

**KINGS BEACH WATER QUALITY AND STREAM ENVIRONMENT ZONE
IMPROVEMENT PROJECT LICENSE AGREEMENT**

Summary: Staff recommends authorization of a license agreement with Placer County on four Conservancy-owned parcels in support of the Kings Beach Water Quality and Stream Environment Zone Improvement Project.

Location: In the Kings Beach Subdivision, on Dolly Varden and Golden avenues near Fox Street; Placer County Assessor Parcel Numbers 090-116-031, 090-162-032, 090-162-033 and 090-162-038 (Attachment 1)

Fiscal Summary: Incidental staff costs related to the preparation and processing of the license

Recommended Action: Adopt Resolution 14-05-05 (Attachment 2).

Background

Stormwater quality improvement efforts in the Kings Beach subdivision have evolved significantly since the early 1990s. Initially, several small projects were constructed that addressed acute problems on a few of the neighborhood streets, as was common practice for erosion control projects at that time. Through the planning process and the new project approach developed by the interagency Storm Water Quality Improvement Committee, Placer County (County) recognized that additional benefits could be realized through implementation of a comprehensive watershed approach.

As summarized in the table below, the Conservancy has awarded \$933,000 for planning and \$190,000 in acquisition funding for the Kings Beach Water Quality and Stream Environment Zone Improvement Project (Project). In September 2009, the Board authorized staff to enter into license agreements with the County on forty-four Conservancy-owned parcels to allow construction of the Project. The Conservancy executed a license agreement with the County for the utilization of two of these Board-authorized parcels and Project construction began in 2010. At this time, the County is

requesting a license agreement on sixteen Conservancy-owned parcels for the construction of improvements proposed for summer 2014. Twelve of these parcels were included in the earlier authorization, and four parcels are new requests.

Funding for the Project has been provided by the following entities:

Agency	Amount
California Tahoe Conservancy	\$1,123,000
U.S. Forest Service, Lake Tahoe Basin Management	1,800,000
North Lake Tahoe Resort Association	500,000
Tahoe Regional Planning Agency	650,000
U.S. Bureau of Reclamation	500,000
State Water Resources Control Board (American Recovery and Reinvestment Act)	<u>3,000,000</u>
Total	\$7,573,000

Project Description

Staff recommends authorization to enter into a license agreement with Placer County on Assessor Parcel Numbers (APN) 090-116-031, 090-162-032, 090-162-033 and 090-162-038. APN 090-116-031 is adjacent to a property that the County recently acquired using County and Conservancy funding. The acquired parcel combined with adjacent Conservancy-owned parcels will provide enough additional space to more than double the capacity of one of the Project's most important infiltration facilities. The other three additional parcels are needed to connect the Project to existing improvements using storm drain pipe. The County will use all four parcels for temporary storage and staging, and then restore them to pre-Project conditions.

Project Implementation

If the Board approves this recommendation, staff intends to enter into a license agreement and take all necessary actions to implement the agreement in summer 2014. The agreement will include provisions related to permitting, restoration, insurance, and indemnification. Consistent with Board direction under the Conservancy's Special Use Guidelines, the Conservancy generally does not charge fees for use requests from project partners or for projects which further the Conservancy's mission and programs. As such, the County will not be charged a fee for the use of Conservancy property for improvements or staging and storage associated with the Project.

Project Evaluation

The proposed license agreement will enable the County to move forward with one of the highest priority stormwater projects in the Tahoe Basin. The license is consistent with the Conservancy's adopted Special Use Guidelines and the Conservancy's Soil Erosion Control Program Guidelines. The license agreement will require insurance, performance bonds, and indemnifications, as well as restoration of any damage to Conservancy parcels. Furthermore, the County will be required to maintain the improvements for 20 years after their installation.

Consistency with the Conservancy's Enabling Legislation

The recommended license agreement 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)

Placer County, acting as the lead agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the Project to comply with CEQA. The County adopted the MND on December 9, 2008, and a Notice of Determination (NOD) was filed on December 15, 2008. An Addendum to the MND was prepared for the Conservancy by Placer County in August 2009, in order to incorporate the required climate change and greenhouse gas emissions analysis.

For the purpose of authorizing Conservancy staff to enter into license agreements with Placer County to use Conservancy-owned properties for the Project, the Conservancy considered this MND on September 30, 2009, and an NOD was filed on October 5, 2009. For the purpose of amending a planning grant for the Project, the Conservancy again considered this MND on May 20, 2010, and an NOD was filed on May 24, 2010. For the purpose of awarding an acquisition grant to Placer County for the Project the Conservancy again considered this MND on September 16, 2010 and an NOD was filed on September 23, 2010. In March 2014 Conservancy staff prepared an addendum to the

MND to address minor Project changes resulting from the acquisition of private property. A copy of the IS, MND and addenda 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).

Staff has reviewed the MND and addenda and believes that the proposed improvements on Conservancy-owned parcels, as well as the Project as a whole, have been adequately analyzed in these documents. Staff has determined that the improvements, as proposed, would not cause a significant effect on the environment. Since completion of the MND, there is no new information, substantial changes to the proposed Project, or changes to project implementation, which would involve any new significant effects which were not analyzed in the MND. As a result, no new mitigation measures are needed to find that the project, as mitigated, would have no significant environmental impacts. The mitigation measures for the project can be found in section 4 on pages 38-130 of the MND.

Staff recommends the Board review and consider the MND and addenda, 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 addenda 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 14-05-05

Attachment 3 – Placer County Mitigated Negative Declaration and Addenda
(On attached CD)

Attachment 4 – Conservancy Proposed Notice of Determination

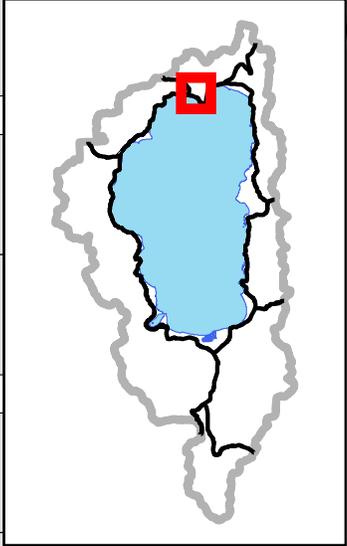
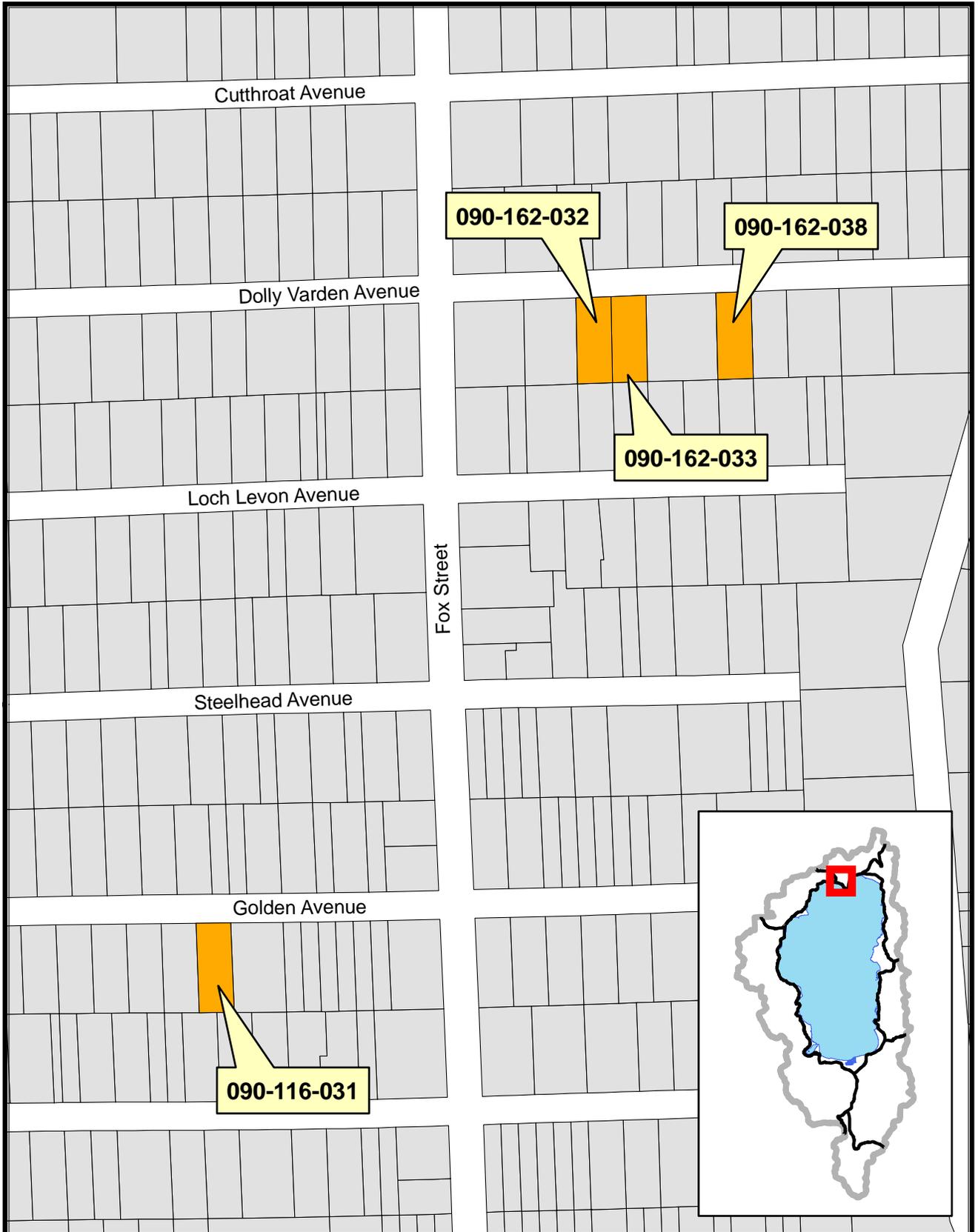
Conservancy Staff Contact:

Scott K. Cecchi

Phone: (530) 543-6015

email: scott.cecchi@tahoe.ca.gov

ATTACHMENT 1
Project Location Map



-  Proposed License Agreements
-  Parcels

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Scale 1:2,400
1" = 200'

California Tahoe Conservancy
May 2014

Map for reference purposes only.
Sources: USFS; TRPA; USGS



ATTACHMENT 2

California Tahoe Conservancy

Resolution

14-05-05

Adopted: May 09, 2014

KINGS BEACH WATER QUALITY AND STREAM ENVIRONMENT ZONE IMPROVEMENT 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 Kings Beach Water Quality and Stream Environment Zone Improvement Project Initial Study and Mitigated Negative Declaration (IS/MND) certified by Placer County on December 15, 2008. An Addendum to the MND was prepared for the Conservancy by Placer County in August 2009, in order to incorporate the required climate change and greenhouse gas emissions analysis. In March 2014, Conservancy staff prepared an addendum to the MND to address minor Project changes resulting from the acquisition of private property. Neither new impacts nor mitigation measures result from the Addenda.

The Conservancy has determined that the Project, as mitigated, will not have a significant effect on the environment. There is no new information, substantial changes to the Project, or changes to Project implementation which would involve any new significant effects not analyzed in the MND. 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 Placer County, over Placer County Assessor Parcel Numbers 090-116-031, 090-162-032, 090-162-033 and 090-162-038, which permits construction and maintenance of water quality improvements and temporary storage and staging associated with the Kings Beach Water Quality and Stream Environment Zone Improvement 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 9th day of May 2014.

In WITNESS THEREOF, I have hereunto set my hand this 9th day of May 2014.

Patrick Wright
Executive Director

ATTACHMENT 3

**KINGS BEACH WATER QUALITY AND STREAM
ENVIRONMENT ZONE IMPROVEMENT PROJECT**

Placer County Initial Study
Mitigated Negative Declaration
County's Notice of Determination
Conservancy Notices of Determination
Placer County Addendum
California Tahoe Conservancy Addendum

Department of Fish and Wildlife
Environmental Filling Fee Receipt

On attached CD

ATTACHMENT 4

NOTICE OF DETERMINATION

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

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

Subject:

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

Project Title:

Kings Beach Water Quality and Stream Environment Zone Improvement Project

State Clearinghouse Number:

2008082034

Contact Person:

Scott K. Cecchi

Telephone Number:

(530) 543-6015

Project Location:

California Tahoe Conservancy-owned parcels, Placer County Assessor Parcel Numbers 090-116-031, 090-162-032, 090-162-033 and 090-162-038.

Project Description:

Provide a license agreement to Placer County on Placer County Assessor Parcel Numbers 090-116-031, 090-162-032, 090-162-033 and 090-162-038 providing use and access rights to construct water quality improvements and to store and stage equipment and materials.

This is to advise that the California Tahoe Conservancy (Conservancy), acting as a responsible agency, has approved the above described project on May 9, 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. A Mitigated Negative Declaration (MND) for the project was prepared for the Placer County Board of Supervisors and they approved the Project on December 9, 2008. A Notice of Determination (NOD) was filed on December 15, 2008. The NOD, MND, and record of project approval may be examined at the County office, 7717 North Lake Boulevard, Kings Beach, CA 96143. An Addendum to the MND was prepared by Placer County in August 2009 in order to incorporate the required climate change and greenhouse gas emissions analysis. For the purpose of authorizing Conservancy staff to enter into license agreements with Placer County to use Conservancy-owned properties for the Project, the Conservancy considered this MND on September 30, 2009, and an NOD was filed on October 5, 2009. For the purpose of amending a planning grant for the Project, the Conservancy again considered this MND on May 20, 2010, and an NOD was filed on May 24, 2010. For the purpose of awarding an acquisition grant to Placer County for the Project the Conservancy again considered this MND on September 16, 2010 and an NOD was filed on September 23, 2010. In March 2014, Conservancy staff prepared an addendum to the MND to address minor Project changes resulting from the acquisition of private property and other minor changes to Project design.

3. Mitigation Measures were made a condition of the approval of the project by Placer County and the California Tahoe Conservancy.

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:

Patrick Wright
Executive Director