. Budget and Accounting

## 1. Budget

## Fiscal Year 2018/19

The California Tahoe Conservancy (Conservancy) 2018/19 Fiscal Year appropriations include the following:

- \$15,444,000 for capital outlay and local assistance to fund various programmatic priorities and support the Environmental Improvement Program (EIP) for the Lake Tahoe Basin (Basin), including:
  - o \$9,012,000 in bond funds from Propositions 12, 40, 50, 84, and 68;
  - \$1,867,000 from special funds dedicated to the Conservancy (Habitat Conservation Fund, Lake Tahoe license plate proceeds, Tahoe Conservancy Fund, and Senate Bill 630); and
  - \$4,565,000 in federal trust fund authority
- \$7,929,000 for ongoing support, including continuing "baseline" funding from various special funds and revenue sources dedicated to the Conservancy.

The Conservancy is working with the California Natural Resources Agency and Department of Finance to incorporate budget proposals for Fiscal Year 2019/20 into the Governor's budget. These proposals are intended to implement Proposition 68 and the proposed new Strategic Plan goals.

## 2. Proposition 3

The Water Supply and Water Quality Act of 2018 was a citizen-initiated bond that appeared as Proposition 3 on California's November 6, 2018 statewide ballot. Voters did not pass the Proposition. It would have appropriated \$100 million to the Conservancy for EIP projects, the capture and use of storm water runoff, and habitat restoration, public recreation, and water quality improvements along the Upper Truckee River corridor.

## **B.** Cross-Cutting Programs and Projects

## 1. Forest Restoration

The Conservancy is collaboratively leading several forest restoration projects. The projects described will help build forest and community resilience to disturbances like wildfire, insects, and disease, while increasing the pace and scale of restoration.

## Tahoe-Central Sierra Initiative (TCSI)

The 2.4 million-acre TCSI aims to accelerate six forest landscape restoration projects (including the Lake Tahoe West Restoration Partnership [LTW]), and develop biomass utilization infrastructure, throughout the Central Sierra. In October, the TCSI partners met at Fallen Leaf Lake for a two-day retreat to vet a comprehensive work plan, coordinate project implementation, and explore ways to increase capacity to conduct large-scale forest restoration.

## Hazardous Fuel Reduction, Forest Health, and Biomass Projects

• Dollar Creek Forest Health and Biomass Project

Staff prepared a 151-acre forest health and biomass utilization project on the southern portion of the Conservancy's 940-acre Dollar Creek property. The project is funded with California Climate Investment funds through a California Department of Forestry and Fire Protection Greenhouse Gas Reduction Fund grant. Staff anticipates beginning fuels removal in spring 2019 with completion by spring 2020.

• Southern Nevada Public Land Management Act (SNPLMA) Round 16 Projects

Staff continues to plan and implement the SNPLMA Round 16 grant projects. Staff prepared 190 acres for fuels treatments for fuels treatments next field season. Fuels reduction treatments funded through SNPLMA began in July 2018 and will continue through the 2022 field season.

• Federal Emergency Management Agency (FEMA) Phase 1 Project Fuels reduction treatments began on 154 Conservancy lots on the north shore as part of the FEMA Phase 1 project. Staff is providing administrative support to the North Tahoe Fire Protection District (FEMA grant recipient) to implement this project.

## 2. Climate Adaptation

The Conservancy is leading a collaborative effort to develop a Climate Adaptation Action Plan (CAAP) that identifies specific projects and programs that state agencies in California and Nevada are implementing to adapt to climate change in the Basin. The CAAP will provide an updated, more detailed scientific foundation for LTW and additional Conservancy and Basin projects. The Science and Engineering Team is developing the criteria and initial assessment of natural resource vulnerabilities. Staff recently hired two consulting firms (Energetics and Industrial Economics) to carry out key parts of the work, as part of the Conservancy's planning grant from the California Department of Transportation (Caltrans). Energetics will assess the vulnerability to climate change of transportation, water and energy infrastructure, and public health and safety, while Industrial Economics will analyze the economic costs of climate change impacts to the array of social and ecological values in the Basin.



Extreme rain event impacts to U.S. Highway 50

## 3. Aquatic Invasive Species (AIS)

In cooperation with the Basin's AIS Coordinating Committee, the Conservancy hired a consultant, Creative Resource Strategies. The consultant is assisting in identifying a common set of AIS management performance measures, assembling an action plan that lays out a systematic approach to AIS management, and developing an investment plan that will help optimize spending on AIS control. Work began in November.

## 4. Lake Tahoe Water Trail

The Sierra Business Council (Council) completed fabricating new educational wayfinding interpretive signage for eight Lake Tahoe Water Trail trailheads. Land managers at each launching site will install the panels before the summer 2019 season. The Council and their consultant developed the signage with Conservancy 2018 Lake Tahoe Science and Lake Improvement (SB630) funding.

## 5. Tahoe Valley Area Plan Asset Lands

## 833 Emerald Bay Road, APN 023-171-09, 0.51 acre

On November 16, 2018, the Conservancy released a Request for Proposals (RFP) for the purchase and development of the Conservancy's Asset Land at 833 Emerald Bay Road. The parcel is Class 7 developable land and located on Highway 89 in the "Town Center Gateway District" of the City of South Lake Tahoe's (City) Tahoe Valley Area Plan. Conservancy staff will offer a property tour on the site from 1:00 to 2:00 p.m. on December 3, 2018. Proposals are due February 1, 2019. All information about the RFP is available on the Conservancy website at: http://tahoe.ca.gov/conservancy-asset-land-at-833-emerald-bay-road-available-for-sale-development. Staff will update the website with responses to any written questions received. Staff is planning to release RFPs for other Asset Lands in the Tahoe Valley Area Plan in early 2019.

## 6. Tahoe Keys Property Owners Association (TKPOA) Corporation Yard Relocation Project

The City and the Tahoe Regional Planning Agency approved the TKPOA Corporation Yard Relocation Project in August 2018. On November 9, 2018, Conservancy staff recorded the termination of the existing corporation yard 99year lease and the grant deed transferring title to TKPOA of the 0.99 acre site for the new corporation yard. TKPOA and the Conservancy also executed two leases for use of a portion of the existing corporation yard site until March 31, 2023 and to provide the Conservancy access to the Upper Truckee Marsh through Colorado Court. The Tahoe Keys Marina and Yacht Club (Marina) filed an appeal of the City Council's approval of the special use permit that allows TKPOA to construct the new corporation yard on the 0.99 acre site that is now TKPOA property. The City Council denied the Marina's appeal on November 13, 2018.

## C. Land Management Program

## 1. Special Use Requests

Pursuant to Board delegation (Resolution 11-01-01, January 20, 2011), staff is authorized to enter into license agreements that do not exceed three years in duration, involve unusual circumstances, or require the Board to make environmental findings pursuant to CEQA (e.g., licenses that do not require the adoption of a negative declaration or certification of an environmental impact report). Consistent with this delegated authority, the Conservancy:

• Granted a temporary license (two-day) to Terrible Herbst Inc. to decommission existing groundwater monitoring wells on October 13 and 14 at the Conservancy's Upper Truckee Marsh property.

- Granted a temporary license (two-day) to Caltrans to decommission existing groundwater monitoring wells in spring 2019 at the Conservancy's Lake Forest property.
- Provided a short-term (6-month) license to Alric Lam and Amanda Price on November 1 to provide for use and occupation of the Van Sickle Bi-State Park host site. As an in lieu license fee, the new park hosts agreed to provide the Conservancy with daily inspection of the adjacent historic structure area for activities that may negatively impact the cultural resources.

## 2. Research on License Agreement Durations

Per Board direction on October 11, staff started preparing a table summarizing types of license agreements and typical duration. The table will also indicate, as applicable, how long the associated operations and maintenance agreements typically last.

## D. Major Conservancy Projects Recently Completed or In Progress, Placer County

## 1. Dollar Creek Shared-Use Trail

The trail is now open for public use. Placer County constructed this muchanticipated 2.2-mile trail extension in partnership with the Tahoe Transportation District, using Federal Lands Access Program funding. The Conservancy provided funding for planning and acquisition costs. The ribbon cutting event was held on October 22, 2018, and honored Board member Larry Sevison, whose dedication and perseverance ensured the trail's successful construction.



Dollar Creek Shared-Use Trail ribbon-cutting

## E. Major Conservancy Projects Recently Completed or In Progress, El Dorado County

## 1. Mountain Meadow Channel Restoration

In October, Conservancy staff coordinated with El Dorado County and the California Department of Parks and Recreation to restore a stream channel on Conservancy property adjacent to Washoe Meadows State Park. The project will also re-wet downstream meadow habitat and enhance wildlife habitat. California Conservation Corps implemented the project with technical and project oversight from El Dorado County and Conservancy staff.



Restoring the impaired stream channel

# F. Major Conservancy Projects Recently Completed or In Progress, City of South Lake Tahoe

## 1. South Tahoe Greenway Shared Use Trail

In October 2018, the California Transportation Commission approved an amendment changing the implementing agency for Phase 1b and 2 from the Conservancy to El Dorado County. This amendment includes a reallocation of project Active Transportation Program grant funds from the Conservancy to El Dorado County. Staff continues close coordination with El Dorado County, the City, and the Lake Tahoe Community College District, which is critical as the project progresses through the design phase.

## 2. Alta Mira Site

As described at the October Board meeting, extended periods of high lake levels and wave erosion impacted several Conservancy lakefront sites this past summer, including Alta Mira and Fremont Overlook. Staff is planning to construct an emergency slope stabilization project at these sites during winter 2018-2019, weather permitting, to prevent further erosion and ensure public safety and access. Concurrently, staff is pursuing funding and contracts for conceptual designs and environmental documentation for a future project that would expand public access and recreation opportunities, and treat storm water. Staff is coordinating closely with the State Lands Commission, Department of General Services, the City, and the Basin's Shoreline Working Group, which includes relevant federal and state regulatory agencies.



Alta Mira hazard tree removal

## 3. Upper Truckee Marsh Restoration

The Conservancy is actively planning restoration activities at the Upper Truckee Marsh, which will improve water quality and wildlife habitats in the largest wetland in the Basin. In September 2018, the Conservancy received a \$1.7 million grant from the California Department of Fish and Wildlife to construct the project. In December 2018, the design contractor completed draft working drawings and initiated the permit process. During a workshop in late October, a team of scientists and resource experts provided additional guidance and assistance to the project design and implementation. Staff anticipates project construction starting in late 2019, with the majority of implementation occurring in 2020 and 2021.

California Tahoe Conservancy Agenda Item 5 December 13, 2018

## TAHOE REGIONAL PLANNING AGENCY MEMORANDUM OF UNDERSTANDING ON THE CONSERVANCY LAND BANK

**Recommended Action**: Adopt Resolution 18-12-04 (Attachment 1) authorizing staff to enter into an updated Memorandum of Understanding (MOU) (Attachment 2) between the Tahoe Regional Planning Agency (TRPA) and the California Tahoe Conservancy (Conservancy) regarding the acquisition, sale, banking, and transfer of development rights, as well as the excess coverage mitigation fee program.

**Location**: California side of the Lake Tahoe Basin (Basin).

**Fiscal Summary**: For Fiscal Year 2017/18, the Conservancy Land Bank generated \$9,450 in processing fees and \$248,000 in coverage and development right sales. It is expected that similar amounts will be available this year and in future fiscal years.

## Overview

## Description of Recommended Action

Staff recommends the Board authorize staff to enter into a revised MOU between the TRPA and the Conservancy on the Conservancy Land Bank. Since inception of the Conservancy Land Bank in 1987, the MOU has provided guidance on authority and duties, excess coverage mitigation fees, and reporting. The proposed MOU is part of the broader TRPA Development Right Strategic Initiative (DRSI) that resulted in several changes to improve the effectiveness and predictability of the current development rights system. The changes include the following:

- allow conversions between different types of development rights commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using environmentally neutral exchange rates;
- 2. expand the eligibility of the residential bonus unit incentive program;
- 3. enhance the development right banking system through partnerships with the local land banks;

- 4. eliminate overlapping, multi-jurisdictional approvals of development rights transfers; and
- 5. eliminate the requirement to have an approved project on a receiving site prior to a transfer of development rights.

The TRPA Governing Board approved all five of the changes as well as the proposed MOU on October 24, 2018.

To implement the changes in (3) above, working group members recommended reaffirming the partnership with the Conservancy and Nevada Division of State Lands (NDSL) Land Banks to further enhance the development right banking system and ensure each MOU (Nevada and California Land Banks) provides the flexibility to achieve the land bank goals. This reaffirmation includes a policy resolution (Attachment 3) and revised MOUs with the Conservancy and NDSL Land Banks.

## History

Under the existing TRPA and Conservancy MOU, the Conservancy has the authority to buy and sell impermeable coverage to provide mitigation for homeowners and developers seeking to build on or expand their properties on the California side of the Basin. Since 1987, the Conservancy has assisted over 6,000 homeowners and developers in securing coverage for their projects.

The Conservancy Land Bank has also bought and sold other development rights, including CFA and TAUs, but the MOU never formally recognized these activities until now. The revised MOU reaffirms the Conservancy's ability to acquire, sell, and transfer all forms of development rights, and outlines the following Land Bank objectives:

- promote the transfer of land coverage and development rights to town centers;
- utilize Lake Tahoe Regional Plan development right multipliers and bonus unit programs;
- confer annually with TRPA and Conservancy staff on Land Bank priorities;
- reserve development rights, land coverage, and restoration credits for Conservancy projects;
- provide the ability to sever all or a portion of development rights, land coverage, and restoration credits from a parcel; and
- report all development rights, land coverage, and restoration credit transactions annually.

Additionally, the revised MOU aligns with the language, abilities, and objectives of the NDSL Land Bank MOU to buy and transfer both land coverage and development rights.

If the proposed MOU is approved by the Board, Conservancy staff will increase the pace and scale of development right acquisition and sales as one of several tools to implement the Tahoe Livable Communities Program (TLC). Through the TLC Program, the Conservancy partners with TRPA and local governments to reduce greenhouse gas emissions, restore sensitive lands, and help revitalize the Basin's town centers.

In 2015, the TRPA Governing Board directed TRPA staff to implement seven strategic initiatives over the next five years (2015-2020) that align directly with the four objectives in the TRPA Strategic Plan. The DRSI is one of these initiatives and is intended to consider changes to the current development rights system and transfer of development rights programs to better manage growth, support environmentally beneficial and economically feasible redevelopment, and improve the effectiveness and predictability of the current development rights system in TRPA's jurisdiction. Over the last two years, the DRSI working group helped identify the changes to the development right system that TRPA adopted in October 2018. The Conservancy participated on the DRSI working group because of the direct impact the working group's recommendations have on the Land Bank.

Below is an analysis of how the adopted changes may impact the Conservancy's Land Bank operations.

## 1. Conversion Exchange Rates

Conversion exchange rates allow a project proponent to convert one land use type, or development right, to another through a TRPA application process. Such conversions are applicable to CFA, TAUs, and RUUs. RUUs are used to regulate the construction of single (SF-RUU) and multi-family (MF-RUU) residential homes. Allowing the conversion or exchange of one type of development to another is intended to provide greater flexibility, significantly simplify the system, and expand the available supply for needed development rights while still maintaining the overall development cap set forth in the Lake Tahoe Regional Plan.

Existing Development Right	Equivalent Development Rights			
	CFA	TAU	SF-RUU	MF-RUU
300 sq. ft. CFA	300 sq. ft.	1	1	1.5
1 TAU	300 sq. ft.	1	1	1.5
1 SF-RUU	300 sq. ft.	1	1	1.5
1 MF-RUU	200 sq. ft.	0.75	0.75	1

The following are the conversion exchange rates:

Current market prices for each type of development right range from \$1,500 to \$35,000 depending on the type of development right and the jurisdiction in which the development right is located. Conservancy staff anticipates the conversion exchange rates will consolidate development right prices across commodity type and jurisdictional boundaries for the Land Bank.

## 2. Residential Bonus Unit Incentive Program

The TRPA code currently allows developers of affordable and moderate-income housing to be awarded "bonus units," or development rights at no cost. The amendments to the incentive program expand the eligibility of the residential bonus unit program to include three income tiers for both single and multi-family housing: affordable (up to 80 percent area medium income [AMI], moderate (80-120 percent AMI), and achievable (120-435 percent AMI depending on the type of residential unit, single family or multi-family, and jurisdiction of the housing development). Additional amendments require projects that use the incentive program to be located within one half mile of a transit stop and the residential units cannot be used for vacation rentals. Conservancy staff anticipates the incentive program will decrease the demand for development rights from the Land Bank. Project applicants will meet permit requirements through the TRPA incentive program and therefore not need any development rights from the Land Bank.

## 3. Development Right Banking

This change reaffirms the partnership between TRPA and the Conservancy Land Bank to facilitate land acquisition. These acquisitions help accelerate the pace of sensitive lands restoration and provide a reliable and steady inventory of development rights for project proponents.

This change will also serve as one of several tools to implement the TLC Program. The updated MOU and increased land acquisition funding from Proposition 68 will allow Conservancy staff to target land acquisitions that contain both sensitive lands and existing development rights. These type of acquisitions will increase the inventory of development rights by leveraging multipliers and bonus incentives contained in the TRPA Regional Code. The resulting sale of development rights for projects in town centers will promote State and regional goals as well as the TLC Program.

## 4. Transfer Approvals

Under the current TRPA code, developers must secure the approval of the local county or city before transferring development rights beyond their jurisdiction. This change eliminates that requirement. It alleviates the complexity of the development rights system and allows the system to better respond to market demands and community needs. Local jurisdictions have the option to come before the TRPA Governing Board to request the establishment of a local approval process if there is a net loss of five percent in the existing development rights over a two-year period in that jurisdiction.

## 5. Transfer Requirements

Process improvements to the existing transfer of development rights program include:

- eliminating the requirement to have an approved project prior to the transfer of development rights;
- maintaining that a developer and/or property owner does not have to acquire development rights until the final permit stage (or acknowledgement); and
- allowing public development right banks to sever development rights from properties and hold or sell those rights.

Conservancy staff anticipates the process improvements and elimination of overlapping transfer approvals will decrease the administrative time required to complete a transaction through the Land Bank. However, all individual Land Bank transactions will still be required to receive environmental review. Conservancy staff will evaluate each project prior to implementation to determine the appropriate level of environmental review.

## Financing

During Fiscal Year 2017/18, the Conservancy's Land Bank staff processed approximately 27 transactions generating \$9,450 in processing fees and \$248,000 in land coverage and development right sales. The approved changes to the development rights program and proposed update to the MOU may increase the demand for development rights. The increased demand may require the Conservancy to increase staffing to manage the Land Bank. In addition, there are incidental resource and staffing impacts associated with updating Land Bank legal documents and the Property Data Management System, which the Conservancy uses to track land coverage and development rights.

## Authority

## Consistency with the Conservancy's Enabling Legislation

The recommended action is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907 authorizes the Conservancy to select and acquire real property or interests therein for the purposes of protecting the natural environment, providing public access or public recreational facilities, preserving wildlife habitat areas, or providing access to or management of acquired lands. Government Code sections 66907.2, 66907.8, 66907.9, 66907.10, and 66907.11 authorize the Conservancy to accept, hold, manage, restore, and convey land to protect the natural environment.

## Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with the Strategic Plan because the updated MOU supports Strategy III.C. The strategy requires the Conservancy to work with TRPA and other partners to increase the environmental and economic benefits of its land coverage and marketable rights programs.

## Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's Land Bank Program Guidelines, which provide direction for the purchase and sale of coverage and development rights consistent with the Conservancy's enabling legislation.

## **Consistency with External Authorities**

The recommended action is consistent with requirements in the Lake Tahoe Regional Plan.

## Compliance with the California Environmental Quality Act

The modification of the MOU with TRPA will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is thus not a "project" within the meaning of the California Environmental Quality Act (CEQA). Staff evaluates each Land Bank transaction prior to implementation to determine the appropriate level of CEQA review.

## List of Attachments

Attachment 1 – Resolution 18-12-04

Attachment 2 – Revised TRPA and Conservancy Land Bank MOU Attachment 3 – Signed TRPA Governing Board Resolution

## **Conservancy Staff Contact**

Kevin Prior

kevin.prior@tahoe.ca.gov

## **ATTACHMENT 1**

California Tahoe Conservancy Resolution 18-12-04 Adopted: December 13, 2018

#### TAHOE REGIONAL PLANNING AGENCY MEMORANDUM OF UNDERSTANDING ON THE CONSERVANCY LAND BANK

Staff recommends that the California Tahoe Conservancy (Conservancy) adopt the following resolution pursuant to Government Code sections 66907, 66907.2, 66907.8, 66907.9, 66907.10, and 66907.11:

"The Conservancy hereby authorizes staff to enter into an updated Memorandum of Understanding between the Tahoe Regional Planning Agency and the Conservancy regarding the acquisition, sale, banking, and transfer of development rights, as well as the excess coverage mitigation fee program, and to take all other necessary steps consistent with the accompanying staff recommendation."

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 13th day of December, 2018.

In WITNESS THEREOF, I have hereunto set my hand this 13th day of December, 2018.

Patrick Wright Executive Director

## ATTACHMENT 2

## MEMORANDUM OF UNDERSTANDING BETWEEN THE TAHOE REGIONAL PLANNING AGENCY AND THE CALIFORNIA TAHOE CONSERVANCY

This Memorandum of Understanding is entered into this <del>17</del>-XX day of <del>March-XXXX, 2016-</del>20XX, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), a bi-state agency created under the Tahoe Regional Planning Compact, and the CALIFORNIA TAHOE CONSERVANCY, an agency of the State of California ("CONSERVANCY").

This Memorandum of Understanding replaces entirely the Memorandum of Understanding dated February 18, 1988 March 17th, 2016, between the parties and the former shall control all collection and expenditure of excess coverage mitigation fees going forward and outline objectives for the acquisition and sale of all types of development rights by the CONSERVANCY.

#### I. <u>AUTHORITY</u>

This Memorandum of Understanding is based on the following laws, regulations, procedures, and policies:

- The Tahoe Regional Planning Compact, P.L. 91-143, 83 Stat. 360, (1969); amended, P.L. 96-551, 94 Stat. 3233, (1980) (hereafter "Compact");
- The Tahoe Regional Plan as adopted by TRPA in Ordinance No. 87-9 on June 25, 1987, effective July 1, 1987, and updated December 12, 2012 (hereafter "Regional Plan");
- The TRPA Code of Ordinances, Area Plans, Community Plans, Plan Area Statements, and Maps adopted pursuant thereto (all Chapter references herein below are to the Code of Ordinances);
- The enabling legislation of the California Tahoe Conservancy (Title 7.42; Section 66905 et seq.) as amended (Chapter 153, Statutes of 2015);
- Resolution No. 10-87-1 of the California Tahoe Conservancy, adopted October 23, 1987 and Resolution No. 16-03-05, adopted March 17, 2016;
- Resolution No. 87-25 of the Tahoe Regional Planning Agency, adopted October 29, 1987; and Resolution No. 87-30 of the Tahoe Regional Planning Agency, adopted December 16, 1987.
- Resolution No. xx of the Tahoe Regional Planning Agency, adopted xx xx, xxxx.

#### II. <u>DEFINITIONS</u>

The following terms shall have the definitions set forth below for purposes of this Memorandum. In the event of any conflict between the following definitions and the definitions in the TRPA Code of Ordinances, the definitions contained herein shall govern this Memorandum of Understanding to the extent of any inconsistency.

#### A. Development Rights.

The term "development rights" shall include commercial floor area, tourist accommodation units, and existing and potential residential units of use as defined in the TRPA Code of Ordinances.

#### B. Disturbed Areas

An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

#### C. Excess Coverage Mitigation Project.

The term "excess coverage mitigation project" shall mean any action or activity undertaken by the CONSERVANCY for the purpose of generating excess land coverage mitigation credit through the land bank.

#### D. Excess Coverage Mitigation Fee.

The term "excess coverage mitigation fee" shall mean the fee which is required to be paid by a project proponent(s) in order to mitigate a project(s) with existing land coverage in excess of base allowable land coverage and which fee is calculated according to a formula set forth in Chapter 30 of the TRPA Code of Ordinances.

#### E. Hydrologically Related Area, Hydrologically Related Areas.

The term "hydrologically related area" shall refer to any one of the six areas designated on those certain maps adopted by TRPA on September 26, 1986, as they may be amended from time to time, which are located in whole or in part on the California side of the Lake Tahoe Region. The term "hydrologically related areas" shall refer to these six areas collectively.

#### F. Lake Tahoe Region, Lake Tahoe Basin.

The terms "Lake Tahoe Region" and "Lake Tahoe Basin" shall mean all that area described in Article II of the Tahoe Regional Planning Compact.

#### G. Land Bank.

The term "land bank" shall mean a land bank as provided for in the Goals and Policies of the Regional Plan, and Chapters 30 and 6 of the TRPA Code of Ordinances, to be established by the CONSERVANCY for that portion of the Lake Tahoe Region lying within the State of California.

#### H. Land Coverage.

The term "land coverage" shall include potential, soft, or hard coverage as defined in the TRPA Code of Ordinances.

#### I. Restoration Credit.

The term "restoration credit" shall include stream environment zone (Bailey Land Capability Class 1b) Restoration Credit and Bailey Land Capability Class 1a, 1c, 2, or 3 Restoration Credit. Restoration Credit is derived from verified soft or hard coverage located in Bailey Land Capability Class 1a, 1b, 1c, 2, or 3 that has been restored pursuant to Chapter 2 of the TRPA Code of Ordinances.

#### J. Stream Environment Zone.

The term "Stream Environment Zone" shall generally mean an area that owes its biological and physical characteristics to the presence of surface or groundwater or area further described in Chapter 53 of the TRPA Code of Ordinances.

#### K. Town Center

The term "Town Center" shall refer to areas designated by TRPA as a town center. These areas generally refer to concentrations of the Region's non-residential services that have been targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region.

#### III. <u>PURPOSE</u>

The purpose of this Memorandum is to establish the respective duties and authorities of the CONSERVANCY and TRPA with respect to a land bank to be operated by the CONSERVANCY for the California side of the Lake Tahoe Region and to set forth the procedures to be followed by TRPA and the CONSERVANCY with respect to the land bank.

#### IV. JURISDICTION AND POWERS

Subject to all applicable laws of the State of California and the Bi-State Compact, TRPA Regional Plan, and TRPA Code of Ordinances, the CONSERVANCY is designated as a land bank for the purpose of to meet the following objectives:

- A. providing mitigation for excess coverage on behalf of any permit applicant on the California side of the Lake Tahoe Region, by carrying out an excess coverage mitigation project on any parcel or parcels eligible to provide such mitigation under Chapter 30;
- **B.** providing mitigation for any public service or public outdoor recreation project located on sensitive lands by retiring and restoring hard and/or soft coverage and disturbed lands as provided in Chapter 30;
- c. selling and transferring coverage from any parcel in the inventory of the land bank which is eligible to send coverage to any parcel eligible to receive such coverage under Chapter 30
- **C.** acquire, sell, and bank development rights from any parcel(s) owned by the land bank pursuant to TRPA Code of Ordinances;
- **D.** increasing the supply of development rights, land coverage, and restoration credits in the land bank through acquisition of developed properties that no longer provide significant environmental, community, or economic benefit;
- **E.** promoting movement of development rights, land coverage, and restoration credits, from outside of town centers and sensitive lands into town centers;
- **F.** utilizing TRPA Regional Plan development right multiplier and bonus unit programs;
- **G.** transferring development rights, land coverage, and restoration credits when in-lieu public benefits are provided that promote statewide, regional, and area plan goals above and beyond required mitigation measures; and,
- **H.** coordinating annually with the TRPA to realign joint priorities.

The objectives of this memorandum relate directly to the Lake Tahoe Regional Plan goals and

policies, which incentivize compact environmental redevelopment in pursuit of threshold attainment.

#### V. <u>DUTIES</u>

#### A. Establishment of Land Bank; Site Selection.

The CONSERVANCY shall take all necessary and appropriate action to maintain and manage the land bank and shall proceed with a systematic identification of lands that would be appropriate for inclusion in the land bank.

#### B. Priority Setting.

TRPA and the CONSERVANCY shall confer annually to set priorities for banking, transfer, or retirement of development rights, land coverage, and restoration credits and land or acquisitions consistent with section IV. Priorities shall be established that align with TRPA environmental threshold attainment, the Lake Tahoe Regional Plan, Conservancy enabling legislation, and statewide land use planning goals and policies.

#### C. Maintaining Inventory; Advance of Assets; Use of Inventory.

- 1. The CONSERVANCY shall use best efforts to acquire and maintain within the land bank an inventory of development rights, land coverage, and restoration credits for disturbed areas, sufficient to meet the projected needs of the land bank.
- 2. In order to maintain an inventory of development rights, land coverage, and restoration credits for the land bank, the CONSERVANCY may utilize assets other than excess coverage mitigation fees for the purpose of acquiring and/or restoring land for the land bank.
- 3. Inventory acquired by The CONSERVANCY may be used to satisfy demand formitigation of public service projects and public outdoor recreation projects onsensitive lands, and for other transfers of coverage pursuant to Chapter 30, provided that the CONSERVANCY's responsibilities under Section V.B.3. beloware not thereby impaired use acquired inventory to satisfy eligible project needs, provided CONSERVANCY jurisdiction and power under Section IV and priorities jointly established under V.B are not thereby impaired.
- 4. Restoration credits from restored parcels that are subsequently sold and transferred shall not be counted in the environmental improvement program (EIP) threshold reporting.

#### D. Assignment of Excess Coverage Mitigation Fees.

TRPA hereby agrees to assign to the CONSERVANCY, for the land bank, all excess coverage mitigation fees paid to TRPA for projects located in California through the term of this Memorandum.

#### E. Deposit of Excess Coverage Mitigation Fees.

When TRPA receives excess coverage mitigation fees from projects located in California,

it shall deposit and hold the fees in an interest-bearing account under its control, until such time as it causes the excess coverage mitigation fees to be disbursed to the CONSERVANCY pursuant to Section V.G below.

#### F. TRPA Reporting of Excess Coverage Mitigation Fees.

TRPA shall deliver to the CONSERVANCY a report bi-annually containing the following information pertaining to each permit for which an excess coverage mitigation fee was received by TRPA during the preceding reporting period:

- 1. location of project by state, county, hydrologically related area, and assessor parcel number(s);
- 2. amount of fee paid by applicant;
- 3. amount and type of coverage in terms of square feet as determined under the coverage reduction formula in Chapter 30; and,
- 4. total balance of excess coverage mitigation funds for the requested specified time period.

#### G. Disbursements by TRPA.

TRPA shall disburse all accumulated excess coverage mitigation fees payable to the CONSERVANCY under Section V.D above, and any interest accrued thereon, less TRPA's investment administrative fees not to exceed 15% of the interest income, to the CONSERVANCY upon its request, which shall occur not more often than quarterly unless a project or purchase would require a more timely distribution. Requests for disbursements shall be accompanied with reporting on the intended usage of the excess coverage mitigation fees consistent with V.H below. Such disbursements shall require approval by the TRPA Governing Board and be made by electronic transfer payable to the "California Tahoe Conservancy," and shall bear the notation "land bank".

#### H. Use of Excess Coverage Mitigation Fees.

- 1. The CONSERVANCY shall use excess coverage mitigation fees received from TRPA solely for the purposes of:
  - a) for no less than 50% of the fees received, paying for assets advanced to the land bank by the CONSERVANCY, acquiring land for the use of the land bank, and restoring hard and soft coverage and disturbed lands and retiring potential coverage through the land bank. When using the fees for these purposes, the CONSERVANCY shall:
    - i) prioritize the retirement of hard and soft coverage on SEZs and other sensitive lands; and
    - ii) only retire potential coverage through acquisition of fee title or retirement of development potential on land located in Bailey Land Capabilities 1a, 1b, or 1c.

- b) the CONSERVANCY may use no more than 50% of the fees received for Environmental Improvement Program projects or other projects deemed appropriate in advance by the TRPA Executive Director. The projects funded by the CONSERVANCY with excess coverage mitigation fees under this provision:
  - i) must benefit Water Quality and/or Soil Conservation thresholds; and,
  - ii) cannot replace Total Maximum Daily Load ("TMDL") credit or other mitigation obligations of other entities.
  - iii) can be used for administrative expenses and overhead, subject to the limitations in (2) below.
- 2. The CONSERVANCY may apply the excess coverage mitigation fees toward payment or reimbursement of its direct costs of acquisition, and/or restoration, and/or materials incurred for or through the land bank, by the CONSERVANCY or billed to the CONSERVANCY by contractors or other providers of services. These costs include, but are not limited to, all steps necessary to successfully restore land to meet various laws, regulations, permit requirements, and TRPA Code of Ordinances. Overhead and other incidental costs of administration, operation, and monitoring of the land bank may be charged by the CONSERVANCY against the excess coverage mitigation fees to cover actual costs to the CONSERVANCY, up to 12% of the aggregate of such fees (including interest) received from TRPA. The CONSERVANCY shall submit documentation of its overhead and other incidental costs prior to making any charges against the excess coverage mitigation fees.

#### I. Transfer of Land Coverage

Where the CONSERVANCY agrees to transfer land coverage on behalf of a permit applicant through the land bank, pursuant to Chapter 30 and Chapter 51 of the TRPA Code of Ordinance, TRPA and/or applicable permitting MOU partner shall, upon the CONSERVANCY'S request:

- 1. Certify to the CONSERVANCY the amount and type of land coverage mitigation needed by the permit applicant
- 2. Determine the eligibility of the sending and receiving parcels; and
- 3. Approve or deny the transfer through a Documentation Letter.

## J. Transfers of Coverage Acquisition and Sale of Development Rights, Land Coverage, and Restoration Credits

The Conservancy may enter into agreements for the sale and transfer of coverage to parcels which have not already reached maximum land coverage, pursuant to Chapter-30. In such cases Where the CONSERVANCY agrees to acquire and sell whole or portions of development rights, land coverage, and restoration credits with private or public parties consistent with IV and V of this MOU, transfers of development rights, land coverage, and restoration credits shall be reviewed and approved by TRPA.

The price paid for development rights, land coverage, and restoration credits shall be

agreed upon by the permit applicant and the CONSERVANCY. The purchase price shall be paid directly to the CONSERVANCY or endorsed to the designated title company when a transaction involves an escrow. Said funds shall be deposited by the CONSERVANCY or designated title company. Upon receipt of funds and transaction or escrow closure, transaction data shall be reported by the CONSERVANCY in the TRPA Commodities. Tracking System, if required. The CONSERVANCY shall then transmit to TRPA the "land coverage information for account files" required for "sending" parcels under Chapter 6through the annual reporting process. tracked by the CONSERVANCY, and reported to TRPA as required.

#### K. Severing Development Rights, Land Coverage, and Restoration Credits from Parcels

The CONSERVANCY may sever all or portion of development rights, land coverage, and restoration credits from a parcel. If this option is exercised, TRPA and the CONVERVANCY will establish controls and procedures for the tracking and monitoring of such land use units no longer associated with a parcel.

#### L. Public Service Projects and Public Outdoor Recreation Project

The CONSERVANCY may enter into agreements to provide mitigation and/or reserve development rights, land coverage, and restoration credits for public service projects and public outdoor recreation projects meeting the Lake Tahoe Regional Plan goals and policies by restoring disturbed land or hard or soft coverage on sensitive lands and removing hard or soft coverage and banking associated development rights as provided under Chapter 30 and Chapter 51. The terms and procedures set forth for "transfers of coverage" in Section V.C and V.I above shall apply to the mitigation of such public projects through the land bank.

#### M. CONSERVANCY Projects

The CONSERVANCY may reserve and/or use development rights, land coverage, and restoration credits from the Land Bank for future and/or current CONSERVANCY projects meeting Lake Tahoe Regional Plan Goals pursuant to this Memorandum and TRPA Code of Ordinances.

#### N. Methods of Retiring Coverage

- Areas containing soft, hard, and/or potential coverage shall be retired by filing with TRPA document(s), in form acceptable to TRPA and suitable for recordation, by which the CONSERVANCY consents to the permanent retirement of said potential coverage on the areas described therein, unless and until TRPA approves the transfer of said right from the sending parcel.
- 2. Soft coverage and disturbed lands shall be restored so as to cause the area to function in a natural state, with provision for permanent protection from further disturbance. Appropriate methods of restoration include, but need not be limited to, decompaction of soils, revegetation, restoration of land and/or natural watercourses and gradients, and removal of refuse.
- 3. Hard coverage shall be restored by destruction and removal, to the extent feasible, of all structures, pavement, and other impervious land covering on the

area to be restored, together with the methods specified in (2) above for restoration of soft coverage

# Within the boundaries of all areas where hard or soft coverage or disturbed land is restored, the CONSERVANCY shall permanently extinguish all coverage in the manner provided in (1) above.

- 4. All coverage retirement carried out through the land bank shall be subject to TRPA and/or MOU permitting partners inspection and review.
- 5. CONSERVANCY shall give priority to removal of coverage in sensitive areas.

#### O. Annual Reports: Excess Coverage Mitigation Program.

There shall be an annual reporting period, at the end of which the CONSERVANCY shall prepare and deliver to TRPA an annual report summarizing all excess coverage mitigation projects performed during said reporting period and identifying the excess coverage mitigation fees which were applied toward each such project. The annual report shall, in addition, list:

- 1. the current inventory of parcels credited or available to the land bank for restoration and/or retirement of hard, soft, and potential coverage; and
- 2. all mitigation already performed or in progress, but not yet credited towards a permit applicant's project, including but not limited to:
  - a) square feet and land capability of coverage or disturbed land restored,
  - b) acres of land acquired by land capability,
  - c) estimated pollutant and stormwater load reductions, and
  - d) Soil Conservation and Water Quality threshold gains using EIP Performance Measures.

#### P. Annual Reports: Development Rights, Land Coverage, and Restoration Credits

There shall be an annual reporting period, at the end of which the CONSERVANCY shall prepare and deliver to TRPA an annual report summarizing all land bank transactions and holdings of development rights, restoration credits, and land coverage during said reporting period. The annual report shall include the following information for sending and receiving parcels:

- 1. assessor's parcel number or project number;
- 2. amount and type of development rights acquired, held, sold, and transferred;
- 3. land capability (Bailey/IPES scores) from which the development right was

#### transferred;

- 4. date of acquisition, sale, or transfer; and
- 5. distance of each sending site from a Town Center.

#### Q. CONSERVANCY Accounts.

The CONSERVANCY shall maintain accounts in keeping with State of California approved records retention schedules, which shall be made available to TRPA upon request, of:

- 1. all monies expended and received by the CONSERVANCY on behalf of the land bank;
- 2. all properties within the inventory of the land bank;
- 3. all areas on which coverage or disturbed land has been restored or retired since the last annual reporting period made available to TRPA, including:
  - a) the date as of which coverage or disturbed land has been restored or retired;
  - b) the type of coverage or area restored or retired;
  - c) the cost per square foot restored or retired;
  - d) the area or amount of coverage that has been restored or retired, in square feet of each type retired; and
  - e) the mechanism by which restoration or retirement has been accomplished.

In computing the cost per square foot of coverage retired, the CONSERVANCY may use an average based upon the cost of retiring a given type of coverage in more than one coverage mitigation project.

#### 4. All EIP and non-EIP projects for which the CONSERVANCY contributed excesscoverage mitigation fees.

#### VI. <u>Termination/Amendment</u>

This Memorandum of Understanding may be terminated by either party upon ninety (90)days advance notice in writing. This Memorandum of Understanding may be amended by written agreement of the CONSERVANCY and the TRPA Governing Board. In the event this Memorandum of Understanding is terminated for any reason and there is a balance of excess coverage mitigation funds available, the CONSERVANCY shall continue to carry out the duties of Section V, as well as related reporting obligations and TRPA shall continue to carry out the duties of Section V.F, as well as related reporting obligations, for all projects for which mitigation fees were received by TRPA prior the effective date of termination. Unexpended mitigation fees received by the Conservancy, if any, shall be returned to TRPA upon fulfillment of any outstanding obligations.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding on the date first hereinabove written.

JOANNE MARCHETTA EXECUTIVE DIRECTOR TAHOE REGIONAL PLANNING AGENCY

PATRICK WRIGHT EXECUTIVE DIRECTOR CALIFORNIA TAHOE CONSERVANCY

## Attachment 3

## TAHOE REGIONAL PLANNING AGENCY TRPA RESOLUTION NO. 2018 –27

## RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY'S GOVERNING BOARD TO SUPPORT THE GRANTING AND USE OF ADDITIONAL TRANSFER AND DISBURSEMENT DUTIES AND AUTHORITIES TO THE CALIFORNIA TAHOE CONSERVANCY AND NEVADA DIVISION OF STATE LANDS

WHEREAS, The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region; and

WHEREAS, The Compact directs TRPA to adopt and enforce a Regional Plan that sets forth projects and proposals for implementation of the Regional Plan and through agency ordinances, rules and regulations to achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds; and

WHEREAS, The Regional Plan sets forth proposals for removal of development and development rights from environmentally sensitive lands; and

WHEREAS, The Regional Plan sets forth proposals for removal of development and development rights form lands that are not located near transportation service and facilities; and

WHEREAS, The Regional Plan sets forth proposals for transfer of development and development rights to areas designated in the Regional Plan as centers to be redeveloped by removing older development that does not meet current environmental regulations and replacing it with development that does; and

WHEREAS, The Regional Plan sets forth proposals for transfer of development and development rights to areas designated in the Regional Plan as centers to be redeveloped that will be served by multiple forms of transportation including pedestrian, bicycle, and transit to reduce the dependency on the private automobile as set forth in the Compact; and,

WHEREAS, The Regional Plan sets forth proposals for transfer of development and development rights to areas designated in the Regional Plan as centers to be redeveloped to provide sites for projects that enhance the economy of the Region and provide housing opportunities for all in the Region; and,

WHEREAS, TRPA recognizes and supports the efforts of the California Tahoe Conservancy and the Nevada Division of State Lands to acquire, transfer, and dispose of land and development rights to implement the proposals set forth in the Regional Plan and statewide goals and policies; and,

WHEREAS, TRPA recognizes that these efforts can be significantly more effective if the California Tahoe Conservancy and Nevada Division of State Lands are granted additional transfer and disbursement duties and authorities to implement proposals included in the Regional Plan and that are consistent with statewide goals and policies; and WHEREAS, this Resolution has been reviewed at public meetings and public comments have been considered at each meeting; and

WHEREAS, this Resolution has been endorsed by the Advisory Planning Commission;

WHEREAS, this Resolution has been endorsed by the Regional Plan Implementation Committee of the Governing Board; and

NOW THEREFORE, BE IT RESOLVED that the Tahoe Regional Planning Agency's Governing Board hereby supports the granting and use of additional transfer and disbursement duties and authorities related to development rights and other property interest by the California Tahoe Conservancy and Nevada Division of State Lands to implement the Lake Tahoe Regional Plan and statewide goals and policies as articulated within the respective Memorandums of Understanding.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this 24<sup>th</sup> day of October, 2018, by the following vote:

Ayes: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. McDermid, Ms. Novasel, Mr. Lawrence, Mr. Sevison, Mr. Shute, Mr. Yeates, Mr. Lucey

Absent: Mr. Sass

Juzi

James Lawrence, Chair Tahoe Regional Planning Agency Governing Board California Tahoe Conservancy Agenda Item 6 December 13, 2018

## CONSERVANCY STRATEGIC PLAN 2018-2023

**Recommended Action**: Approve Resolution 18-12-05 (Attachment 1) adopting the California Tahoe Conservancy's (Conservancy) Strategic Plan (Plan), 2018-2023 (Attachment 2).

**Location**: The California side of the Lake Tahoe Basin (Basin).

**Fiscal Summary**: Authorizing the Plan will not have any fiscal impacts. However, as the Conservancy implements the strategies therein, the Conservancy will conduct additional fiscal analyses.

## Overview

## **Description of Recommended Action**

Staff recommends the Board adopt a new Plan for the Conservancy to cover the period of 2018-2023. This Plan will replace the current version that covers the period of 2012-2017. The new Plan describes how the Conservancy will address State, Basin, and regional priorities in coordination with its many agency and stakeholder partners. The Plan includes twenty-two strategies designed to achieve five goals during this period. The goals include:

- 1. Steward Conservancy Lands and Protect Basin Communities from Wildfire
- 2. Restore the Resilience of Basin Forests and Watersheds
- 3. Provide Public Access and Outdoor Recreation for All Communities
- 4. Foster Basin-wide Climate Adaptation and Sustainable Communities
- 5. Strive for Organizational Learning and Excellence

The Plan also includes a brief organizational history, including the Conservancy's evolving roles, guiding principles and financial sustainability principles, and performance measures. The appendices include priorities and criteria for allocating funds under Proposition 68, an internal and external assessment, and a risk analysis with mitigation measures. Interested parties can find a detailed companion report

covering 2012-2017 Strategic Plan Accomplishments and Challenges on the Conservancy website.

The Plan provides the basis for annual operational work plans for Conservancy program areas, and individual development plans for staff. Staff will present annually to the Board on Plan performance measures.

## History

The process for updating its Plan has taken the Conservancy approximately one year. The Conservancy worked with a professional, neutral facilitator throughout the process. Process milestones occurred at the following Board meetings:

- On March 14, 2018, the Conservancy launched the update of its Plan. The session focused on what the Conservancy had achieved under its 2012-2017 Plan, and the role of the Conservancy in the Basin. The session built on findings from Board member interviews and a staff survey, as well as a detailed accomplishments report. The session included an 18-member working group consisting of partner agencies and stakeholders.
- On April 26, Board members, working group members, staff, and the public identified priority issues and trends likely to shape the Basin and Conservancy's work in the next decade. Subsequent discussion focused on what modifications the Conservancy should make to its Plan to address these issues. The session relied on a series of participatory exercises, including mapping issues and trends, and small group and plenary discussions.
- On June 21, staff presented a draft Plan. During an extensive session, Board and working group members asked questions, as well as provided and discussed comments with staff. The public had opportunities to comment.
- On August 8, staff presented new draft sections on performance measures, risk and risk mitigation, Proposition 68 priorities and funding criteria, and two budget graphics. Staff also summarized revisions made to the rest of the Plan since June, though did not present a revised draft at this time. Board and working group members asked questions and provided feedback.
- On October 11, staff presented a revised, complete draft Plan that incorporated all previous feedback from Board members, staff, working group members, and the public. The presentation summarized significant revisions made since June, such as adjustments to the Plan structure, more emphasis on historical accomplishments and major initiatives, and four new strategies. Discussion with Board members followed.

Since October, staff has made final, minor revisions to the draft Plan. At today's meeting, staff is recommending the Board approve a resolution adopting the new Plan.

## Financing

Through its five goals and twenty-two strategies, the Plan provides overarching direction for Conservancy programs and initiatives for the next five years. Authorizing the Plan does not have any financial implications. However, as the Conservancy implements the strategies therein, the Conservancy will conduct additional fiscal analyses.

## Authority

## Consistency with the Conservancy's Enabling Legislation

The recommended action is consistent with the Conservancy's enabling legislation. (Gov. Code, § 66905 et seq.)

## Compliance with the California Environmental Quality Act

The Plan does 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 (CEQA). Staff will evaluate each project prior to implementation to determine the appropriate level of CEQA review.

## List of Attachments

Attachment 1 – Resolution 18-12-05 Attachment 2 – Conservancy Strategic Plan, 2018-2023

## **Conservancy Staff Contacts**

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#### **ATTACHMENT 1**

California Tahoe Conservancy Resolution 18-12-05 Adopted: December 13, 2018

## **CONSERVANCY STRATEGIC PLAN 2018-2023**

Staff recommends that the California Tahoe Conservancy (Conservancy) adopt the following resolution pursuant to Government Code section 66905 et seq.:

"The Conservancy hereby adopts the California Tahoe Conservancy Strategic Plan, 2018-2023, as described in the accompanying staff recommendation and presented in Attachment 2."

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 13th day of December, 2018.

In WITNESS THEREOF, I have hereunto set my hand this 13th day of December, 2018.

Patrick Wright Executive Director





# **Strategic Plan** 2018-2023



## Acknowledgements

The California Tahoe Conservancy Board and staff are grateful to the federal, state, local, nonprofit, and foundation partners—as well as to the many community members—who contributed to the development of this Strategic Plan.


# **Strategic Plan** 2018-2023

December 2018

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#### Mission

The mission of the Tahoe Conservancy is to lead California's efforts to restore and enhance the extraordinary natural and recreational resources of the Lake Tahoe Basin.

#### Vision

Accordingly, the Conservancy envisions a Basin where:

- The Lake is clear and its watersheds are healthy;
- The Basin has vibrant fish and wildlife, safe and healthy communities, and resilient forests;
- · Outdoor recreation and eco-tourism support a robust economy;
- · All communities and visitors have equitable access to the Lake and Basin landscapes;
- Communities and visitors minimize their carbon footprints by walking, biking, and using public transit; and
- Basin projects and programs provide national models for sustainability, stewardship, equity, socialecological resilience, and adaptation to climate change.



TAHOE conservancy



# I. Executive Summary

For more than three decades, the California Tahoe Conservancy (Conservancy) has played a major role in shaping the landscape and economy of the Lake Tahoe Basin (Basin).

- First and foremost, the Conservancy owns and manages nearly 4,700 parcels totaling more than 6,500 acres, creating a vast network of public lands that provide open space, support wildlife, and reduce storm water runoff that impairs the Lake's famed clarity.
- It has acquired or funded the development of several of the Basin's most spectacular and popular public beaches and parks, from a string of lakefront parks in the north shore, to Commons Beach in Tahoe City, Lakeview Commons in South Lake Tahoe, and Van Sickle Bi-State Park.
- It has operated a land bank to acquire and sell development rights, completing more than 7,000 transactions with homeowners and businesses to develop their properties while still protecting the environment.
- Finally, through both its grant programs and its own initiatives, it has invested over half a billion dollars in hundreds of conservation and recreation projects, as part of the State of California's contribution to the Environmental Improvement Program (EIP).

These projects and programs have improved the clarity of the Lake, the health and resilience of the Basin's forests and watersheds, the length and quality of its bike and trail network, and the vitality of its neighborhoods and town centers.

Despite these accomplishments and investments, however, several growing threats jeopardize the work of the Conservancy and its public and private partners to restore and maintain the Basin's environmental and economic health. Rising temperatures and extreme weather events threaten lake clarity, community safety, and forest and watershed health, while increasing traffic and housing prices threaten the quality and fabric of its communities. Just last year, after an extended drought followed by record precipitation, the Lake's clarity dropped to the lowest level ever recorded, and tree mortality reached record highs, a harbinger of how climate change threatens much of the progress to date.

In its 2012-2017 Strategic Plan, the Conservancy Board reaffirmed the importance of its long-standing programs, while stressing the need to address climate change, sustainability, and other emerging State and regional priorities. The Plan also highlighted the importance of aligning the Conservancy's efforts with its public and private partners, and better coordinating State agency activities and investments in the Basin. Towards that end, during the past five years the Conservancy funded and launched a broad range of strategic initiatives with its federal, state, local, and private partners. These include:

- The Upper Truckee River Watershed Partnership, a collaborative interagency effort to restore the Basin's largest and most ecologically significant watershed;
- The Lake Tahoe West Restoration Partnership (LTW), a collaborative interagency effort to restore the resilience of forest and watershed health across 60,000 acres;
- The Tahoe-Central Sierra Initiative (TSCI), a partnership with the Sierra Nevada Conservancy

(SNC), the U.S. Forest Service (USFS), and many others to coordinate restoration of 2.4 million acres across three national forests;

- The Climate Adaptation Action Plan (CAAP) to start adapting the Basin's resource management, infrastructure, and economy to climate change;
- The Tahoe Livable Communities (TLC) Program, a partnership with the Tahoe Regional Planning Agency (TRPA) and local governments to reduce greenhouse gas emissions, restore sensitive lands, and help revitalize the Basin's town centers;
- The Stormwater Resources Plan to help guide investments to improve water quality, water supply, wetlands, and lake clarity;
- The Aquatic Invasive Species (AIS) Strategic Plan to prioritize, sequence, and finance prevention, control, and eradication projects;
- The Strategic Public Access Plan to improve public access along the Lake's shoreline.

These initiatives and others focus on increasing the scale and effectiveness of several Basin-wide programs and mandates, and aligning the Conservancy's efforts with an increasingly broad range of leaders and partners in the Basin. In particular, the Conservancy works closely with the TRPA and local governments to help implement the Regional Plan and area plans; with the USFS Lake Tahoe Basin Management Unit (LTBMU) and the Tahoe Fire and Fuels Team (TFFT) to implement the LTBMU Forest Plan and Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy; and the Lahontan Regional Water Quality Control Board (Lahontan RWQCB) on the Lake Tahoe Total Maximum Daily Load (TMDL) for lake clarity. The Conservancy also works closely with its wide-ranging partners to coordinate investments in the EIP, and with the League to Save Lake Tahoe and the Tahoe Fund to build public-private partnerships that leverage its funding. Finally, it enjoys a special relationship with the Tahoe Resource Conservation District (Tahoe RCD) in managing the Conservancy's lands and jointly pursuing several initiatives, such as controlling AIS.

The Conservancy has also become increasingly engaged in collaborative efforts with its partners

across the Sierra Nevada region. It has strengthened its partnership with the SNC by becoming a full partner in the Sierra Nevada Watershed Improvement Program and co-leading the TSCI. The Conservancy also actively participates in the Sierra Meadows Partnership, Tahoe-Sierra Integrated Regional Water Management Program, and other regional ventures.

At the State level, the Conservancy is focused on addressing several recent mandates and initiatives, including executive orders and programs related to climate change, sustainable communities, forest health, and community access to recreation. The Conservancy serves on several state-wide workgroups, including the Forest Management Task Force, Natural and Working Lands Climate Change Implementation Plan workgroup, Mountain Meadows workgroup, and others.

As depicted in Figure 1, this Strategic Plan (Plan) describes how the Conservancy will address these State, Basin, and regional priorities in coordination with its many agency and stakeholder partners. To fulfill these responsibilities, the Conservancy has developed twenty-two strategies to achieve five major goals during the period from 2018 through 2023:

- 1. Steward Conservancy Lands and Protect Basin Communities from Wildfire
- 2. Restore the Resilience of Basin Forests and Watersheds
- 3. Provide Public Access and Outdoor Recreation for All Communities
- 4. Foster Basin-wide Climate Change Adaptation and Sustainable Communities
- 5. Strive for Organizational Learning and Excellence

The Plan also includes a brief organizational history, including its evolving roles; guiding principles and financial sustainability principles; and performance measures. The appendices include priorities and criteria for allocating funds under Proposition 68; a summary of an internal and external assessment; and a risk analysis with mitigation measures. A detailed companion report covering 2012-2017 Strategic Plan Accomplishments and Challenges can be found on the Conservancy website.

#### Figure 1. Strategic Plan Context

Through this five-year Strategic Plan, the Conservancy intends to meet an array of State mandates, contribute to Basin goals, and support regional partnerships.

<ul> <li>State Mandates</li> <li>Global Warming Solutions Act, Scoping Plan, and emissions limit</li> <li>Safeguarding California (Climate Adaptation Strategy)</li> <li>State Land Use Planning Priorities</li> <li>Sustainable Communities Act</li> <li>Strategic Fire Plan</li> <li>Forest Carbon Plan</li> </ul> <ul> <li>State Wildlife Action Plan</li> <li>California Water Action Plan</li> <li>Natural &amp; Working Lands Implementation Plan</li> <li>Proposition 68, Parks, Environment, &amp; Water Bond</li> <li>Human Right to Water</li> <li>Stormwater Resources Planning</li> <li>State Wildlife Action Plan</li> </ul>				
<b>Tahoe Basin Plans</b> Regional Plan, Regional Transportation Pla Sustainable Communities Strategy Environmental Improvement Program Fotal Maximum Daily Load Lake Forest Basin Management Unit Fores Multi-Jurisdictional Fuel Reduction Strateg	st Plan		Sierra Nevada Partnerships Tahoe-Central Sierra Initiative Sierra Nevada Watershed Improvement Program Tahoe-Sierra Integrated Regional Water Management Plan Governor's Forest Management Task Force, Sierr East Side Sierra Meadows Partnership	

#### **Strategic Plan Goals**

- 1. Steward Conservancy Lands and Protect Basin Communities from Wildfire
- 2. Restore the Resilience of Basin Forests and Watersheds
- 3. Provide Public Access and Outdoor Recreation for All Communities
- 4. Foster Basin-wide Climate Change Adaptation and Sustainable Communities
- 5. Strive for Organizational Learning and Excellence

#### **Strategic Initiatives**

- Climate Adaptation Action Plan
- Lake Tahoe West Restoration Partnership
- Upper Truckee River Restoration Partnership
- Tahoe Livable Communities

- Stormwater Resource Plan
- Aquatic Invasive Species Strategic Plan
- Strategic Public Access Investment Plan
- Sustainable Land Stewardship





# II. Conservancy History, Roles, and Guiding Principles

#### 1. Jurisdiction and Governance

The Conservancy is a State agency within the California Natural Resources Agency. The State Legislature established the Conservancy in its present form in 1984 to protect and restore Lake Tahoe's natural environment, including water quality, air quality, and wildlife habitat; to acquire, restore, and manage lands; to preserve the scenic beauty and recreational opportunities of the region; and to provide public access to Basin lands.

The Conservancy's jurisdiction spans the 236 square miles of the California side of the Basin. This includes portions of Placer and El Dorado counties, and the entire City of South Lake Tahoe. In clockwise order from south to north, unincorporated municipalities and areas within the Conservancy's jurisdiction include Meyers, Camp Richardson, Emerald Bay, Meeks Bay, Tahoma, Homewood, Tahoe Pines, Tahoe City, Dollar Point, Carnelian Bay, Tahoe Vista, and Kings Beach. The Conservancy manages ecosystems that, from the Basin's crest down to Lake Tahoe, encompass red fir and mixed conifer forests, meadows, streams and rivers, marshes, beaches, and near-shore waters.

#### 2. Conservancy History and Evolution

California and Nevada originally began work to collaboratively establish a Tahoe Conservancy in 1973. The bi-state agency would have had a mandate to acquire and protect private land to complement the land use planning and regulatory authorities of the TRPA, which had been created in 1969. After Nevada declined to move forward with the bi-state agency and interstate compact for acquisitions of Basin lands, An eight-member Board of Directors governs the Conservancy, including:

- the State Secretary for Natural Resources (or designee);
- the State Director of Finance (or designee);
- one public member appointed by the State Senate;
- one public member appointed by the State Assembly;
- one appointed representative each from El Dorado County, Placer County, and the City of South Lake Tahoe; and
- one ex officio, non-voting member representing the United States Secretary of Agriculture.

however, the two states and the federal government began to establish their own acquisition programs. The USFS established a land acquisition program following enactment of the federal Santini-Burton Act in 1980. Subsequently, California voters passed the Lake Tahoe Acquisitions Bond Act in 1982, which provided \$85 million for State land acquisitions.

The California legislature then re-activated the Conservancy as a California state agency in 1984, and the new agency began its work in 1985. In accordance with the recommendations of the Tahoe Area Land Acquisition Commission, the Conservancy's mandate was to acquire and improve lands with the 1982 bond act funds, and to provide grants to local agencies to protect water quality and provide wildlife habitat, recreation, and lakefront access. Nevada voters approved a parallel \$31 million acquisition program in 1986.

Four eras characterize the Conservancy's evolution. During its first dozen years—its **Acquisitions Era** (1985-1996)—the Conservancy devoted extraordinary energy and resources to acquiring environmentally sensitive lands for water quality, wildlife, and recreation. It acquired thousands of undeveloped lots from willing sellers, most of which are less than one quarter-acre in size. These acquisitions served the dual purpose of protecting sensitive land and providing some financial relief for property owners whose land was subject to the TRPA's regulations.

As its capacity, land holdings, and expertise grew, the Conservancy established several new programs, including a Soil Erosion Control Program in 1985 to provide storm water grants to local agencies, Resource and Urban Land Management and Wildlife Programs in 1986 to guide management and restoration of its acquired lands, Forest Resource Management Guidelines in 1990, and a Stream Environment Zone (SEZ) Program in 1991. Through a Memorandum of Understanding with the TRPA following adoption of the Regional Plan in 1987, the Conservancy established its Land Bank to acquire impermeable land coverage and other development rights to provide mitigation for both existing over-covered parcels and for new projects located on sensitive lands.

The Conservancy's Environmental Improvement Program Era (1997-2008) began with the Presidential Forum in 1997, where President Bill Clinton and Vice President Al Gore joined the two states and the TRPA in pledging to develop and invest in an EIP to restore and protect the Basin. The EIP helped to align and leverage the Conservancy's ongoing investments in restoration and recreation projects with funding from other agencies and partners in the Basin. In the following decade, the Conservancy drew on several voter-approved bond initiatives, including Propositions 12 (2000), 40 (2002), 50 (2002), and 84 (2006), to invest \$20-30 million annually in State and local EIP projects. Acquisitions continued, too, although the Conservancy typically completed fewer than 50 per year, which partly reflected the declining availability of suitable properties (see Figure 2). The Conservancy began to focus proportionally less energy on new acquisitions and parcel restoration, and more on perpetual stewardship activities, like inspections, forest fuel treatments, and hazard tree removal.



#### Figure 2. Acquisitions by Year

In 2008, the Basin partners updated the EIP by consolidating projects into six large-scale programs watersheds, habitat, and water quality; forest management; air quality and transportation; recreation and scenic resources; applied science; and program support—and by highlighting the importance of several emerging threats: wildfire, AIS, and climate change. The Conservancy continued to invest in the EIP through a combination of grant-making and directly planning and implementing signature projects on its own lands.

Events during the **Post-Great Recession Era** (2009-2017) created challenges for the Conservancy and other agencies. The Conservancy lost funding for the forestry elements of its land management program, suffered through an extensive freeze on bond-funded projects, and lost about a dozen positions through attrition. In response to these shortfalls, the Conservancy significantly scaled back its grant programs, reduced lot inspections from annual to biennial site visits, limited surveying and encroachment resolutions, shifted funding from projects to staff support, and significantly decreased its operations (see Figure 3).

To maintain its core programs during this period, the Conservancy began to aggressively diversify its revenue sources through State and federal grants as well as sales of non-sensitive parcels. It also led a

#### Figure 3. Conservancy Funding Sources

successful effort to reallocate lakefront buoy and pier fees collected by the State Lands Commission from the State's General Fund to the Conservancy, the Lahontan RWQCB, and the Natural Resources Agency.

The Conservancy's financial position improved somewhat following passage of Proposition 1 in 2014, which allocated \$15 million to the Conservancy for competitive grants for ecosystem and watershed protection and restoration projects. Its public access and recreation programs, however, remained largely unfunded. In addition, because Proposition 1 funds must be allocated through competitive grants, these funds are not available to help restore and maintain the Conservancy's own lands, or its most important restoration project, the Upper Truckee River Marsh.

The Conservancy hopes that 2018 marks the beginning of a **Climate Resilience Era**, given the State's enormous emphasis on this topic and its importance for so much of the Conservancy's work. In June 2018, the Conservancy's financial outlook improved significantly with the passage of Proposition 68, which allocates \$27 million directly to the Conservancy, and provides significant funding to the Department of Fish and Wildlife, the Wildlife Conservation Board, and other State conservation agencies. Most recently, Governor Brown signed Senate Bill 901, which provides \$1 billion



for forest health projects statewide over the next five years, and could become a major source of funding for the Conservancy and other agencies in the Basin. These funding sources will enable the Conservancy to increase its investments in a several key programs, even though a major remaining financial challenge will be to overcome the continued lack of dedicated funding for ongoing maintenance of its lands.

#### 3. The Conservancy's Roles

Historically, the Conservancy's broad mission has provided it with exceptional operational, programmatic, and financial flexibility. The Conservancy has therefore played a range of roles in different projects and initiatives, from directly implementing its own projects and providing grants to local agencies, to leading or convening Basin-wide initiatives.

Common roles and basic functions include:

- Convener: announce initiative, conduct agency/ stakeholder assessment, invite agency/stakeholder representatives, establish governance structure and process. Applies primarily but not exclusively to interagency/stakeholder processes.
- 2. Funder: provide funds through operating budget, grants, contracts, and by securing investment and philanthropy.
- 3. Direct leader: singularly establish goals and provide direction and guidance for how to achieve the goals.
- 4. Collaborative leader: agencies/organizations establish common goals and provide nonhierarchical (i.e., peer-to-peer) direction and guidance for how to achieve the goals.
- 5. Technical expert: contribute technical expertise to analyses, modeling, and monitoring.
- 6. Implementer: conduct or manage on-the-ground work to implement project plans.

The Conservancy's roles in addressing State, Basin, and regional priorities will continue to evolve. For example, the Conservancy led early efforts in the Basin to develop guidance on the design of storm water projects, and for more than a decade provided \$5-10 million annually in grants and significant technical assistance to the Basin's local jurisdictions. Following adoption of the TMDL water quality plan in 2011, however, leadership on storm water management shifted to the Lahontan RWQCB. The Conservancy suspended its storm water grants program due to funding shortages; and the local jurisdictions significantly increased their expertise and capacity in constructing and managing such projects. Accordingly, the Conservancy has more recently focused on funding a Stormwater Resources Plan to help the local jurisdictions meet State mandates to develop and implement multiple-benefit projects. The Conservancy's role in this and other projects will continue to shift over time as new sources of funding become available, as State and local priorities evolve, and as Basin partners step into new roles.

The Conservancy also plays an important role in representing the State of California in several Basinwide collaborative interagency efforts, including the Tahoe Interagency Executives (TIE) Steering Committee, the Lake Tahoe Federal Advisory Committee, and others. Although the Conservancy Board has sole responsibility for setting the direction and investment priorities of the agency, participation in these groups is vital to coordinate, leverage, and track federal, State, local, and private conservation and recreation EIP investments in the Basin. In 2019 the Conservancy and its EIP partners will update the 2008-2018 EIP to help shape and coordinate the next generation of EIP programs and projects, and the Conservancy will continue to take a leadership role in securing and investing California's share of funding.

Furthermore, the Conservancy's ability to add value to the Basin depends substantially on its relationships with sister State agencies. The common bond of a gubernatorial administration creates regular opportunities for State agencies to work in tandem, multiply the value that their individual resources provide, and better meet State objectives. It also provides perspective on whether the Conservancy has focused on the right topics and made the right financial choices. To the extent the Conservancy can better communicate, understand, and collaborate with these peers, it can better leverage its unique strengths and assets to fulfill its State and Basin responsibilities, garner resources for the Basin, and create Basin-wide benefits. Finally, the Conservancy represents the Basin in a broad range of State and regional interagency forums, including the Forest Management Task Force, Natural and Working Lands Climate Change Implementation Plan work group, Sierra Meadows Partnership, Tahoe-Sierra Integrated Regional Water Management group, and Great Basin Landscape Conservation Cooperative, among others. The Conservancy's involvement in these groups is likely to intensify as forest health and climate change command more attention and funding from the State of California.

#### 4. Guiding Principles

The Conservancy uses the following principles to guide all of its work:

- 1. Put the Conservancy's lands at the center of the agency's work.
- 2. Link daily land management responsibilities with strategic initiatives and increased grant-seeking.

- 3. Integrate multiple resources to produce multiple project benefits.
- 4. Inform decision-making with the best available science.
- Take climate change into account in all planning and investment decisions, including designing projects and programs with enough flexibility to respond to future impacts.
- 6. Seek to collaboratively identify and implement the Basin's highest priority projects, regardless of land ownership.
- Monitor and adaptively manage projects to increase scientific knowledge, improve project outcomes, and provide the greatest possible value.
- 8. Cultivate public-private partnerships, including foundations and impact investors, to create efficiencies and secure the funding necessary for transformative projects and initiatives.



- 9. Recognize the integral role of administrative and executive functions to the success of all the Conservancy's work.
- Maintain the organizational flexibility necessary to fill institutional gaps, implement projects through novel agreements, and use diverse funding opportunities.
- 11. Use all available financial tools and labor resources to accomplish work.
- 12. Put the professional expertise of all staff to the highest value use.

#### 5. Financial Sustainability Principles

During the last five years, the Conservancy's organizational agility and ability to lead in emerging areas have allowed it to sustain its core programs while taking on several new initiatives. However, the Conservancy's growing responsibilities have stretched its resources and staff. The Conservancy faces hard decisions about how to use its unique assets and strengths to consistently create value, and how to finance this diverse work over the long-term.

First and foremost, the Conservancy must secure the financial resources necessary to steward its lands in perpetuity, including the recreational facilities that allow the public to experience the Basin's clear waters, cool forests, and breathtaking peaks. Yet the Conservancy projects that operations and maintenance costs will increase as it conducts more regular, necessary inspections; resolves severe encroachments; responds to more extreme droughts and storms; negotiates the renewal of dozens of 20-year lease agreements set to expire; and repairs and upgrades aging facilities. Without stable operational funding, the Conservancy will be unable to fulfill its core mission of effectively stewarding its lands. See Figure 4.

Second, the Conservancy is also shifting its funding priorities. In its first two decades, the Conservancy directly funded and shaped the development of hundreds of EIP projects. But the Basin's local agencies have used Conservancy grants and other resources to build their own extensive in-house expertise and capacity to manage storm water, restore creeks and wetlands, provide public access, and treat forest fuels. As a result, the Conservancy will spend less staff time on directly leading, managing, planning, and implementing projects; local jurisdictions excel in this work. Instead, the Conservancy will provide grants to local agencies to construct projects, and will focus its own staff resources on larger-scale collaborative efforts to help integrate these projects across program areas and jurisdictions.

Third, the Conservancy must meet increasing State requirements for building forest resilience and adapting to climate change. The Conservancy can accomplish this by working across geographic and administrative jurisdictions, which creates planning, regulatory, operational, economic, and infrastructure efficiencies. These efficiencies allow the Conservancy and its partners to treat more of the landscape faster, and multiply the impacts of individual investments in climate change adaptation. In the coming years, the Conservancy will devote more staff and resources to collaboratively leading landscape-scale and Basin-wide partnerships that encompass natural resource and community resilience.

In light of these tough choices, this Plan relies on five financial sustainability principles to structure its budget:

- 1. Pay for essential land management services and for strategic initiatives with State operational funding, rather than bond funding or asset land sales.
- 2. Maintain sufficient contingency funds to respond to extreme events, such as storms, flooding, and drought.
- 3. Dedicate the majority of Lake Tahoe License Plate revenues to preservation, restoration, and trail projects, rather than operations.
- 4. When contributing staff leadership and technical expertise to projects, focus on projects that cover a large geographic scale or the entire Basin.
- 5. Improve accountability by linking the Conservancy's Strategic Plan, operational plans, annual budget, and budget change proposals.



# III. Goals and Strategies for 2018 to 2023

The Conservancy will pursue five goals and 22 supporting strategies to fulfill its mission and vision from 2018 through 2023. Staff will also prepare annual operational plans for program areas, to provide more detailed steps for implementation, and an annual accomplishment report on progress toward achieving the Plan. Definitions include:

- **Goals** provide direction for Conservancy programs. They account for the Basin's current institutional configuration, for trends both internal and external to the Conservancy, and for uncertainty about the future.
- A strategy describes how the Conservancy will attain a given goal through a focused, sustained effort to create specific relationships, practices, structures, or systems.
- **Operational plans** guide how Conservancy staff carry out the day-to-day tasks and project work necessary to enact strategies and attain goals. Operational plans will include timelines, actions, staffing, and budgets.

Although this Plan places each strategy under a specific goal, in practice the strategies fit together and amplify one another. Together, they form an integrated package, rather than serve as individual components.





## Goal 1 Steward Conservancy Lands and Protect Basin Communities from Wildfire

#### ACCOMPLISHMENTS

The Conservancy owns nearly 4,700 parcels, including thousands of quarter-acre lots within the Basin's urban areas. These parcels provide open space, water quality, and recreational benefits, and have significantly reduced the potential level of development in the Basin. The Conservancy prides itself in its ability to competently manage its lands for multiple benefits. Staff inspects each parcel once every two years to monitor forest health, identify maintenance needs, and guard against encroachments. Staff has also earned a strong reputation for responding to citizen concerns with care, speed, and efficiency, including removing over 100 hazard trees in any given year. Staff also manages 11 properties with recreational amenities, including six popular beaches that provide major public access to Lake Tahoe. Over the past five years, the Conservancy completed the massive upgrading of its land records system by creating a computerized Property Data Management System, and by beginning to collect paperless data in the field through the use of mobile devices and associated software.

#### **CHALLENGES**

While the Conservancy has a proven track record of excellent land management, it faces several challenges. The Conservancy's scattered ownership of its urban parcels presents significant management challenges. Staff must thin forested lots roughly every ten to 15 years, and also address any maintenance issues that arise.

The extreme winter of 2016-17, for example, created localized flooding issues and large numbers of hazard trees. The Conservancy has struggled to secure adequate funding to effectively manage its lands since the recession. Furthermore, the costs of maintaining its lands are likely to increase significantly as its facilities age and more extreme weather becomes the norm (see Figure 4). With nearly 400 unresolved encroachments and the total climbing each year, the Conservancy is losing hard-earned water quality, wildlife, and recreation benefits. Similarly, responding to citizen concerns involving Conservancy lands is a 365-day priority. The Conservancy fields around 150 citizen reports annually, with up to double this amount in extreme winters. Common topics include dangerous trees, wildlife harassment, excessive public revelry, inappropriate storage of personal property, resource damage, and fire hazards. The Conservancy regularly requests law enforcement patrols through contracts. However, the Conservancy has little control over when peace officers arrive on-site, and may find itself a low priority during busy weekends.

In places where the Conservancy owns public facilities that provide public access on its lands, it must properly operate and maintain these facilities to ensure public safety and health. Well-known Conservancy sites include Carnelian West and Patton Landing on the north shore, Eagle Rock on the west shore, and Van Sickle Bi-State Park on the south shore. Typically the Conservancy's capital investments in these properties—such as drinking fountains and restrooms, and parking lots—have 30year lifespans. With the Conservancy having started to acquire lands in 1986, a steadily rising tide of facility repair or replacement costs looms on the horizon.

#### **STRATEGIES**

To meet these challenges, during the next five years, the Conservancy will increase its inspections and land surveys to better catalog, prioritize and resolve the backlog of encroachments. The Conservancy also aims to secure dedicated law enforcement assistance. The Conservancy will also continue to complete facility upgrades required by the Americans with Disabilities Act (ADA), and prepare for anticipated climate change impacts and potential extreme events. Finally, the Conservancy will work to implement its financial sustainability principles and obtain dedicated support funding for land management.

Maintaining healthy forests in urban areas constitutes

another fundamental role of the Conservancy's land management program. The 2007 Angora Fire crystallized attention, political will, and funding around the prevention of wildfire in the Basin. Alongside numerous partners, the Conservancy helped to create the TFFT, and pledged to redouble its forest stewardship efforts in urban, upland, and riparian areas. The Basin's Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy (already required in 2006), and accompanying Community Wildfire Protection Plans, set the direction for ten years of unprecedented investment in forest health treatments designed to protect life and property.

Building upon these efforts, the Conservancy is growing its team to coordinate interagency forest health projects under the direction of the TFFT, and is partnering with the LTBMU to more effectively fund and implement treatments on Conservancy and LTBMU parcels. Together with the TFFT, the Conservancy aims to complete initial forest fuels reduction projects on all federal, State, and local parcels in the Basin's urbanized areas in the next several years.

To enact its first goal—**Steward Conservancy Lands** and **Protect Basin Communities from Wildfire**—the Conservancy will implement the following five strategies:

A. Redouble Conservancy land management through a combination of annual property inspections,

increased surveying, encroachment resolution, urban lot restoration, ADA upgrades, and prompt removal of hazard trees and responses to citizen concerns.

- B. Increase the Conservancy's presence on its lands through educational outreach, art installations, comanagement, and law enforcement.
- C. Communicate the value of Conservancy lands, services, and initiatives to demonstrate accomplishments, sustain staff commitments, educate younger generations, encourage citizen stewardship, and promote civic pride.
- D. Develop Conservancy land and forest stewardship standards and guidelines, protocols, data management systems, remote sensing technologies, and regulations that safeguard people and the environment, create consistency and operational efficiencies, and secure financial sustainability.
- E. Implement and develop innovative financial partnerships and interagency agreements that increase the Conservancy and the Basin's ability and capacity to manage and restore its lands, maintain its recreational facilities, treat forest fuels, suppress wildfire, and beneficially use prescribed fire.



## Goal 2 Restore the Resilience of Basin Forests and Watersheds

#### ACCOMPLISHMENTS

In its 33 years, the Conservancy has undertaken and facilitated a wide variety of watershed and forest restoration projects. Beginning around the year 2000, for example, the Conservancy funded and collaboratively led the decade-long restoration of the Ward Creek watershed. This multi-jurisdictional effort included two Conservancy restoration projects, two Placer County storm water improvement projects, and a State Parks forest health and recreation project. Since completion in 2013, staff has monitored and adaptively managed improvements. The Conservancy continued its restoration tradition over the last five years by:

- Reconstructing a reach of the Blackwood Creek channel and constructing new trails for the adjacent Eagle Rock recreation area.
- Partnering with Alpine Meadows ski resort to stabilize eroding slopes and install best management practices on the lands it leases from the Conservancy.
- Restoring portions of the Upper Truckee River and preparing to restore the Upper Truckee Marsh.
- Supporting Placer County in restoring the Lake Forest watershed near Tahoe City.
- Awarding almost \$4 million to local governments for high priority storm water projects, and helping to meet the first five-year targets for the Tahoe TMDL. This continued a historical emphasis on storm water improvement that has amounted to approximately \$100 million of grant funding over the past 30 years.
- Funding a Basin-wide strategy to monitor, prevent, and control the spread of AIS.
- · Facilitating the renewal of a memorandum of

understanding with partner agencies to protect the endemic Tahoe yellow cress flowering plant.

 Finally, in collaboration with several peer agencies, launching the LTW Restoration Partnership, an initiative designed to rapidly increase the resilience of the entire stretch of forests covering the west shore, from Emerald Bay to Tahoe City.

In each case, staff worked closely with partners to monitor and adaptively manage all completed projects, participate in interagency guidance teams, apply the lessons learned, and maintain the benefits from these environmental improvements.

#### **CHALLENGES**

While respecting the complexity of natural and human systems, the Conservancy has great ambitions for its next generation of forest and watershed restoration projects. The Conservancy has launched landscape initiatives that deliberately work across land ownerships and jurisdictions to create management efficiencies of scale and scope. This approach holds the promise of increasing the pace and scale of restoration, and getting ahead of the curve of climate change's worst impacts. However, landscape restoration also requires greater amounts of planning time and staff resources to build shared understanding of the issues and then negotiate consensus on strategy, actions, and funding. Landscape restoration also poses challenges, as staff aim to analyze the system rather than just single parts, to include communities and recreational users as part of ecological restoration, and to anticipate climate change in plans and project designs. With practice, agencies can improve their ability to conduct and implement this work. Nonetheless, for the Conservancy to collaboratively lead such initiatives requires a staff with diverse skills, a strong, interagency commitment, and broad-based stakeholder support.

Facing page: Members of the Lake Tahoe West Restoration Partnership gather in a west shore forest. Photo: Mason Bindl.

#### **STRATEGIES**

Looking ahead, the Conservancy plans to continue working with a wide variety of partners to restore the health and resilience of the Basin's forests and watersheds. This includes improving forest diversity, protecting wildlife, applying beneficial fire, clearing meadows of encroaching trees, reducing streambank erosion, reconnecting floodplains, and treating storm water. This work will enhance the ability of these lands to respond to wildfire, drought, insects, and climate change, rather than shifting to shrublands or disappearing from the Basin.

The Conservancy and its partners are also increasingly shifting to large landscape, multi-jurisdictional, multiplebenefit projects to more rapidly and comprehensively achieve restoration goals in the Basin. Working at a landscape scale makes it easier for the Conservancy and its sister agencies and stakeholders to integrate the planning for and management of multiple values and resources across jurisdictions. By contributing individual resources to common priorities, the agencies and stakeholders can also create operational, infrastructure, and economic efficiencies. This evolution in the Conservancy's approach to planning also aligns it with national and statewide trends toward restoring landscape resilience.

Over the next several years, the Conservancy will focus much of its efforts on two landscape initiatives: the Upper Truckee River Watershed Partnership and the Lake Tahoe West Restoration Partnership.

Upper Truckee River Watershed Partnership: Since the 1990s, the Conservancy has prioritized restoring the health of the Upper Truckee River, the Basin's largest and most important watershed. Over the past five years, the Conservancy completed a final restoration plan for the Upper Truckee Marsh; invested \$4 million in the Tahoe RCD's acquisition of Johnson Meadow, the largest private parcel along the river; launched the development of a comprehensive watershed restoration strategy for the river corridor and its surrounding watershed; and partnered with the LTBMU to restore a major segment of the river. The Conservancy's primary goals are to complete the first phase of the Marsh restoration project, implement the comprehensive strategy with partners, and secure funding for the strategy, which the Conservancy expects to cost \$50-\$100 million.

Lake Tahoe West Restoration Partnership: This initiative involves over 40 partner stakeholders, agencies, and research institutions in a collaborative effort to restore 60,000 acres of forests and watersheds covering the entire west shore of the Basin. In partnership with the LTBMU and the National Forest Foundation (NFF) and other Basin partners, the Conservancy has played a lead role in launching, funding, and steering this initiative. The Conservancy expects to continue investing significant funding and staff time on Lake Tahoe West for the next several years.

In addition to these initiatives, the Conservancy will continue to invest in a broad range of EIP multiplebenefit forest health, watershed restoration, storm water, and AIS projects. The Conservancy works closely with its EIP partners to identify, plan, and fund these projects, and to leverage Conservancy funding with other federal, state, local, and private funds.

To enact its second goal—**Restore the Resilience of Basin Forests and Watersheds**—the Conservancy will implement the following four strategies:

- A. Convene and collaboratively lead a select number of landscape-wide partnerships that create efficiencies of scope, scale, and cost. These include the Upper Truckee River Watershed Partnership and the Lake Tahoe West Restoration Partnership.
- B. Advance multiple-benefit projects that creatively combine restoring and building the resilience of forests and watersheds with water quality protection, green infrastructure, recreation, and climate change mitigation and adaptation.
- C. Pilot scientific advancements, new technologies, and innovative approaches to landscape restoration, and then showcase these exemplary initiatives to other parts of the State and mountainous regions of the American west.
- D. Participate in State and regional initiatives to increase the pace and scale of forest health projects, streamline planning and permitting processes, and create new industrial facilities and markets for forest products.



The Tahoe Transportation District estimates that 24 million people visit Lake Tahoe annually. Photo: Nick Spannagel

## Goal 3 Provide Public Access and Outdoor Recreation for All Communities

#### ACCOMPLISHMENTS

The Conservancy has a long history of securing and promoting public access to Lake Tahoe and the natural resources of the Basin. The Conservancy acquired and developed a string of very popular north shore beaches; partnered with Nevada State Parks in opening Van Sickle Bi-State Park; partnered with the Sierra Business Council in developing the Lake Tahoe Water Trail; and invested heavily in three of the Basin's most popular beaches and community spaces: Commons Beach in Tahoe City, Lakeview Commons in the City of South Lake Tahoe, and Kings Beach State Recreation Area. The Conservancy also invested in several segments of the Tahoe Rim Trail and the Basin-wide bike trail network. The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68, starts from the premise that inactivity and obesity cost California over forty billion dollars annually, and that even modest increases in physical activity would reduce health care costs and increase productivity. Proposition 68 therefore requires that public agencies that receive bond funding consider the following: reaching out to minority, low-income, and tribal communities, as well as people with disabilities; mentoring new leaders; creating novel partnerships that increase visitation and access; expanding the use of multilingual and culturally appropriate communication and educational materials; promoting youth engagement and empowerment; and identifying staff liaisons.

#### **CHALLENGES**

The coming decades will stress the Basin's recreational assets in numerous ways. Climate change will drive much of this. Declining snowpacks will disrupt skiing, snowboarding, and other winter sports. Ever more visitors from throughout the State will seek cool, high altitude refuge during peak summer months. During most of the year, rather than just a few months, wildfire will pose a risk to people and \$15.5 billion in homes, businesses, and infrastructure.

For the Conservancy's own recreational facilities, aging infrastructure will also take its toll. Extreme winter flooding events and increased tourism will only compound this wear and tear. Revitalized partnerships with peer agencies, concessionaires, nonprofit organizations, and foundations are essential to sustain current levels of service.

#### **STRATEGIES**

In recent years, the Conservancy's recreation and access staff and grant funds have dwindled, primarily because a major source of funding, Proposition 1, was directed at watershed and forest health rather than recreation. With the passage of Proposition 68, however, the Conservancy is now in a better position to fund and promote these projects, and to focus on improving community access to outdoor recreation in the disadvantaged communities of South Lake Tahoe and Kings Beach. The agency will also continue to integrate public access into its landscape restoration projects wherever feasible.

To enact its third goal—**Provide Public Access and Outdoor Recreation for All Communities**—the Conservancy will implement the following three strategies:

- A. Provide signature opportunities on Conservancy lands for all people to experience and enjoy Lake Tahoe's beaches, rivers, wildlife, and mountains.
- B. Foster multiple-benefit projects that link people's health and well-being, equitable community access, and the Conservancy's unique array of protected lands.
- C. Work with sister agencies and organizations to fulfill Proposition 68's diversity and inclusion mandates, including outreach, mentorship, partnership, communication and education, and youth engagement and empowerment.



## Goal 4 Foster Basin-wide Climate Change Adaptation and Sustainable Communities

#### ACCOMPLISHMENTS

With climate impacts visible throughout the State, in 2017 the Conservancy launched the development of a Basin-wide CAAP in partnership with its sister State agencies, the TRPA, and the State of Nevada. Currently being developed, the first part of the plan assesses the Basin's vulnerability to climate change impacts, while the action plan will identify specific agency commitments to adaptation projects and programs. The CAAP integrates a growing body of State directives and grant programs designed to reduce greenhouse gas emissions and adapt to the future climate. Since the passage of California's Global Warming Solutions Act of 2006 (Assembly Bill 32), these include Executive Orders on climate adaptation, forest and community resilience, biodiversity, and carbon neutrality; the State's climate adaptation strategy (Safeguarding California); Forest Carbon Plan; guidance on identifying vulnerable communities; and Natural and Working Lands Implementation Plan.

Prior to this, in 2014 the Conservancy launched the TLC program to reduce greenhouse gas emissions, restore sensitive lands, and help revitalize the Basin's town centers. The TLC program advances the Conservancy's mission while simultaneously accelerating implementation of the TRPA's Sustainable Communities Strategy (SCS), which, pursuant to Senate Bill 375, requires regional planning agencies to reduce greenhouse gas emissions through improvements in land use and transportation. The TRPA developed a Sustainability Action Plan in 2012, which provides a menu of possible mitigation and adaptation objectives, strategies, and actions that partners can choose to adopt.

Through its TLC program, the Conservancy has refocused its land acquisition and marketable right

Climate change has started touching everything in the Basin, from the health of the Lake and its forests to its world-class recreation areas.

programs. These programs now prioritize transactions that:

- Acquire and restore aging developed properties on environmentally sensitive lands, and either retire or transfer the associated development rights to town centers;
- 2. Sell, lease, or exchange vacant Conservancy land in town centers; and
- 3. Prevent future development by acquiring the remaining private properties in several of Lake Tahoe's roadless subdivisions.

By 2018, the Conservancy had completed ten transactions under the TLC program. The Conservancy has banked the development rights associated with these parcels to facilitate new infill development projects on its own non-environmentally sensitive lands (or "asset lands"), which include several vacant developable parcels in the Basin's town centers.

#### **CHALLENGES**

Climate change has started touching everything in the Basin, from the health of the Lake and its forests to its world-class recreation areas. During the winter of 2016-2017, for example, several years of drought flipped dramatically to the wettest year on record in the Sierra Nevada, which resulted in the worst-ever recorded lake clarity. Climate scientists project such weather extremes to become more

Facing page: Tree mortality on Lake Tahoe's west shore. Photo: Mike Vollmer / Tahoe Regional Planning Agency.

common at Tahoe, which may have profound and lasting impacts on lake clarity and the health of the economy. In its Sierra Nevada Regional Report, released in 2018 as part of its Fourth Climate Change Assessment, the State identified the following impacts to the region that includes Lake Tahoe:

- An average of 6 to 9 degrees Fahrenheit in temperature warming, with faster warming trends and precipitation changes at high elevations;
- Corresponding long-term trends toward declining snowpacks, declining soil moisture, changes in streamflow hydrology including peak runoff timing and groundwater retention, and associated stress on fauna and flora;
- Increasing occurrence of extreme precipitation events, both floods and droughts;
- Increasing wildfire and drought stress, and decreasing carbon storage in forests;
- High vulnerability of old-growth mixed conifer forests, mountain meadows, and associated biodiversity to climatic changes;
- Increasing vulnerability of tourism-dependent communities to loss of snowpack, changes to stream and lake conditions, and declining forest health; and
- Imperiled public health from heat waves and poor air quality, often compounded by age, disability, and economic inequality.

Such shifting patterns of temperature and precipitation can transform entire forest and watershed ecosystems. Resource and land managers can no longer plan for an individual resource in isolation, and instead must consider it in the context of an unstable system. Uncertainty about specific localized climate impacts, and the declining relevance of historical baselines, place a premium on flexibility, redundancy, monitoring, and adaptive management. At the same time, extreme events often supersede the range of historical variability, and require planning and building for conditions that have never existed during modern times. Climate change has already impacted existing Conservancy facilities and restoration projects, and will continue to pose a challenge for how the Conservancy implements its mission in the future.

#### **STRATEGIES**

The CAAP will play a critical role in integrating climate change throughout Conservancy programs, and in fulfilling the State directive that agencies take climate change into account in all planning and investment decisions. The CAAP encompasses natural resources, public health and safety, recreation, infrastructure, and the economy. Based on a combination of newly downscaled climate projections, expert synthesis of recent scientific literature, and economic analyses, the assessment and action plan will also provide a common foundation of information for future updates of the EIP, Regional Plan and SCS, LTBMU Forest Plan, and other Basinwide planning efforts. The CAAP will also provide the Conservancy with a framework to address future State mandates associated with climate change.

The Conservancy is also addressing climate impacts through the TLC. During the next five years the Conservancy plans to significantly expand its TLC program, in partnership with the TRPA. The Conservancy will emphasize acquiring sensitive parcels outside of town centers to hasten redevelopment in town centers. The Conservancy will also move ahead with new workforce housing and similar development proposals on its asset lands.

To enact its fourth goal—Foster Basin-wide Climate Change Adaptation and Sustainable Communities—the Conservancy will implement the following five strategies:

- A. Ensure that all Conservancy programs integrate climate change science, mitigation, and adaptation.
- B. Develop and implement, in partnership with peer agencies and stakeholders, a comprehensive Climate Adaptation Action Plan for the Basin.
- C. Expand the TLC program to revitalize the Basin's town centers, protect sensitive lands, and meet the goals of the TRPA's Sustainable Communities Strategy, Regional Plan, and local area plans
- D. Strengthen coordination and collaboration among the State and other agencies responsible for climate change policy, science, and mitigation and adaptation projects.



## Goal 5 Strive for Organizational Learning and Excellence

#### ACCOMPLISHMENTS

The Conservancy's operations provide the organizational backbone for its programs and investments. During the last several years, the Conservancy has considerably strengthened its internal operations in several areas. It has standardized its budget and fiscal reporting systems, implemented a new paperless timekeeping system, developed a centralized system to track property management information, significantly improved its geographic information systems, and enhanced its human resources services.

The Conservancy has also provided leadership and contributed expertise to numerous Basin, State, and regional forums for collaboration. Among others, these include the TIE Steering Committee, EIP Coordinating Committee, Lake Tahoe Federal Advisory Committee, Storm Water Quality Improvement Committee, and Upper Truckee River Watershed Advisory Group; and the Governor's Forest Management Task Force (formerly focused on tree mortality), Fourth Climate Assessment, All Conservancies Committee, Sierra Nevada Strategic Investment Partnership, Safeguarding California Climate Action Team, Natural and Working Lands Implementation Team, and Sierra Meadows Partnership.

#### **CHALLENGES**

For the Conservancy to continue accomplishing innovative, ambitious programmatic work, its fiscal, legal, information technology, and human resources units must run effectively and efficiently. The Conservancy must ensure that its staff has the requisite skills. Increasingly, these include the ability to manage interagency projects, design stakeholder processes, establish collaborative governance structures, negotiate based on interests, facilitate interagency and stakeholder meetings, write innovative grant proposals, manage complex contracting arrangements, and craft novel interagency agreements. The Conservancy will need to continue to support staff professional development through mentoring, training, and practice in these areas.

#### **STRATEGIES**

Looking ahead, the Conservancy will use this Plan to guide its workforce development over the next five years. A robust, resilient Conservancy will have a wide variety of staff with diverse and complementary expertise and skillsets, who share a workplace ethic that combines collegiality, mutual support, innovation, and leadership.

As a major part of implementing this Plan, staff members will develop annual operation plans to track progress and connect their individual development plans to organizational goals and strategies. The Conservancy will also fill key vacancies, provide professional development and mentorship, and upgrade its financial, recordkeeping, and programmatic systems to improve the accountability, transparency, and costeffectiveness of its programs.

The Conservancy must also continue to work closely with sister State agencies to enact emerging gubernatorial and legislative mandates, and fulfill its responsibility to represent the State in the EIP. Consistent participation in major Basin-wide forums for deliberation and collaboration, along with enhanced communication and regular interagency meetings, will allow the Conservancy to meet State mandates and contribute to the Basin by leveraging its unique assets and strengths.

To enact its fifth goal—**Strive for Organizational Learning and Excellence**—the Conservancy will implement the following six strategies:

- A. Align the Conservancy's workforce with its Strategic Plan.
- B. Invest in professional development and workforce health to increase staff autonomy and leadership, improve work products and efficiency, and retain staff for the long-term.
- C. Further integrate fiscal and budgeting, legal, and information technology units with programs.
- D. Seek updates as necessary to the Conservancy's legislative authority for implementing State priorities.
- E. Improve the Conservancy's ability to achieve State and Basin mandates by aligning the work of sister State agencies in the Basin.
- F. Continually assess the effectiveness of the Conservancy's programs and contributions to interagency initiatives, and its collaborative leadership capacity.





# IV. Measuring Strategy and Strategic Plan Performance

The Conservancy will measure its performance under this Plan in several ways. These include:

- Implementation performance measures that answer, To what degree has the Conservancy implemented the strategies and achieved the goals in this Plan?
- Effectiveness measures that answer, To what degree have the strategies and goals accomplished what the Conservancy desired?
- Process performance measures that answer, To what degree does the Conservancy have processes in place that will implement strategies and help achieve desired outcomes?
- Plan performance measures that answer, *How well* has this Plan functioned?

Some Conservancy tasks and actions are easier to measure than others, and some lend themselves more to quantitative or qualitative measurement. This section provides a select number of carefully considered measures that focus on the essence of this Plan. If necessary, staff will revise these measures when evaluating annual operational plans. Staff will also measure performance at the end of the five years of this Plan.

#### 1. Implementation Performance Measures

A. Lots inspected, encroachments resolved, hazard trees removed

- B. Acres restored, miles restored
- C. Access and amenities provided
- D. Increase in institutional capacity to adapt to climate change
- E. Acquisitions and transactions completed
- F. Direct and collaborative leadership
- G. Local assistance grants awarded and received
- H. Partnerships cultivated

#### 2. Effectiveness Performance Measures

The Conservancy will measure the degree to which:

- A. Inspections protected Conservancy lands, and protected public health and safety
- B. Restoration projects restored watershed and forest resilience
- C. Disadvantaged communities gained more equitable access to Conservancy lands and outdoor recreation
- D. Conservancy policies and programs adjusted to a changing climate
- E. The Conservancy contributed to reducing greenhouse gas emissions
- F. The quality of life in town centers improved

#### 3. Process Performance Measures

- A. Forums that the Conservancy has to advance specific strategies and goals
- B. Degree to which these forums:
  - a. Have inclusive representation and foster transparency
  - b. Promote mutual understanding and trust
  - c. Work productively through conflict and minimize litigation
  - d. Improve decision-making
  - e. Increase public understanding and support

#### 4. Plan Performance Measures

The Conservancy will measure how well the Plan:

- A. Guided operational decision-making
- B. Helped to prioritize work
- C. Advanced financial sustainability
- D. Mitigated risk
- E. Accomplished the Conservancy's mission



## Appendix 1 Proposition 68 Funding Priorities and Criteria

The Conservancy's priorities for Proposition 68 funding include, in no specific order:

- 1. Climate change adaptation
- 2. Sustainable communities
- 3. Outdoor recreation
- 4. Wildfire prevention, including beneficial fire
- Watershed and forest restoration and resilience, including wildlife and biodiversity, storm water, meadows, invasive species, and carbon sequestration

#### Criteria for funding include, in no specific order:

- 1. Advance State and Basin planning priorities
- 2. Advance Proposition 68 goals for diversity and inclusion
- 3. Create multiple benefits to Conservancy lands and resources and Basin lands and resources
- Incorporate climate change in planning and investment, including impacts of climate on anticipated benefits; benefits for resilience and adaptation; and emission reduction and carbon sequestration benefits
- Propose a high quality and innovative project design that includes, for example, rationale, goals, methodology, deliverables, work plan, readiness, and budget



- 6. Propose transformative change (e.g., change that occurs as a large geographic, ecological, financial, and/or demographic scale)
- 7. Use California Conservation Corps or community conservation corps services
- 8. Demonstrate sustainability, including long-term operations, maintenance, and monitoring, and organizational capacity
- 9. Demonstrate professional qualifications and high quality past performance
- Demonstrate community, stakeholder, and/or political support

## Appendix 2 Internal and External Assessment

With the aid of a professional facilitator, the Conservancy developed several sets of information to guide the update to its Plan. First, staff evaluated the performance of the prior 2012-2017 Plan. Second, the Conservancy worked with its federal, state, local, nonprofit, and foundation partners (see list) to assess issues and trends shaping internal organizational dynamics and the external institutional environment. Third, the Conservancy solicited input, insights, comments, and suggestions from its Board members, key agencies, and stakeholders to develop and refine goals and strategies. Staff played a major role through nine work teams, an executive team, and a budget team that met regularly to prepare initial analyses and improve drafts.

#### List 1. Stakeholder Group Participants

Stakeholder working group members represented a variety of resource management, recreation, utility, government, planning, and research interests. These included:

1. California Dept. of Forestry and Fire Protection 10. State of Nevada 2. City of South Lake Tahoe 11. Tahoe City Public Utility District 3. Desert Research Institute 12. Tahoe Fund 4. Environmental Incentives 13. Tahoe Regional Planning Agency 14. Tahoe Resource Conservation District 5. Lahontan Regional Water Quality Control Board 6. League to Save Lake Tahoe 15. Tahoe Transportation District 7. North Lake Tahoe Resort Association 16. University of California, Davis 8. Placer County 17. University of Nevada, Reno 9. Sierra Nevada Conservancy 18. United States Bureau of Reclamation

This section summarizes the organizational strengths, weaknesses, opportunities, and threats (SWOT) for each of the four strategies in the Conservancy's 2012-2017 Plan, and a list of external threats. The Conservancy Board and staff provided input for this SWOT analysis.



# 2012-2017 Strategy 1: Lead California's Efforts on Sustainability, Climate Change, and other Basin-wide Initiatives

#### Strengths

- widespread sense of leadership
- significant staffing and funding dedicated to collaborative initiatives
- promotion of resilient forests
- the Conservancy's diverse roles, from land acquisition, land banking, and land management, through visionary and technical leadership, grantmaking, convening, and brokering.

#### Weaknesses

- clarity of roles and contributions in a collaborative context
- acknowledgment of existing work in a given policy area

#### **Opportunities**

- increase use of staff for strategizing and strategic initiatives
- play role of convener for Basin-wide initiatives, not only collaborative partner

- coordinate on roles and priorities to meet State mandates
- find efficiencies of scale
- strengthen statewide connections
- seek grant funding through partnerships
- better track strategic expenditures

#### Threats

- lack of specificity regarding Conservancy roles that add value to the Basin
- difficulty of attributing individual accomplishments in a collaborative process
- potential for duplicating efforts and adding little value
- lack of sufficient internal communication on project or program vision and strategy
- lack of sufficient internal coordination on complex contracts

# 2012-2017 Strategy 2: Invest in High-Priority Conservation and Recreation EIP Projects and Programs

#### Strengths

- widespread sense of accomplishment and leadership
- significant funding for Tahoe Livable Communities program (i.e., sustainable communities)
- balance of investments between local assistance grants and directly administered projects

#### Weaknesses

- · restrictions on funding and grant eligibility
- · difficulty of adhering to timelines
- strongly bureaucratic State procedures slow work
- · internal and external communications

#### Opportunities

- continue emphasis on signature projects
- · use collaborative skills to tackle complex, multi-

disciplinary, high-return projects

- landscape forestry covering the north shore of the Basin
- use funding constraints to advance multiple-benefit projects
- increase environmental literacy in the Basin
- prepare new generations for stewardship

#### Threats

- difficulties and delays stemming from bureaucratic procedures
- lack of resources for land banking and sustainable community transactions
- decreasing funding for restoration
- waning commitment to difficult projects

#### 2012-2017 Strategy 3: Effectively Manage Land and Assets

#### Strengths

- · widespread sense of customer service
- ability to co-manage resources with sister agencies and organizations
- completion of comprehensive effort to provide signage for Conservancy lands
- · regular fuels treatments and growing capacity
- · markedly enhanced land management data system
- · processing of license agreements and special uses

#### Weaknesses

- lack of an overarching plan
- weak description of link between urban lots and Basin-wide forest resilience
- increasing costs
- growing backlog of encroachments
- reduced inspection frequency (every two years)
- prolonged effort to complete land transfers with sister agencies
- insufficient staff

#### **Opportunities**

- obtain funding by better aligning federal and State priorities
- · augment role in forestry and land management
- complete longstanding acquisition priorities
- pilot innovative approaches to planning, regulation, and operations
- partner with adjacent jurisdictions to management urban lots and other lands cohesively
- increase environmental literacy in the Basin (repeat)

#### Threats

- escalating costs
- insufficient funding to fulfill desired land management responsibilities and facility operations and maintenance
- the long time it takes for a forest to grow and show structurally significant changes, when policy and funding want to see rapid change within five years
- climate change

#### 2012-2017 Strategy 4: Strengthen Conservancy Operations

#### Strengths

- widespread sense of significant systems improvements
- dedication of resources to professional development
- growing integration of land management and data systems

#### Weaknesses

- increasing dependency on volatile bond funding
- lack of sustainable funding
- · lack of time available for professional development
- · internal and external communications
- performance measures vary in precision, feasibility, and meaningfulness
- not-yet-complete integration of land management and data systems

#### **Opportunities**

- use strategic and operational plans to complement each other
- emphasize outcome-based performance measures
- enhance staff training and enhancement of collaborative capacity
- adopt financial innovations to make strategic initiatives easier
- integrate innovative technologies in land management and restoration
- · define organizational cultural values
- · improve website and social media presence
- improve integration of administrative and program staff
- ensure opportunities for upward career mobility

#### Threats

- retirements and associated loss of staff and institutional knowledge
- insufficient time for staff training and development
- lack of sufficient internal communication on project or program vision and strategy (repeat)
- lack of sufficient internal communication for smooth operations
- lack of sufficient internal coordination on complex contracts (repeat)

#### **External Threats**

- inaccessibility and less-thanwelcoming atmosphere for lowerincome populations in California
- dearth of affordable housing
- perennial need for conflict resolution among agencies
- statewide appreciation of and interest in the Basin less does not match high rates of visitorship
- gaps in statewide and State Legislature understanding of Conservancy role, importance, and achievements



## Appendix 3 Risks Analysis and Mitigation

In the context of this Plan, risk consists of the probability that an undesirable event will occur and disrupt implementation of the Plan. This appendix identifies risks associated with enacting the five goals. Common types of risk include environmental, economic and financial, political, and legal and regulatory. It also identifies how the Conservancy will attempt to mitigate these risks. Mitigating risk involves trying to minimize the probability of occurrence (through avoidance, analysis, etc.), monitoring trends, and rapidly responding to events.

Many risks recur across all five goals. This appendix therefore organizes information around common risk types, rather than around the strategies. For each type, a table illustrates which risks apply to which goals.

#### **1. Environmental Risks**

- A. Environmental disturbance such as a significant fire, insect or disease outbreak, flooding, snow and/ or water drought, and climate change
  - a. Mitigation: (1) reference the CAAP vulnerability assessment and other studies in planning and preparation; (2) build flexibility and adaptation into management; (3) monitor implementation and effectiveness of activities
- B. Project design does not perform as anticipated
  - a. Mitigation: monitor project effectiveness and manage adaptively

- C. High amount of recreational use impacts lands, resources, and facilities
  - a. Mitigation: promote recreational planning that anticipates and tracks trends, and innovates accordingly
- D. Lack of suitable property stock for land acquisition and land banking
  - a. Mitigation: employ skilled dealmakers to maximize limited opportunities

#### Table 4: Applicability of Environmental Risks to Strategies

Ris	k	<b>Goal 1</b> Steward Conservancy Lands and Protect Basin Communities from Wildfire	<b>Goal 2</b> Restore the Resilience of Basin Forests and Watersheds	<b>Goal 3</b> Provide Public Access and Outdoor Recreation for All Communities	<b>Goal 4</b> Foster Basin- wide Climate Change Adaptation & Sustainable Communities	<b>Goal 5</b> Strive for Organizational Learning and Excellence
Α.	Environmental disturbance	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	
В.	Project design performance	$\checkmark$	$\checkmark$			Integral to all
C.	High amount of recreational use	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	Conservancy work
D.	Lack of suitable property stock			$\checkmark$	$\checkmark$	

#### 2. Economic and Financial Risks

- A. Insufficient funding and revenue to sustainably meet acquisition, operations and maintenance (O&M), project, program, or staff costs. Internal sources of such risk include a looming increase in O&M obligations; facility aging; the need to redesign facilities or augment services in light of climate impacts; land transfer obligations; and rising and compounding encroachment resolution costs. External sources of risk include rising Basin real estate values; the complexity of land acquisition and land banking transactions; fluctuations in State and federal priorities, budgets, and grant-making; global market volatility; and climate change.
  - a. Mitigation: (1) analyze cost projections regularly; (2) implement Financial Sustainability

Principles; (3) build diversity and redundancy into signature project funding strategies; (4) integrate climate planning across programs; (5) employ skilled dealmakers to maximize limited opportunities

- B. Liability for a fire on Conservancy lands
  - a. Mitigation: (1) adhere to latest State fire safety regulations; (2) inspect Conservancy properties annually at minimum
- C. Change in State or federal fiscal procedures or requirements
  - a. Mitigation: rapidly assess and respond to fiscal and operational impacts to the Conservancy

Risk		<b>Goal 1</b> Steward Conservancy Lands and Protect Basin Communities from Wildfire	<b>Goal 2</b> Restore the Resilience of Basin Forests and Watersheds	<b>Goal 3</b> Provide Public Access and Outdoor Recreation for All Communities	<b>Goal 4</b> Foster Basin- wide Climate Change Adaptation & Sustainable Communities	<b>Goal 5</b> Strive for Organizational Learning and Excellence
A.	Insufficient funding and revenue	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$
В.	Liability for fire	$\checkmark$	$\checkmark$			
C.	Change in State or federal fiscal procedures					$\checkmark$

#### Table 5: Applicability of Economic and Financial Risks to Strategies

#### **3. Political Risks**

- A. Disagreements with peer agencies, stakeholders, or the public over the best policy, project, and programmatic choices and decisions
  - a. Mitigation: (1) communicate early and often;
    (2) clearly explain rationales for decisions;
    (3) uphold public participation standards; (4) pursue good faith, interest-based negotiations;
    (5) measure and report on performance
- B. Liability for a fire on Conservancy lands (same as Risk 1-A)
  - a. Mitigation: same as for Risk 1-A

- C. Decline in Lake clarity
  - Mitigation: acknowledge the non-linear dynamism and uncertainty inherent in complex adaptive systems, and the need for corresponding humility about the ability to control nature
- D. Sensitivity around housing policy, availability, and affordability
  - a. Mitigation: same as for Risk 3-A

Ris	;k	<b>Goal 1</b> Steward Conservancy Lands and Protect Basin Communities from Wildfire	<b>Goal 2</b> Restore the Resilience of Basin Forests and Watersheds	<b>Goal 3</b> Provide Public Access and Outdoor Recreation for All Communities	<b>Goal 4</b> Foster Basin- wide Climate Change Adaptation & Sustainable Communities	<b>Goal 5</b> Strive for Organizational Learning and Excellence
A.	Disagreements	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	
В.	Liability for a fire (repeat)	$\checkmark$	$\checkmark$			Integral to all
C.	Decline in Lake clarity		$\checkmark$			Conservancy work
D.	Sensitivity around housing				$\checkmark$	

#### Table 6: Applicability of Political Risks to Strategies

#### 4. Regulatory and Legal Risks

- A. Difficulty building consensus over the development of regulations
  - a. Mitigation: same as for Risk 3-A
- B. Complexity, overlap, and potential conflict between numerous Basin, federal, and state laws
  - a. Mitigation: (1) ensure professional compliance training; (2) provide managerial oversight; (3) implement regulatory compliance monitoring plans
- C. Financial and staff resource costs of litigation, including encroachment resolution
  - a. Mitigation: carefully weigh risks and costs when prioritizing specific cases and making

litigation decisions

- D. Federal changes in environmental budgeting and policy including, for example, the National Environmental Policy Act, Endangered Species Act, Roadless Area Conservation Rule, Clean Power Plan, and the U.S. Environmental Protection Agency's legal authority to regulate greenhouse gas emissions
  - a. Mitigation: (1) track federal policy deliberations;
    (2) obtain professional advice regarding how to integrate in Conservancy decision-making, when applicable

Ris	sk	<b>Goal 1</b> Steward Conservancy Lands and Protect Basin Communities from Wildfire	<b>Goal 2</b> Restore the Resilience of Basin Forests and Watersheds	<b>Goal 3</b> Provide Public Access and Outdoor Recreation for All Communities	<b>Goal 4</b> Foster Basin- wide Climate Change Adaptation & Sustainable Communities	<b>Goal 5</b> Strive for Organizational Learning and Excellence
A.	Difficulty building consensus over regulations	$\checkmark$	1	1	$\checkmark$	
B.	Complexity, overlap, and conflict of laws	$\checkmark$	$\checkmark$			Integral to all Conservancy work
C.	Litigation costs	$\checkmark$				
D.	Federal budgeting and policy changes	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	

#### Table 7: Applicability of Regulatory and Legal Risks to Strategies



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California Tahoe Conservancy Agenda Item 7 December 13, 2018

## CONSERVANCY ENABLING LEGISLATION

Staff would like to engage with the Board on the process of developing and seeking updates to the Conservancy's enabling legislation. (Government Code, §§ 66905–66908.3.) Staff and the Board worked closely in 2018 to develop the Conservancy's Strategic Plan for 2018-2023, and staff believes now is an opportune time to consider how the Conservancy's enabling legislation can be amended to most effectively facilitate the goals outlined in the Strategic Plan. Additionally, the change in California's executive administration provides an opportunity to educate and engage with the new administration on issues that are important to the Conservancy.

The Conservancy's enabling legislation has not been thoroughly updated in upwards of thirty years despite major changes in Statewide priorities and evolution of Conservancy programs, roles, and partnerships. Indeed, the Conservancy's authorities under the current enabling legislation remain heavily focused on land acquisitions and other land transactions. While these authorities are consistent with the Conservancy's original role in implementing the Lake Tahoe Acquisitions Bond Act of 1982, the Conservancy now regularly undertakes a broader array of initiatives to enhance the natural and recreational resources of the Lake Tahoe Basin (Basin).

The Conservancy has made minor updates to the enabling legislation in recent years focused on narrow issues. For example, in 2017, the legislature addressed a discrete issue regarding incompatible office concerns with certain Board membership. (Assem. Bill No. 1191 (2017-2018 Reg. Sess.) §§ 1-2 [amending Gov. Code, § 66906.1].) Likewise, in 2016, the legislature added the advancement of State planning priorities, consistent with Proposition 1 (2014) mandates, to the purposes for which the Conservancy is authorized to sell, exchange, or transfer land. (Assem. Bill No. 1004 (2015-2016 Reg. Sess.) § 1 [amending Gov. Code, § 66907.8].) At this time, staff believes more holistic revisions are needed to more effectively drive the Conservancy's current and anticipated strategic efforts going forward.

The legislative updates staff proposes to develop can be grouped into three main categories. The first category consists of amendments to more clearly affirm the Conservancy's role in advancing various Statewide priorities, including climate change,

ecosystem resiliency and adaptation, water quality and storm water management, wildfire prevention and forest health, sustainable communities, and community access to recreation. These priorities would be acknowledged in various sections of the enabling legislation to confirm they are valid drivers of Conservancy action.

The second category consists of amendments to better align the Conservancy's enabling legislation with the Conservancy's current programs and other regional and Basin-wide efforts. For example, the enabling legislation could be amended to more directly identify Conservancy programs and collaborative partnerships such as advancement of Regional Plan goals, the Environmental Improvement Program, and the Lake Tahoe Total Maximum Daily Load Program. More direct legislative recognition of Conservancy programs and partnerships could help focus and substantiate the Conservancy's highest strategic priorities.

Finally, the third category consists of amendments to address various housekeeping and other miscellaneous issues. Examples include updating outdated terminology (*e.g.*, changing the unused term "basinwide management plan" in Government Code section 66907.10 to regional and area plans), removing unnecessary restrictions (*e.g.*, replacing the language in Government Code section 66908.3 that limits county use of half of the Conservancy-provided lease revenue to funding "soil erosion control projects" with broader language such as "projects consistent with" the purposes of the enabling legislation), and resolving inconsistencies (*e.g.*, removing duplicative code sections).

Staff requests Board discussion and input on the process of developing and seeking updates to the Conservancy's enabling legislation. As a possible next step, staff proposes engaging with the Board's Legislative Committee to begin the process of developing such updates.

## **Conservancy Staff Contact**

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California Tahoe Conservancy Agenda Item 8 December 13, 2018

## CONSERVANCY BOARD PROCEDURES

California Government Code section 66906.4 authorizes the governing body (Board) of the California Tahoe Conservancy (Conservancy) to adopt its own rules, regulations, and procedures. During the Board's March 14, 2018 meeting, the Board's Operations Committee advised the Board that it would lead an effort to draft procedures for Board meetings and other matters of Board administration. The Operations Committee has completed draft procedures (Attachment 1), which it now presents for the Board's consideration.

Meetings of the Conservancy Board are subject to the Bagley-Keene Open Meeting Act (Bagley-Keene Act) (Gov. Code, §§ 11120-11132.) The draft procedures consolidate applicable rules of the Bagley-Keene Act and establish clear and understandable protocols for the activities of the Board and Conservancy staff. While many of the procedures reflect legal requirements of the Bagley-Keene Act, others would constitute the Conservancy's own policy. The Conservancy's attorneys and assigned Deputy Attorney General have reviewed the draft procedures for legal consistency.

The topics covered in the draft procedures include:

- Board membership, responsibilities, committees, Board Chair and Vice Chair;
- frequency and location of Board meetings;
- Board actions, including quorum, voting, resolutions and motions;
- public notice and agenda;
- public participation;
- specific types of agenda items;
- meeting adjournment;
- meeting minutes and transcripts;
- teleconference meetings;
- Board member alternates;
- Board members' use of electronic devices during meetings;
- special and emergency meetings;
- closed sessions;
- meeting accessibility;
- communications and Public Records Act; and

• conflicts of interest and training requirements.

The Board must adopt the procedures, and any subsequent amendments thereto, during a regular Bboard meeting. The Operations Committee is bringing the draft procedures to the Board for its consideration, and welcomes Board member discussion. A resolution is attached in the event the Board chooses to adopt the draft procedures (Attachment 2).

## List of Attachments

Attachment 1 – Conservancy Board Procedures Attachment 2 – Resolution 18-12-06

#### **ATTACHMENT 1**

#### CONSERVANCY BOARD PROCEDURES

## Section 1. Purpose of Procedures

#### (a) General

The California Tahoe Conservancy ("Conservancy") is a State agency governed by a board and created by statute to exercise certain delegated authorities under Title 7.42 of the California Government Code. (Gov. Code, §§ 66905-66908.3.) The meetings of the Conservancy's governing body ("Conservancy Board" or "Board") are subject to the Bagley-Keene Open Meeting Act ("Bagley-Keene Act") (Gov. Code, §§ 11120-11132.) In general and subject to certain limited exceptions, the Bagley-Keene Act ensures the Conservancy Board's deliberations and actions are taken in an open public forum. These policies and procedures ("Procedures") provide for the orderly and effective conduct of the Conservancy Board. Many of the procedures reflect legal requirements of the Bagley-Keene Act. The remaining substance constitutes Conservancy policy regarding matters of internal management. These Procedures do not replace legal requirements in statute or regulation, which take precedence in the event of any inconsistency.

#### (b) Adoption and Amendment

These Procedures, and any subsequent amendments, shall be adopted through Board action during open session at a regular Board meeting. Government Code section 66906.4 authorizes the Board to adopt Procedures.

#### Section 2. The Conservancy Board

(a) Board Members

The Conservancy Board consists of seven voting members and one non-voting exofficio member (Gov. Code, § 66906.1.) Each voting member of the Conservancy Board shall represent the State of California and the Conservancy while serving in such capacity at meetings of the Conservancy Board. The ex-officio member shall participate in the activities of the Conservancy Board to the extent that participation is not incompatible with his or her position as a federal employee. All Board members shall discharge their duties in good faith.

#### (b) Responsibilities of the Conservancy Board

The Board is the governing body of the Conservancy, which the legislature created to lead California's effort in restoring and sustaining a balance between the natural and human environment and between public and private uses at Lake Tahoe. The Board is responsible for setting the strategic priorities of the Conservancy and for authorizing the adoption and implementation of various actions to fulfill the Conservancy's

statutory mission. The Board also plays an important role in strengthening the Conservancy's ties with local governments in the Lake Tahoe region, other State agencies, and the hundreds of thousands of California residents who visit the Lake Tahoe region each year.

## (c) Board Chair and Vice Chair

## (1) Election

The voting Board members shall elect, by simple majority of the present voting members, a Chair who shall preside at all meetings of the Board, and a Vice Chair to preside in the absence of the Chair. The terms of office for the Chair and Vice Chair shall be no longer than two years. (Gov. Code, § 66906.3.) The election of the Chair and Vice Chair shall appear on the Board meeting agenda for a Board meeting prior to the expiration of the two-year term. The election shall be held pursuant to an agendized item at a meeting of the Conservancy Board. The Chair and Vice Chair are always eligible for re-election so long as they are members of the Board.

All references to "Chairman" in the Conservancy's Administrative Regulations or other Conservancy documents shall be equivalent to "Chair" for purposes of these Procedures.

## (2) Duties

In addition to presiding at and leading Board meetings, the Chair shall serve as the primary spokesperson for the Board, execute on behalf of the Conservancy any documents requiring such execution, consult with the Conservancy's Executive Director on matters and decisions of importance that arise between meetings and require immediate attention, and exercise and perform any such other powers and duties prescribed herein or as may from time to time be assigned to the Chair by the Board. The Chair shall decide all questions of order at all meetings of the Board, subject to the action of a majority of the voting members present at the meeting.

When the Chair is absent, the Vice Chair presides at Board meetings and performs any other duties of the Chair that cannot reasonably await the Chair's return.

#### (3) <u>Relief of Duties</u>

The Chair and Vice Chair may be relieved of their duties as such by the affirmative vote of a majority of the voting Board members present.

#### (4) Chair Pro Tempore

In the event of the absence or inability to act of the Chair and Vice Chair, the voting members present at any meeting of the Board, by order entered in the minutes,

shall select one of the voting members to act as Chair Pro Tempore, who, while so acting, shall have all of the authority of the Chair.

## (d) Board Committees

## (1) Establishment

Board committees may be established by the Chair, or by resolution of the Board, during the open session of any regular Board meeting. When a committee is established, the Chair or Board resolution shall specify the committee's subject matter area, period of existence (if any), and membership.

Unless otherwise provided in an adopted resolution of the Board, Board committees may serve in an advisory capacity only, make any recommendations to the full Board in open session of a regular Board meeting, and may not provide independent direction to Conservancy staff or consultants outside of a scheduled Board meeting. Any delegation of power to a committee shall be made by resolution of the Board. The resolution shall set forth the power delegated to the committee, the term of existence (if any) of the delegation, and the membership (which must consist of two or more members).

## (2) <u>Committee Meetings</u>

Advisory committees consisting of no more than two persons are not subject to the requirements of the Bagley-Keene Act. To ensure compliance with the Bagley-Keene Act, only Board members who are a member of a two-person advisory committee may participate in such a committee.

Any committees with delegated power and any committees consisting of three or more persons are subject to the requirements of the Bagley-Keene Act. (Gov. Code, § 11121.) The meetings of such committees shall comply with the notice and agenda requirements set forth in Section 5, and be open to and allow for public participation from members of the public in accordance with Sections 6 and 15. In addition, any committee described in this paragraph shall be identified on the Conservancy's public website along with a description of that committee's subject matter and delegated power (if any).

An advisory committee of three or more members that intends to hold a teleconference meeting shall comply with section 11123.5 of the Government Code, which provides teleconference procedures specific to advisory committees subject to the Bagley-Keene Act.

#### (3) Committee Updates

All Board committees shall provide updates regarding any committee deliberations and recommendations, and, in the case of a committee with delegated powers, any formal actions taken, during the portion of regular Board meetings reserved for Board member comment or other appropriate time during the open session of the meeting.

(4) Dissolution

Committees may be dissolved by the Chair, or by resolution of the Board, during the open session of any regular Board meeting.

## Section 3. Regular Board Meetings

(a) General

Any congregation of a majority of the members of the Conservancy at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Conservancy constitutes a "meeting" for purposes of the Bagley-Keene Act, and is therefore subject to the Bagley-Keene Act's requirements. (Gov. Code, § 11122.5(a).)

(b) Frequency

Unless otherwise specified, the Board shall meet no less than four times per year, or as needed, subject to weather or other conditions that may render a meeting impracticable.

(c) Meeting Location

The Conservancy shall generally vary the locations of its meetings between the north and south areas of the Lake Tahoe Basin within the State of California, but may occasionally hold a meeting outside the Lake Tahoe Basin. Meetings must be held in California, except that teleconference meeting locations may be allowed anywhere provided consistency and compliance with Section 11 of these Procedures and the Bagley-Keene Act (Gov. Code, § 11123).

## Section 4. Quorum and Voting

The Chair shall commence all meetings with a roll-call reflecting the attendance of Board members. A majority of the total voting membership of the Conservancy (*i.e.*, at least four voting Board members) shall constitute a quorum for all meetings and the transaction of Conservancy business. (Gov. Code, § 66906.4.) Provided the existence of a quorum, a majority vote of the members present is required for any formal action taken by the Conservancy, except a request to the State Public Works Board to exercise the power of eminent domain pursuant to Government Code section 66907.5, which shall require five affirmative votes (Gov. Code, § 66906.4.) The ex-officio Board member is not a voting member and does not count toward a quorum.

A majority vote of a quorum (or the affirmative vote of five Board members when required under Government Code section 66906.4) is binding with respect to the matters acted on by the Board. If a quorum is not present at the commencement of a duly noticed Board meeting, those members who are present may convene as a committee of the whole for

the purposes of discussing matters appearing on the agenda for that meeting. The committee may submit recommendations to the Board when a quorum is present.

Any Board action requiring a vote may be initiated by motion for approval from any Board member, and seconded by another Board member. Following a seconded motion, the Chair must proceed with discussion and a vote using either the roll-call or collective voice method, as specified below. In all cases, the meeting minutes shall reflect how each individual Board member voted on each action.

## (a) Roll-call vote

When the Chair requests a roll-call vote, each individual Board member must indicate their vote ("aye/yes," "nay/no," or "abstain") following the call of their name by the Board clerk (who may be a designated Conservancy staff member). A roll-call vote is required for any action taken during a meeting held by teleconference as described in Section 11, any action taken during an emergency meeting described in Section 13, and any action taken during a closed session involving personnel actions as described in Section 14. (See Gov. Code, §§ 11123, subd. (b)(1)(D); 11125.5, subd. (d); 11125.2.) A roll-call vote may also be the superior method for tracking Board votes on more controversial or complex agenda items.

#### (b) Collective voice vote

When a vote by roll-call is not required, the Chair may conduct the vote by asking "all in favor," with those in favor collectively saying "aye/yes"; asking "all opposed," with those opposed collectively saying "nay/no"; and asking "all who abstain," with those abstaining members saying "abstain." The Chair shall state the outcome of the collective voice vote with sufficient detail to discern how each member voted. For example, "the motion passes unanimously," or, "the motion passes 4-2, with Board members C and D voting "nay" and Board member E abstaining."

## Section 5. Public Notice and Meeting Agenda

## (a) <u>General</u>

Conservancy staff shall provide public notice of Board meetings to any person who has requested such notice in writing. (See Gov. Code, § 11125; Cal. Code Regs., tit. 14, § 12060.) This subsection shall not apply to special meetings and emergency meetings described in Section 13 of these Procedures, which have their own notice requirements. (See Gov. Code, §§ 11125.4, subd. (b), and 11125.5, subd. (c), respectively.)

The notice requirements set forth herein and in the Bagley-Keene Act do not supplant or address the notice requirements of other laws such as the California Environmental Quality Act (CEQA), which may additionally apply to certain Conservancy projects.

## (b) Form of Notice

The required notice shall consist of the meeting agenda, which shall identify the date, time and location of the meeting, and list and sufficiently describe each item of business to be acted upon, transacted, or discussed at the meeting. The agenda shall identify the Conservancy staff-person who can provide further information prior to the meeting. The agenda shall also include the Conservancy's website address where materials related to the Board meeting can be accessed.

#### (c) Method and Timing of Notice

Notice shall be sent by electronic mail (e-mail) and/or post-marked using first class mail no less than ten days prior to the meeting. (See Cal. Code Regs., tit. 14, § 12060.) Additionally, Conservancy staff shall post the notice on the Conservancy's public website no less than ten days prior to the meeting.

#### (d) Setting the Agenda

In general, the Executive Director and Conservancy staff set the Board meeting agenda with consultation from the Chair. Additionally, as a standing agenda item before the adjournment of each regular meeting, the Executive Director or a designee shall identify anticipated agenda items for the Board's next meeting. At such time, Board members may comment on anticipated items and suggest additional items for consideration.

## (e) Adding Items to the Agenda within Ten Days of a Meeting.

Except in very limited circumstances set forth in section 11125.3 of the Bagley-Keene Act and restated in paragraphs (1) and (2) of this subsection, the Conservancy may not add items to the agenda subsequent to its distribution in fulfillment of the public notice requirements. If an exception applies and an item is added to the agenda within ten days of the meeting, the Conservancy shall provide notice of the additional item in accordance with subsections (a)-(c) of this Section as soon as practicable after the item is added. In addition, the Conservancy shall provide notice in a manner that allows it to be received by the Board and by any newspapers of general circulation, significant online news media outlets, and radio or television stations serving the Lake Tahoe Basin, at least 48 hours before the time of the meeting specified in the notice, in accordance with Government Code section 11125.3, subdivision (b).

## (1) Emergency

An item may be added to an agenda within ten days of a Board meeting if an emergency situation (as defined herein) exists, and a majority of the voting Board members present confirm such a finding during open session of the meeting at which the additional matter is to be considered. For purposes of this paragraph, an "emergency situation" is limited to, (i) "work stoppage or other activity that severely impairs public health or safety, or both"; or (ii) a "crippling disaster that severely

impairs public health or safety, or both." (Gov. Code, §§ 11125.3, subd. (a)(1), 11125.5, subd. (b).)

(2) Need for Immediate Action on a Late Matter

An item may be added to an agenda within ten days of a Board meeting if there is a need for immediate action that comes to the attention of the Board after the agenda was distributed, and provided that at least two-thirds of all the voting Board members (*i.e.*, at least five voting members) confirm such a finding during open session of the meeting at which the additional matter is to be considered. If less than five voting members are present at the meeting, then a unanimous vote of the voting members present is required. (Gov. Code, § 11125.3, subd. (a)(2).)

## (f) Order of Proceedings

The Board will generally consider items as ordered on the noticed agenda. Upon request or subject to the Chair's discretion, the order of the items on the agenda may be altered for any particular meeting.

## Section 6. Public Participation

Board meetings shall be open to the public, except for closed sessions permitted under the Bagley-Keene Act and described in Section 14. The Conservancy supports the right of all interested persons to comment on matters before the Board.

(a) Board Materials and Presentations

Board members will review all materials that are provided or submitted to them in advance of the Board meetings. All Board materials, such as staff recommendations, discussion item updates, attachments, exhibits, PowerPoint presentations, written public comments, and other agenda materials, are a part of the administrative record for the appropriate item and shall be maintained by Conservancy staff at the Conservancy's office in electronic and/or hard-copy form. Absent applicable legal exemptions from public disclosure (*e.g.*, materials related to closed sessions, attorney-client communication, sensitive personal information), the public or any other interested person may obtain such materials from the Conservancy's public website, the Conservancy's office, or at the Board meeting (including teleconference meeting locations) where Conservancy staff shall have at least one copy of the materials available for public inspection.

(b) Public Comment

The Board shall allow for public comment during the open session of Board meetings on all matters on the agenda. The Chair should generally invite public comment after Conservancy staff presents but before the Board takes action on an item requiring Board action. Additionally, the Board shall provide at least one opportunity for members of the public to comment on items not on the agenda. The Board shall not prohibit public criticism of the policies, programs, or services of the Conservancy, or of the acts or omissions of the Conservancy.

The Chair may impose reasonable limits on the amount of time allocated for public comment on particular issues and for each individual speaker. Although the Chair may request that members of the public attending or intending to comment at a meeting write their name on the meeting sign-in sheet, the sign-in sheet must clearly state that signing-in is optional, and signing-in shall not be a prerequisite to attending or speaking at the meeting. (Gov. Code, § 11124.)

The Conservancy shall accept any written comments from the public on any matter, whether or not appearing on the meeting agenda. All written comments received prior to the Board meeting will be included in the materials provided to all Board members in advance of the meeting, or in the materials provided to all Board members on the day of the meeting, depending on when Conservancy staff receive the comments. Written comments received on the day of the meeting shall be directed to the Chair. If time allows, the Chair may recite or summarize each written comment at the appropriate time during the meeting, whether or not the person who submitted the comment is in attendance.

The Conservancy shall treat all public comments as part of the record. Oral comments may be summarized in the meeting minutes, but, provided they are made during the indoor setting of a regular meeting, oral comments will be recorded and fully reflected in the meeting transcripts consistent with Section 10 of these Procedures.

## (c) <u>Responding to Public Comments</u>

At the Board meeting, members of the public are provided an opportunity to comment and express their views to the Board. There is no obligation for the Board or Conservancy staff to substantively respond to a public comment, including one that is directed at the Board or staff in the form of a question.

## (d) Removal of Disruptive Persons

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Individuals and representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this subsection. (Gov. Code, § 11126.5.)

## Section 7. Specific Agenda Items

#### (a) Consent Calendar

In preparing the agenda for any meeting of the Board, the Executive Director may, subject to any input the Chair elects to provide, designate agenda items to be placed on a consent calendar. Items on the consent calendar do not receive specific discussion or comment at Board meetings. The consent calendar is therefore only appropriate for items expected to be routine, non-controversial, and not involving an action subject to CEQA (*i.e.*, items exempt from CEQA or to which CEQA is not applicable). (See Cal. Code Regs., tit. 14, § 12063.) Items that may be appropriate for the consent calendar include, but are not limited to, approval of meeting minutes, approval of non-controversial long-term license agreements, and approval of real property acquisitions where staff and the prospective seller are in agreement and the Conservancy has received no comments indicating any opposition to or controversy over the matter. (Ibid.)

The Board may take action on items on the consent calendar without any substantive discussion. If any Board member or other interested party or member of the public requests public comment or substantive discussion of a consent item, the item shall be removed from the consent calendar and taken up in the regular agenda in an order determined by the Chair.

(b) Discussion Items

Discussion items may involve staff presentations and updates to the Board, but may not result in any binding Board action. The Board shall allow public comment and Board discussion on discussion items.

#### (c) Executive Director's Report

Board meeting agendas shall contain a standing item for the Executive Director's Report, consisting of general updates regarding any relevant matters. Such matters may include updates on Conservancy initiatives, legislative developments, budget and accounting updates, special use authorizations, staff-related announcements, and community events. The Executive Director shall include in the materials provided to the Board a written report to supplement the report given at the meeting.

#### (d) Chair's Report and Board Member Comment

Board meeting agendas shall contain a standing item for a Chair's Report, and for Board member comment. The Chair's Report provides an opportunity for the Chair to update the Board, staff, and members of the public on any relevant matter. The Board member comment may include updates from Board committees or individual Board members.

## (e) Board Tours

In response to Board member direction, or upon the Executive Director's own initiative, the Executive Director may arrange for the Board to tour any site of or related to any Conservancy project, initiative, or any matter coming before or anticipated to come before the Board. All Board tours involving four or more voting members of the Board shall appear on a meeting agenda and comply with the public notice requirements of the Bagley-Keene Act and these Procedures. The Board may not take, adopt, or otherwise vote on any action during a Board tour.

Board tours described in this Section shall be open to members of the public. While the opportunity for members of the public to provide comment shall not be denied during a Board tour, Board tours, including public comments provided therein, will not be recorded or transcribed absent specific direction from the Chair involving special circumstances. Accordingly, the Chair may encourage the public to provide any comments prior to or following the Board tour.

## Section 8. Resolutions and Motions

For the sake of clarity, all Board actions shall be memorialized in the form of a resolution. Adopted resolutions shall be signed and certified by the Executive Director and maintained with the meeting minutes as the official record of actions taken by the Conservancy. Notwithstanding this Section, an action otherwise duly voted upon and taken by the Board is not invalid by reason of a failure to act in the form of a resolution.

## Section 9. Meeting Adjournment

All regular meetings of the Board shall be concluded by order of adjournment entered by the Chair, Vice Chair, or any member of the Board, in that order depending on their attendance at the time of adjournment. If all members of the Board become absent during the course of a meeting, the Board clerk shall enter the order of adjournment.

If the Board seeks to adjourn and reconvene the meeting at a subsequent date and time to continue the same meeting agenda, a copy of the order of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment. The posted order of adjournment shall state the time and place to which the meeting is adjourned. (See Gov. Code, § 11128.5.)

## Section 10. Meeting Minutes and Transcripts

The Conservancy shall electronically record the audio of all Board meetings, except that the recording of closed sessions permitted under the Bagley-Keene Act shall be at the discretion of the Chair. The Conservancy will retain audio recordings of all open session meetings for two years from the date of each meeting, and shall make such recordings available for public inspection upon request. The Conservancy will generally order certified transcripts to facilitate preparation of the meeting minutes. Members of the public may also record and/or broadcast Conservancy meetings (audio and/or video) at their

own expense unless doing so results in a persistent disruption of the meeting (in which case the Chair may ask such recording to stop).

Conservancy staff shall prepare accurate written minutes summarizing the actions taken at each meeting. The minutes shall be subject to Board approval at the following Board meeting. After approval, the minutes shall be signed and certified by the Executive Director, and thereafter available to the public at the Conservancy's offices during normal business hours. The approved meeting minutes shall be the official record of actions taken by the Conservancy at any meeting.

## Section 11. Teleconference and Alternate Procedures

Board members are expected to attend all Board meetings in person. Board meetings are an infrequent occurrence that provide a valuable opportunity for Board members, Conservancy staff, stakeholders, partner organizations, and the public to convene together in one location while conducting Conservancy business. In-person attendance at Board meetings is incumbent upon Board members as the primary leaders of California's efforts within the Lake Tahoe Basin. Subject to the limitations of this Section, however, teleconference meetings and alternate Board member attendance may nevertheless be allowed as a substitute when in-person attendance is impracticable.

#### (a) <u>Teleconference Meeting</u>

Teleconference accommodation (*i.e.*, audio or audio/video conferencing) for any Board member who cannot attend a meeting in person may be allowed on a case-by-case and irregular basis, provided, however, that any request for a teleconference meeting be made at least fourteen days in advance of the scheduled date of the meeting. Requests for teleconference accommodation should be made to the Executive Director, who shall consult with the Chair in determining whether to grant the request. An untimely request for teleconference accommodation may be excused only if the reason for the request arose within fourteen days of the meeting, and provided the accommodation does not cause logistical difficulty. Teleconference meeting locations must be open to the public and in compliance with the Americans with Disabilities Act, as further specified in Section 15 of these Procedures. The Board member requesting teleconference accommodation is responsible for identifying the teleconference location, and confirming its suitability and availability, as part of the request for such accommodations.

The Conservancy shall post agendas at all teleconference locations. The agenda shall identify all teleconference location(s) and note that all such locations are open to any members of the public who wish to attend the meeting at the teleconference location. Members of the public attending the meeting at a teleconference location must be allowed an opportunity to provide comment. Conservancy staff shall ensure that all materials provided to the Board are available at the teleconference meeting for public review. All Board member voting during a teleconference meeting shall be by roll-call. At least one member of the Board should remain physically present at the

teleconference location(s) specified in the agenda, and the teleconference location(s) shall remain open to members of the public, throughout the entirety of the meeting.

As noted in Section 2, the Bagley-Keene Act contains special rules for teleconference meetings of advisory committees subject to the Bagley-Keene Act (*i.e.*, advisory committees with three or more members) (*See* Gov. Code, § 11123.5.) Those rules should be consulted in the event such a committee intends to hold a teleconference meeting.

(b) Board Member Alternates

Alternate Board members may serve at a Board meeting if the appropriate corresponding appointing body (*i.e.*, the City Council of the City of South Lake Tahoe, the Board of Supervisors of the Counties of El Dorado and Placer, and the Senate Committee on Rules) or the individual empowered to send a designee (*i.e.*, the Secretary of the Natural Resources Agency, the Director of Finance, and the Speaker of the Assembly) designates the alternate in writing. Board members may not designate their own proxies to attend meetings in their stead. All limitations applicable to Board membership under Government Code section 66906.1 apply to Board member alternates. The rules and procedures for new members set forth in Section 17 apply to alternate members. Upon request from Conservancy staff, duly designated alternates shall provide evidence of their designation for recordkeeping purposes.

## Section 12. Use of Electronic Devices

Board members shall not access laptops, phones, or other electronic devices for any purpose other than to view meeting materials. Any Board member who needs to use an electronic device for any other purpose shall excuse him or herself from the meeting and return once they are finished. Any use of an electronic device for direct communication with another Board member during a meeting to develop concurrence as to action to be taken on an item is strictly prohibited under these Procedures and may constitute a violation of the Bagley-Keene Act. (Gov. Code, § 11122.5, subd. (b).)

The Conservancy provides Conservancy-owned electronic tablets for Board members to access and review Board materials during Board meetings. Board members are strongly encouraged to use the Conservancy-owned tablets for Conservancy business during Board meetings. The existence of Board materials, notes, and other Conservancy-related records on a Board member's personal electronic device may subject that device to review and inspection in the event of litigation discovery or Public Records Act requests.

## Section 13. Special and Emergency Meetings

## (a) Special meetings (Gov. Code, § 11125.4)

The Chair or a majority of all voting members of the Board may call a special meeting at any time. A special meeting may only be called for one of the following purposes where compliance with the ten-day notice provisions of Section 5 would impose a substantial hardship on the Conservancy or where immediate action is required to protect the public interest: to consider pending litigation, as that term is defined in Government Code section 11126, subdivision (e); to consider proposed legislation; to consider issuance of a legal opinion; to consider disciplinary action involving a State officer or employee; to consider the purchase, sale, exchange, or lease of real property; to consider license examinations and applications; to consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code; to consider its response to a confidential final draft audit report as permitted under Government Code section 11126.2; or to provide for an interim executive officer upon the death, incapacity, or vacancy in the office of the executive officer.

When a special meeting is called, the Conservancy shall provide notice of the special meeting to each Board member and to all parties that have requested notice of Conservancy Board meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the Board members, and by any newspapers of general circulation, significant online news media outlets, and radio or television stations serving the Lake Tahoe Basin, at least 48 hours before the time of the special meeting specified in the notice. Notice shall also be made available on the Conservancy's public website within the time periods required by this Section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the website where the Conservancy's notices are made available. No other business shall be considered at a special meeting.

At the commencement of any special meeting, the Board must make a finding in open session that the delay necessitated by providing notice ten days prior to a meeting would cause a substantial hardship on the Conservancy or that immediate action is required to protect the public interest. The finding shall set forth the specific facts that constitute the hardship to the Conservancy or the impending harm to the public interest. The finding shall be adopted by a two-thirds vote of the Board, or, if less than two-thirds of the members are present, a unanimous vote of those members present. The finding shall also be made available on the Conservancy's public website. Failure to adopt the finding terminates the meeting.

#### (b) Emergency meetings (Gov. Code, § 11125.5)

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a State body may hold an emergency meeting without complying with the ten-day notice requirement of Section 5 or the 48-hour notice requirement applicable to special meetings under subsection (a) of this Section.

For purposes of this Section, "emergency situation" means either a "work stoppage or other activity that severely impairs public health or safety, or both"; or a "crippling disaster that severely impairs public health or safety, or both." (Gov. Code, § 11125.5, subd. (b).) A majority of the Board must make a determination that an emergency situation exists during a meeting prior to the emergency meeting, or at the beginning of the emergency meeting.

Newspapers of general circulation, online news media outlets, and radio or television stations that have requested notice of Conservancy Board meetings shall be notified by the Chair, or a designee thereof, by telephone at least one hour prior to the emergency meeting. Notice shall also be made available on the Conservancy's public website as soon as practicable after the decision to call the emergency meeting has been made. If telephone services are not functioning, the notice requirements of this Section shall be deemed waived, and the Chair, or a designee thereof, shall notify those newspapers, online news media outlets, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

The minutes of an emergency meeting, a list of persons who the Chair, or a designee thereof, notified or attempted to notify, a copy of the roll-call vote, and any action taken at the meeting shall be posted for a minimum of ten days in a public place, and also made available on the Conservancy's public website for a minimum of ten days, as soon after the meeting as possible.

#### Section 14. Closed Session

The Board must discuss all agenda items in open session unless the subject matter falls within one of the limited closed session exceptions listed below. (Gov. Code, § 11126.) The Board must hold closed sessions during regular or special Board meetings. (Id., § 11128.) The notice and agenda requirements set forth in Section 5 apply to closed sessions.

#### (a) General Procedures

Pursuant to the Bagley-Keene Act, the Board must comply with specific closed session procedural requirements. The meeting agenda shall disclose the general nature of items the Board will discuss in the closed session and cite the statutory authority which authorizes the closed session. The Chair must publicly announce the general nature of the issues that the Board will discuss in closed session before the closed session occurs, which may take the form of a reference to the items or items as listed on the agenda (see below for additional requirements related to the pending litigation exception) (Gov. Code, § 11126.3, subd. (a).) The Board may only discuss matters covered by the disclosure in closed session.

The Board is required to keep minutes during closed session. Closed session minutes shall be kept confidential. The Board shall designate a clerk, officer, or employee to keep minutes during closed session.

After a closed session, the Board must reconvene in open session. At that time, the Board may report out any decision it made during closed session. The only instance in which the Board is required to make a report is when it decides to hire or dismiss a public employee.

#### (b) Closed Session Exceptions

## (1) Personnel Exception (Gov. Code, § 11126, subd. (a)(1))

The purpose of the personnel exception is to protect the privacy of an employee subject to Board review, and to allow the Board to speak candidly. The Board may only consider certain subject matters relating to employees during closed session under the personnel exception, including appointments, employment, evaluation of performance, discipline or dismissal, or complaints about an employee's actions. The Board may not discuss employee compensation in closed session.

#### (2) Pending Litigation Exception (Gov. Code, § 11126, subd. (e)(1))

The purpose of the pending litigation exception is to permit the agency to confer with its attorney when it would otherwise prejudice the position of the agency in the litigation. The pending litigation exception allows closed sessions to discuss pending litigation but it also permits an agency to hold a closed session to discuss proposed settlement of pending litigation. Litigation is pending if 1) the agency is a party to existing litigation, 2) the agency has substantial exposure to litigation, or 3) the Board is meeting to determine whether to initiate litigation. Legal counsel must be present during the entire pending litigation closed session. The pending litigation exception covers the legal counsel's advice and the discussion around making litigation decisions.

Legal counsel must also prepare a memorandum stating the reasons and legal authority for the litigation and the title of the litigation unless it would jeopardize service of process or the ability to conclude settlement negotiations. Legal counsel must submit the memorandum to the Board before closed session if it is feasible. If it is not feasible, legal counsel must submit a memorandum to the Board no later than one week after closed session.

#### (3) Real Property Exception (Gov. Code, § 11126, subd. (c)(7))

The purpose of the real property exception is to provide the Board an opportunity to advise its negotiator in situations involving real estate transactions and negotiations regarding price and terms of payment for the purchase, sale, exchange, or lease of real property. Before meeting in closed session, the Board must identify in open session the specific parcel(s) in question and the person(s) with whom it is negotiating.

## (4) Security Exception (Gov. Code, § 11126, subd. (c)(18))

The purpose of the security exception is to allow the Board to conduct a closed session to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, building, facilities, or equipment where disclosure of these considerations could adversely affect safety or security. The Board may meet in closed session under the security exception with a two-thirds vote of the Board members present. After a security closed session, the Board must reconvene in open session and report the general nature of the matters considered and whether any action was taken in closed session. The Board must also provide written notice to the Legislative Analyst when the Board utilizes this exception.

# Section 15. Accessibility of Meeting Locations and Compliance with the Americans with Disabilities Act

All meetings of the Board that are open and public, including teleconference meeting locations, shall be accessible and in compliance with section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C., § 12132; Gov. Code, § 11123.1.) The meeting agenda used to provide public notice of Conservancy meetings shall include information regarding how, to whom, and by when a request for a reasonable disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires such aids or services in order to participate in the public meeting. The agenda shall state that requests for reasonable accommodations should be made at least five working days in advance of the meeting date. Reasonable accommodations available upon request by a person with a disability include making the agenda and other materials provided to the Board in connection with the meeting available in appropriate alternative formats.

## Section 16. Communications

## (a) Avoidance of Serial Meetings

The Bagley-Keene Act expressly prohibits the majority of the Board members from communicating outside of an open meeting about any topic that is within the subject matter of the Boards' authority. (Gov. Code, § 11122.5(b).) A serial meeting is a series of communications, each of which involves less than a quorum, but which taken as a whole involves the majority of the body's members. A serial meeting can occur by any means, including direct communication, collective emails or use of other electronic platforms, or use of an intermediary,

Staff may receive input from members of the Board on agenda items or any other substantive topic. Staff may also provide Board briefings to members of the Board individually as long as staff does not share communications from other Board members.

## (c) Communications Between Board Members and Staff

Board members shall direct all inquiries or suggestions for Conservancy staff, other than routine requests for information, to the Executive Director or Deputy Director. All direction to staff and contractors from the Board shall be through the Executive Director or Deputy Director in order to prevent uncertainty and maintain proper accountability.

## (d) Communications Between Board Members and Members of the Public

When speaking with members of the public outside the setting of a Board meeting, Board members should clarify when they are speaking on behalf of the Conservancy as opposed to offering a personal opinion or speaking on behalf of a local or other agency. When speaking on behalf of the Conservancy, Board members should ensure their statements are consistent with the official positions of the Conservancy and should confer with the Executive Director or Deputy Director as needed. On matters concerning Conservancy business, Board members should encourage members of the public to provide any comments, statements, or requests to Conservancy staff directly, or to present oral or written comments at Board meetings.

## (e) California Public Records Act

Pursuant to the California Public Records Act (Gov. Code, § 6250 et. seq.), members of the public have a right to inspect records maintained by State government, including the California Tahoe Conservancy and its Board. Public records and communications of the Board and Board members are generally subject to public disclosure unless exempt under the law. Communications and documents contained on personal electronic devices (*e.g.*, computers, tablets, phones) may be subject to the Public Records Act if they pertain to the business of the Conservancy. Board members are encouraged to utilize the tablets provided by Conservancy staff for reviewing Board material, rather than personal devices. Board members are also encouraged to ensure that any communications they receive (*e.g.*, letters, emails, text messages) related to Conservancy business are promptly copied and provided to Conservancy staff.

#### Section 17. New Members and Bagley-Keene Act

The requirements of the Bagley-Keene Act apply to new Board members (and alternates designated in accordance with Section 11) at the time of their appointment or designation, even if they have not yet started to serve. (Gov. Code, § 11121.95.) Conservancy staff will provide a current copy of the Bagley-Keene Act to each member of the Board on the Conservancy-owned electronic tablets provided to Board members, and to each new member of the Board upon his or her appointment as part of an orientation packet Conservancy staff provide to new Board members. (Gov. Code, § 11121.9.) All Board members shall keep a copy of the Bagley-Keene Act.

New Board members, including alternates, shall be administered the oath of office prior to their service. (See Gov. Code, §§ 1225, 1360–1369.)

## Section 18. Conflicts of Interest and State Training Requirements

The voting Board members shall at all times conform their conduct to the Political Reform Act (Gov. Code, § 87100 et seq.), including its provisions regarding the avoidance of conflicts of interest, disclosure of economic interests, and limitations on post-governmental employment. Among other requirements, the Political Reform Act prohibits any State official, including the Conservancy's Board members, from participating in any decision that will have reasonably foreseeable material effects on the official's financial interests. (Gov. Code, § 87100.) Board members should seek an opinion from the Conservancy's legal office or the Fair Political Practices Commission before participating in any matter that may involve a financial conflict of interest. Voting Board members shall file Statements of Economic Interest (Form 700s), consistent with the Conservancy's Conflict of Interest Code (Cal. Code Regs., tit. 14, § 12120, appx.), within thirty days of assuming their position as a Board member, on or before April 1 of each year thereafter, and within thirty days of leaving their position as a Board member.

Voting Board members shall also comply with all State training requirements, including but not limited to the State's online ethics training course required within six months of assuming office and at least once every two years thereafter. (See Gov. Code, §§ 11146-11146.4.) Upon completing a required training course, Board members shall provide their certificate of completion to Conservancy staff for compliance with recordkeeping requirements. (See, e.g., Id., § 11146.2 [recordkeeping requirements for State ethics training].)

#### **ATTACHMENT 2**

California Tahoe Conservancy Resolution 18-12-06 Adopted: December 13, 2018

#### CONSERVANCY BOARD PROCEDURES

Pursuant to Government Code 66906.4, the California Tahoe Conservancy (Conservancy) hereby adopts the attached Board Procedures, which, in addition to all applicable legal requirements and subject to future amendment by Board action, shall serve as the rules and operating procedures regarding the matters addressed therein.

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 13th day of December, 2018.

In WITNESS THEREOF, I have hereunto set my hand this 13th day of December, 2018.

Patrick Wright Executive Director California Tahoe Conservancy Agenda Item 9 December 13, 2018

## AMERICANS WITH DISABILITIES ACT TRANSITION PLAN UPDATE

The purpose of this update is to begin the public review process of the California Tahoe Conservancy's (Conservancy) draft Self Evaluation and Transition Plan (Plan). Today's board meeting is not a discussion of the plan itself, but an opportunity to invite the Board and public to participate in the process.

The Plan provides a framework for improving accessibility of the Conservancy's programs and facilities for people with disabilities. This Plan identifies in detail the access barriers at certain Conservancy-owned sites featuring the greatest extent of permanent recreation-based development and amenities, the intended methods to remove those barriers, and a schedule for their removal. The document also identifies the official responsible for implementing the Plan, and establishes a grievance procedure for bringing additional access barriers to the Conservancy's attention.

The Americans with Disabilities Act (ADA), enacted in 1990, provides a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." (42 U.S.C. § 12101(b)(1).) As a public entity and an agency of the State of California with statutory authorities that mandate the provision of public programs and facilities, the Conservancy is subject to the ADA's Title II Requirements for State and Local Government Programs and Services (Title II). (42 U.S.C. §§ 12131–12165; 28 C.F.R. §§ 35.101–35.999.) Title II requires public entities to operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. (28 C.F.R. § 35.150.) In the event a public entity undertakes structural changes to its facilities to achieve program accessibility, the entity may (or shall if the agency employs fifty or more people) develop a written document known as a Plan to identify the steps necessary to complete such changes. (28 C.F.R. § 35.150(b).)

The Plan will be available for public review and accessible on the Conservancy's website (<u>http://tahoe.ca.gov/</u>) during a 35-day public comment period commencing on December 14, 2018 and concluding on January 28, 2019. Staff will consider public comments and then will bring the comments and Plan back to the Board for potential approval in February 2019.

## Conservancy Staff Contact

Nick Meyer

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California Tahoe Conservancy Agenda Item 10 December 13, 2018

#### 2018 CONSERVANCY HIGHLIGHTS

The California Tahoe Conservancy (Conservancy) staff will present the 2018 Conservancy highlights and accomplishments. There is no staff report on this item.

## **Conservancy Staff Contact**

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California Tahoe Conservancy Agenda Item 12.a December 13, 2018

## POTENTIAL AGENDA ITEMS FOR THE FEBRUARY 28 BOARD MEETING

Staff is seeking input from the Board regarding the agenda items for the February 28, 2019 board meeting.

A tentative list of agenda items beyond the normal standing items include:

- Bijou Park Creek Restoration Priority Acquisition (resolution)
- Americans with Disabilities Act Transition Plan (resolution)
- License Agreement Update (discussion only)

## **Conservancy Staff Contacts**

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