

California Tahoe Conservancy  
Agenda Item 7  
July 17, 2014

**UPPER TRUCKEE MARSH SEWER FACILITIES PROTECTION PROJECT  
LICENSE AGREEMENT**

**Summary:** Staff recommends authorization of a long-term license agreement with the South Tahoe Public Utility District to facilitate an infrastructure protection project on Trout Creek in the Upper Truckee Marsh.

**Location:** South Lake Tahoe near the end of Bellevue Avenue adjacent to the Al Tahoe neighborhood, within the Conservancy-owned Upper Truckee Marsh Property (El Dorado County Assessor Parcel Numbers (APNs) 026-200-11 and 022-210-31) (Attachment 1)

**Fiscal Summary:** Minor incidental staff costs related to preparation and processing of the agreement

**Recommended Action:** Adopt Resolution 14-07-02 (Attachment 2).

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**Background**

South Tahoe Public Utility District (STPUD) owns, operates, and maintains water and sewer infrastructure throughout the greater South Lake Tahoe region. Underground sewer gravity mains, sewer force mains, water mains, and treated effluent export lines are buried within easements extending through residential neighborhoods and public properties, including Conservancy ownership such as the Upper Truckee Marsh (Marsh). Protection of this STPUD infrastructure is essential to maintain the integrity of the facilities and service the community. Infrastructure preservation also reduces risks to water quality that could be impacted by damaged lines.

In 2011, after an above-average winter of precipitation, heavy spring creek flows delivered a significant amount of sediment to Trout Creek in the Marsh. The Trout Creek channel was unable to move this unusually large amount of sediment and it filled a section of channel near the end of Bellevue Ave. Trout Creek now flows across the floodplain surface in this area without a well defined channel. The resulting localized flooding, which extends over an approximately 300 foot section of meadow, inundates

an area above two buried STPUD sewer lines (a sewer gravity main and a sewer force main). This condition presents a number of concerns to STPUD, primarily, the risk that a new channel will form on or very close to the two lines, creating stream channel erosion which has the potential to threaten the lines or the adjacent STPUD Bellevue pump house. Flooding also presents challenges in accessing facilities for maintenance or emergency situations. For photos of existing conditions, see Attachment 5.

STPUD developed a number of conceptual alternatives to address the threat to their infrastructure, and subsequently analyzed the alternatives based on criteria such as cost effectiveness, environmental impacts, and constructability. The selected alternative (Project), utilizes an adaptive management project approach involving small-scale activities over several years.

### **Project Description**

STPUD is requesting use of Conservancy owned property, as the activities proposed in their preferred alternative cannot be accomplished within their existing easement. Conservancy staff reviewed the request and recommends that the Board authorize a license agreement with STPUD, which would provide rights for the use of El Dorado County APNs 026-200-11 and 022-210-31 for construction, monitoring and adaptive management activities necessary to protect their infrastructure. Attachment 1 shows the location of the parcels for the proposed license, but it should be noted that the proposed activities extend through only a small portion of the area. The broader license area allows STPUD access to effectively monitor the Project upstream and downstream of construction.

STPUD will build one or more small pilot channels to direct stream flow towards the center of the Marsh and away from sewer lines. Minor grading will also discourage Trout Creek from damaging infrastructure. STPUD will remove fill from an old road and reactivate a historic flow path towards the middle of the meadow. STPUD will mostly utilize low-impact hand crews, though some heavy equipment will also be needed.

STPUD will revegetate disturbed areas, as well as monitor and adaptively manage the Project over five to seven years. STPUD's adaptive management approach includes a clearly defined set of desired outcomes and specific triggers to inform actions following the first year of construction. The proposed license agreement requires that STPUD communicate with Conservancy staff throughout the Project to ensure that all activities are consistent with this recommendation and the intent of the agreement.

## **Project Schedule**

Pending authorization of the license agreement, STPUD staff anticipates Project construction to begin in late summer 2014, and the majority of work to be completed by fall 2014. Additional monitoring and minor construction activities may continue for several years as necessary to achieve the defined set of outcomes. The proposed license agreement will last 20 years, extending through summer 2034.

## **Project Implementation**

Staff intends to enter into the proposed license agreement and take all necessary actions to implement the agreement. The license includes provisions relating to permitting, restoration, insurance, indemnification, and performance bonding. Consistent with the Board's direction under the Conservancy's Special Use Program, STPUD will be charged a fee and provide monitoring data for use of Conservancy property.

## **Project Evaluation**

STPUD's request meets the minimum requirements and is consistent with the Conservancy's adopted Special Use Guidelines. The long-term value and beneficial uses of this parcel will not be adversely affected. This use complies with all environmental regulations. This use is consistent with the applicable regulatory requirements and STPUD will obtain all necessary permits prior to implementation. The license agreement will contain other standard language requiring insurance and indemnification, as well as restoration to any damage to the Conservancy parcel.

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

The recommended license is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.8 authorizes the Conservancy to lease, rent, sell, exchange, or otherwise transfer any interest in real property or interest therein to local public agencies, individuals, corporate entities, or partnerships for management purposes. Under Government Code section 66907.9, the Conservancy is authorized to initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, State agencies, federal agencies, nonprofit organizations, individuals, corporate entities or partnerships, and to enter into any other agreements authorized by State or federal law.

## **Compliance with the California Environmental Quality Act (CEQA)**

STPUD, acting as the lead agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the Project to comply with CEQA. STPUD adopted the MND on May 1, 2014, and a Notice of Determination (NOD) was filed on May 2, 2014.

A copy of the IS and MND have been provided to the Board on an attached CD and are available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150 (Attachment 3).

As a responsible agency, the Conservancy must consider the MND prepared by STPUD and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the MND and believes that the proposed improvements on Conservancy-owned parcels, as well as the Project as a whole, have been adequately analyzed in this document. Staff has determined that the Project, as mitigated, would not cause a significant effect on the environment. The mitigation measures for the Project can be found on pages 1-4 of the MND.

Staff recommends the Board review and consider the MND prepared and adopted by STPUD as lead agency, together with any comments received during the public review process; certify that it has independently considered and reached its own conclusions regarding the potential environmental effects of the Project; make the findings as set forth in the attached resolution; and authorize the license agreement. If the Board considers and concurs with the MND and authorizes the license agreement, staff will file a NOD with the State Clearinghouse pursuant to CEQA Guidelines, section 15096. Attachment 4 contains the Conservancy's proposed NOD.

### **List of Attachments:**

Attachment 1 – Project Location Map

Attachment 2 – Resolution 14-07-02

Attachment 3 – Initial Study, Mitigated Negative Declaration (on attached CD)

Attachment 4 – CEQA Notice of Determination

Attachment 5 – Existing Conditions (Photos)

### **Conservancy Staff Contact:**

Scott Carroll

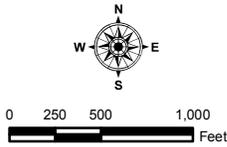
Phone: (530) 543-6062

Scott.Carroll@tahoe.ca.gov

# ATTACHMENT 1 Project Location Map



 License Agreement Parcels



California Tahoe Conservancy  
July 2014

Map for reference purposes only.  
Sources: USDA NAIP; TRPA



## **ATTACHMENT 2**

California Tahoe Conservancy

Resolution

14-07-02

Adopted: July 17, 2014

### **UPPER TRUCKEE MARSH SEWER FACILITIES PROTECTION PROJECT LICENSE AGREEMENT**

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

“The California Tahoe Conservancy, in its role as a responsible agency under the California Environmental Policy Act, has reviewed and considered the Upper Truckee Marsh Sewer Facilities Protection Project Initial Study and Mitigated Negative Declaration (IS/MND) certified by the South Tahoe Public Utility District on May 1, 2014.

The Conservancy finds, on the basis of the whole record before it, that there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment. The Conservancy incorporates the mitigation measures described in the MND as a condition for approval of the Project, and hereby directs staff to file a Notice of Determination with the State Clearinghouse for this project.”

Staff further recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 66907.8 and 66907.9:

“The California Tahoe Conservancy hereby authorizes staff to enter into a license agreement with the South Tahoe Public Utility District, over El Dorado County Assessor Parcel Numbers 026-200-11 and 022-210-31, which permits construction and maintenance of improvements and temporary storage and staging associated with the Upper Truckee Marsh Sewer Facilities Protection 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 California Tahoe Conservancy at a meeting thereof held on the 17<sup>th</sup> day of July 2014.

In WITNESS THEREOF, I have hereunto set my hand this 17<sup>th</sup> day of July 2014.

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Patrick Wright  
Executive Director

**ATTACHMENT 3**

**UPPER TRUCKEE MARSH SEWER FACILITIES PROTECTION PROJECT**

South Tahoe Public Utilities District Initial Study  
Mitigated Negative Declaration  
STPUD's Notice of Determination

Department of Fish and Wildlife  
Environmental Filling Fee Receipt

On attached CD

## ATTACHMENT 4

### NOTICE OF DETERMINATION

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

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

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**Subject:**

Filing of Notice of Determination in compliance with Section 21108 of the Public Resource Code.

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**Project Title:**

Upper Truckee Marsh Sewer Facilities Protection Project

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**State Clearinghouse Number:**

2014042004

**Contact Person:**

Scott Carroll

**Telephone Number:**

(530) 543-6062

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**Project Location:**

California Tahoe Conservancy-owned parcels, El Dorado Assessor Parcel Numbers 026-200-11 and 022-210-31.

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**Project Description:**

Provide a license agreement to the South Tahoe Public Utility District on El Dorado County Assessor Parcel Numbers 026-200-11 and 022-210-31 providing use and access rights to construct improvements and to store and stage equipment and materials.

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This is to advise that the California Tahoe Conservancy (Conservancy), acting as a responsible agency, has approved the above described project on July 17, 2014 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. The South Tahoe Public Utility District, acting as the lead agency, prepared an Initial Study and Mitigated Negative Declaration (MND) for the project to comply with CEQA. The South Tahoe Public Utility District Board adopted the MND on May 1, 2014, and a Notice of Determination (NOD) was filed on May 2, 2014. The NOD, MND, and record of project approval may be examined at the District office, 1275 Meadow Crest Drive, South Lake Tahoe, CA 96150.
3. Mitigation Measures were made a condition of the approval of the project by the South Tahoe Public Utility District and the California Tahoe Conservancy.

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Fish and Wildlife Fees: A California Department of Fish and Wildlife Environmental Filing Fee was paid for this project. A copy of the receipt will be filed with this Notice.

**Date Received for Filing:**

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Patrick Wright  
Executive Director

## ATTACHMENT 5

### Existing Conditions



Trout Creek's flow threatens STPUD infrastructure



Flooded sewer infrastructure