

FORESTRY PROGRAM GUIDELINES

Recommended Action: Adopt Resolution 21-11-05 (Attachment 1) authorizing the: 1) adoption of the Forestry Program Guidelines (Attachment 2); 2) acceptance and expenditure of up to \$50,000,000 to implement activities consistent with the Guidelines; 3) implementation of the activities consistent with the Guidelines; and 4) execution of all other necessary agreements. Resolution 21-11-05 also provides the appropriate California Environmental Quality Act (CEQA) determination for the Tahoe Program Timberland Environmental Impact Report (Tahoe PTEIR), which includes reviewing and considering the Tahoe PTEIR and adopting the CEQA Findings, Statement of Overriding Consideration, and mitigation monitoring and reporting program (MMRP).

Executive Summary: The recommended action will allow the California Tahoe Conservancy's (Conservancy) Community and Landscape Forestry Divisions (Forestry Program) to expeditiously implement forestry activities that are consistent with the new Guidelines by providing authority to spend funds from multiple sources. The new Guidelines will replace the previously adopted 2015 Forestry Improvement Guidelines, and will provide procedures and best practices for responsibly managing forests based on the best available science. The Guidelines also provide standards for staff to assess future forestry projects for consistency with the Tahoe PTEIR, a programmatic Environmental Impact Report developed by the California Department of Forestry and Fire Protection (CAL FIRE) that comprehensively assesses forest management and fuel reduction activities within the California side of the Lake Tahoe Basin (Basin). Activities that are not consistent with the Guidelines will not be implemented under this authorization. Additionally, staff will provide annual updates to the Board on activities undertaken pursuant to the Guidelines.

The recommended action will allow staff to continue wildfire and forest resilience management activities on Conservancy and partners' land more comprehensively, at a faster pace and at a broader scale by avoiding delays and piecemeal project implementation. It is also consistent with Goals 1 and 2 of the Conservancy's Strategic Plan, which aim to protect communities from wildfire and restore the resilience of Basin forests and watersheds. Upon Board approval, staff will initiate activities under the Guidelines.

Location: Activities may be implemented on private, local jurisdiction, federal, and Conservancy lands throughout the California side of the Basin (Attachment 3).

Fiscal Summary: Staff is requesting authorization to accept and expend \$50,000,000 to implement activities consistent with the Guidelines. The funding will come from a combination of grants and state appropriations. Portions of this funding are contingent on future grant awards, approval from the Department of Finance (DOF), and/or approval from the State Legislature.

Overview

History

Record-breaking high severity wildfires have devastated millions of acres across California, making restoring forest resilience to wildfire a primary goal of the State. Recently, the Tamarack Fire burned approximately 69,000 acres within ten miles of the Basin and the Caldor Fire burned almost 222,000 acres, up to and including portions of the Basin. The 2021 Wildfire and Forest Resilience Action Plan is the State's strategy for increasing the pace and scale of forest management to meet its target of treating 500,000 acres annually by 2025, particularly on state-owned lands. Recent fuels treatments in the Meyers and Christmas Valley areas assisted firefighters in the suppression of the Caldor Fire and protected thousands of homes in the Basin. The value of fuels treatments and the necessity of additional treatment efforts within the Basin is exemplified in the recent Tamarack and Caldor fires.

The Conservancy's 2018-2023 Strategic Plan aligns with the State's forest resilience goals. It outlines the goals and strategies for how the Conservancy will fulfill its mission to lead California's efforts to restore and enhance the extraordinary natural and recreational resources of the Basin. The Conservancy owns approximately 6,500 acres, of which about 5,500 is forested land, the majority of which is located within and adjacent to communities and infrastructure. In recent years, the Conservancy has increased forest management work on its lands by leveraging multiple grant sources, and by launching a new dedicated forestry crew with the Tahoe Resource Conservation District (Tahoe RCD). The Conservancy also works with partners to build capacity for forest management across jurisdictions, enhance community wildfire protection, and reduce risks to Conservancy lands. As seen with the Caldor Fire, cross-jurisdictional partnerships are critical to increasing the pace and scale of forestry operations and decreasing the threat of wildfire.

The Conservancy has followed the Forestry Improvement Guidelines previously approved by the Board in 2015. Given advances in science, new best practices, and recent and future wildfire threats, the new Guidelines will replace the 2015 guidelines.

Detailed Description of Recommended Action

1. Major Elements and/or Steps of the Recommended Action

The Conservancy manages forests to reduce wildfire risk to communities and improve forest resilience and protect biodiversity through vegetation management activities in and adjacent to the wildland-urban interface (WUI). To effectively continue and expand these efforts, staff seeks Board adoption of new Guidelines, and authority to implement activities consistent with the Guidelines with existing and potential grant funding and state appropriations.

The Guidelines provide Forestry Program procedures and best practices for responsibly managing forests based on the best available science. The Guidelines apply scientific advancements, new technologies, and innovative approaches to forest restoration and provide clear steps and best practices for project development, review, implementation, and monitoring. Activities pursued under the Guidelines may include planning, implementing, and monitoring projects on Conservancy and non-Conservancy land, as well as developing increased capacity and providing grants to conduct these activities. The Guidelines also ensure that the Conservancy's forest management activities better reflect the urgency of forest health projects and provide guidance for adapting to climate change consistent with the Lake Tahoe Basin Forest Action Plan, the 2020 Integrated Vulnerability Assessment of Climate Change in the Lake Tahoe Basin, and collaborative landscape goals identified for the Basin.

Additionally, the Guidelines identify standards to assess future forestry projects for consistency with the Tahoe PTEIR. The Tahoe PTEIR is a programmatic CEQA document prepared by CAL FIRE, as lead agency, according to the requirements of CEQA, the Z'berg-Nejedly Forest Practice Act, and the California Forest Practice Rules. The Tahoe PTEIR addresses a long-term program of forest management treatments to reduce the risk of high-severity wildfire and improve forest ecosystem conditions on Conservancy, private, local jurisdiction, and certain federal lands throughout the California side of the Basin. CAL FIRE, with the assistance of the Conservancy, prepared the Tahoe PTEIR to more efficiently and comprehensively evaluate the effects of forest management, and improve the project approval process for subsequent activities that are covered by the Tahoe PTEIR. The Tahoe PTEIR consistency standards in the Guidelines will ensure that future projects are either consistent with the Tahoe PTEIR or are subject to additional CEQA review.

2. Overall Context and Benefits

The recommended action makes the Forestry Program more efficient and scalable by providing upfront authority to spend funds from multiple sources to implement projects and activities that are consistent with the Guidelines. The Guidelines will allow for streamlined environmental review through incorporation of the Tahoe PTEIR and the consistency analysis. Considering the recent Caldor Fire that threatened homes and impacted the natural environment in the Basin, increased pace and scale of forestry work is more important than ever before. This authorization will expedite work to reduce

hazardous fuels, decrease the potential for high-intensity wildfire, and increase forest resilience.

3. Schedule for the Recommended Action

Upon adoption of the recommended action, staff will use the Guidelines to develop and implement forest management activities and projects. Staff will provide annual updates to the Board on these activities. Staff will return to the Board should the Guidelines require updates or modifications or if additional funding is needed.

Financing

The proposed budget includes up to \$50,000,000 from multiple existing, anticipated, and potential sources. Existing funding sources include, but are not limited to, state appropriations from bonds, the general fund, and other state sources; a Southern Nevada Public Land Management (SNPLMA) Round 16 grant from the Bureau of Land Management; and multiple cooperative agreements with the USDA Forest Service Lake Tahoe Basin Management Unit, including a Good Neighbor Authority (GNA) Supplemental Project Agreement. Anticipated and potential funding sources may include state appropriations; and state and federal grant awards and/or cooperative agreements such as SNPLMA Round 18, Regional Forest and Fire Capacity Program funds from the Department of Conservation, grants from CAL FIRE, and cooperative agreements with the USDA Forest Service.

Authority

Consistency with the Conservancy's Enabling Legislation

The recommended action is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.10 authorizes the Conservancy to improve and develop its land for a variety of purposes, including protection of the natural environment. Government Code section 66907.9 authorizes the Conservancy to initiate, negotiate, and participate in agreements for the management of land under its ownership and control with local public agencies, state agencies, federal agencies, nonprofit organizations, individuals, corporate entities, or partnerships. Government Code section 66907.7 authorizes the Conservancy to award grants to local public agencies, state agencies, federal agencies, federally recognized Indian tribes, the Tahoe Transportation District, and nonprofit organizations for purposes consistent with its mission. Government Code section 66906.8 authorizes the Conservancy to select and hire consultants or contractors to provide services necessary for purposes consistent with its mission.

Consistency with the Conservancy's Strategic Plan

The recommended action advances the Conservancy's Strategic Plan Goals 1 (Steward Conservancy Lands and Protect Basin Communities from Wildfire) and 2 (Restore the Resilience of Basin Forests and Watersheds).

Consistency with the Conservancy's Program Guidelines

The recommended action replaces the Conservancy's existing Forestry Improvement Guidelines.

Consistency with External Authorities

The recommended action is consistent with the Lake Tahoe Environmental Improvement Program and supports multiple projects in the Forest Health Focus Area. The action is also consistent with Executive Order N-05-19, which directs state agencies to recommend administrative, regulatory, and policy changes to prevent and mitigate wildfires; the Wildfire and Forest Resilience Action Plan; the Agreement for Shared Stewardship of California's Forest and Rangelands; the California Forest Carbon Plan; the Lake Tahoe Basin Community Wildfire Protection Plan; and the Lake Tahoe Basin Forest Action Plan.

Compliance with the California Environmental Quality Act

CAL FIRE, acting as the lead agency, prepared the Tahoe PTEIR to comply with CEQA. The Tahoe PTEIR addresses a long-term program of forest management treatments to reduce the risk of high-severity wildfire and improve forest ecosystem conditions on lands throughout the California side of the Basin (PTEIR Program). CAL FIRE certified the Tahoe PTEIR on April 7, 2021. CAL FIRE filed a notice of determination (NOD) on April 8, 2021 with the California State Clearinghouse. A copy of the Final Tahoe PTEIR is available for public review on the North Tahoe Fire Protection District's website at <https://www.ntfire.net/tahoe-pteir> (Attachment 4).

As a responsible agency, the Conservancy must review and consider the Tahoe PTEIR; adopt CEQA Findings, the Statement of Overriding Considerations made by CAL FIRE in certifying the Tahoe PTEIR, and the MMRP; and reach its own conclusions on whether and how to approve the PTEIR Program. Staff reviewed the Tahoe PTEIR and believes that the PTEIR Program is adequately analyzed in the Tahoe PTEIR.

The Conservancy must make the appropriate CEQA Findings (Attachment 1, Exhibit A) pursuant to CEQA Guidelines, section 15091. Staff has determined that the CEQA Findings identify the significant environmental effects and mitigation measures associated with the PTEIR Program. The mitigation measures are identified in the Conservancy's MMRP (Attachment 1, Exhibit C). Staff recommends the Board adopt the CEQA Findings.

CAL FIRE identified several environmental impacts that cannot be fully mitigated and are therefore considered unavoidable. Despite the occurrence of these effects, however, CAL FIRE chose to approve the Tahoe PTEIR because the benefits outweigh its unavoidable significant effects. The Conservancy concurs with CAL FIRE that the significant, unavoidable, and unmitigable impacts are acceptable when weighed against

the overriding benefits set forth in the Statement of Overriding Considerations (Attachment 1, Exhibit B). Staff recommends the Board adopt the Statement of Overriding Considerations.

Staff recommends the Board review and consider the Tahoe PTEIR; adopt the CEQA Findings pursuant to CEQA Guidelines, section 15091; adopt a Statement of Overriding Considerations pursuant to CEQA Guidelines, section 15093; adopt an MMRP pursuant to CEQA Guidelines, section 15097; and authorize implementation of activities consistent with the Guidelines. If the Board authorizes implementation of activities consistent with the Guidelines, staff will file an NOD with the State Clearinghouse pursuant to CEQA guidelines, section 15096 (Attachment 5).

List of Attachments

Attachment 1 – Resolution 21-11-05

- Exhibit A – CEQA Findings
- Exhibit B – Statement of Overriding Considerations
- Exhibit C – Mitigation Monitoring and Reporting Program

Attachment 2 – Forestry Program Guidelines

Attachment 3 – Location Map

Attachment 4 – CAL FIRE CEQA Documents

Attachment 5 – Notice of Determination

- Exhibit A – NOD Map

Conservancy Staff Contact

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