

California Tahoe Conservancy
Agenda Item 2
December 17, 2015

**BOARD MEETING MINUTES
SEPTEMBER 17, 2015**

Chair Larry Sevison called the meeting to order at 9:40 a.m. at North Tahoe Event Center, Kings Beach, California. Those in attendance and constituting a quorum were:

Members present:

Larry Sevison, Placer County, Chair
John Hooper, Public Member, Vice Chair
Tom Davis, City of South Lake Tahoe (10:00 a.m. arrival)
Todd Ferrara, California Natural Resources Agency (9:38 a.m. arrival)
Karen Finn, Department of Finance
Jeff Marsolais, United States Forest Service (ex officio)
Sue Novasel, El Dorado County
Lynn Suter, Public Member

Members absent:

None

Others present:

Marian Moe, Deputy Attorney General
Patrick Wright, Executive Director
Jane Freeman, Deputy Director
Ryan Davis, Staff Counsel

Agenda Items

Agenda Item 1. Roll Call

Clerk of the Board Diane Niland called the roll at 9:40 a.m.

Agenda Item 2. Minutes

Staff Counsel Davis announced that an Errata to the Minutes was included to reflect a change in voting protocol as required by the Bagley-Keene Open Meeting Act (January 2015). There were no other changes to the Minutes.

Vice Chair Hooper moved approval of the Minutes (**Resolution 15-09-01**) from the June 18, 2015 meeting as corrected. The motion was seconded by Ms. Suter. The motion passed unanimously. Board Member Davis was not present for the vote.

Agenda Item 3. Chair's Report

Chair Sevison had no report.

Agenda Item 4. Attorney General's Report

Deputy Attorney General Marian Moe had no report.

Agenda Item 5. Executive Director's Report

Executive Director Patrick Wright introduced and welcomed Tahoe Conservancy Deputy Director Jane Freeman. He presented legislation updates that included the status of the reintroduced Lake Tahoe Restoration Act and the passage of Assembly Bill 1004 (Dahle). Mr. Wright offered highlights on various Conservancy initiatives including Proposition 1 Grants Program.

Agenda Item 6. Public Comment on Non-Agenda Items

There was no public comment.

Agenda Item 7. Consent

Blackwood Creek Monitoring License Agreement

The Board considered a long-term license agreement with the United States Geological Survey on Blackwood Creek in Placer County for a stream-flow monitoring station. The Board had no questions regarding the item.

Ms. Suter moved approval of **Resolution 15-09-02**. Vice Chair Hooper seconded the motion. The motion passed unanimously. Board Member Davis was not present for the vote.

Agenda Item 8. Project Authorizations

a. California Department of Transportation Transfer of Jurisdiction

Supervisory Environmental Planner Penny Stewart presented the item for a transfer of jurisdiction and control to California Department of Transportation for existing right-of-way drainage and water quality improvements on a 2.35 acre portion of a thirty-five acre parcel in El Dorado County and acceptance of compensation in the amount of \$505,000.

In response to a question from Ms. Novasel regarding the distribution or reimbursement of the proceeds from the sale to the respective funding sources, Ms. Stewart stated that staff will reimburse the original funding source following the same allocation used for the original acquisition.

In response to a question from Vice Chair Hooper regarding width of the right-of-way in relationship to the existing improvements and the potential for future changes, Ms. Stewart stated that Caltrans is likely not to make any changes to the facility consisting of an existing sand trap and rock dissipater.

In response to a question from Chair Sevison regarding liability for maintenance, Staff Counsel Davis stated that the transfer was for management purposes and that the responsibility for day-to-day management of the land would shift to Caltrans going forward.

In response to a question from Mr. Marsolais regarding potential future improvements along the right-of-way or road shoulder for bike trail improvements, Ms. Stewart said that Caltrans is currently focused on the State Route 89 bike lane improvements project between the "Y" and the Taylor Creek Visitor Center and her understanding is that Caltrans does not have any plans at this time for widening the roadway beyond the Cascade Creek area.

In response to a question from Mr. Marsolais regarding possible future options for the Cascade Creek area in the event Caltrans has a change of plans for the bike trail right-of-way, Staff Counsel Davis stated that the property being transferred to Caltrans was acquired with several funds, including Lake Tahoe Acquisitions Bond Act (LTABA) funds under the program for the protection of the natural environment. However, the LTABA also allows recreational uses of the property so theoretically it would not foreclose a recreational use of the property by Caltrans.

Ms. Suter moved approval of **Resolution 15-09-03**. Vice Chair Hooper seconded the motion. The motion passed unanimously. Board Member Davis was not present for the vote.

(Board Member Davis arrived at 10:00 a.m.)

b. Sawmill Environmentally Sensitive Land Acquisition

Associate Environmental Planner Aimee Rutledge presented the item and recommended authorization to expend \$335,000 for the purchase of the approximately 1.05 acre parcel, for open space and water quality purposes within the Upper Truckee River watershed, and banking marketable rights for possible future use. Additionally, she recommended that the Board approve and expend up to \$100,000 towards demolition, restoration, transaction review and related closing costs.

In response to a question from Board Member Davis regarding tenants and possible relocation costs, Ms. Rutledge replied that the property has been vacant for over one year and that there are no tenant relocation costs associated with the project.

In response to a question from Ms. Novasel regarding the use of existing or potential development rights or land coverage and their relationship to the Meyers community plan area, Ms. Rutledge replied that there is a potential for transfer from the Meyers community plan area to the Tahoe Valley Area Plan (TVAP). Specifically Ms. Rutledge stated that the future transfer may achieve State planning and sustainable community goals for that property and others in the TVAP but staff has not set a definite policy for the rights to be exclusively used in the TVAP.

Mr. Wright added that use of the rights in the TVAP is a priority for staff but that El Dorado County (County) would also have a role in determining the disposition of development rights should they be transferred from the County to the City of South Lake Tahoe service area.

In response to a question from Mr. Ferrara regarding the relationship of the acquisition to other Conservancy land proposed for transfer to the Department of Parks and Recreation (DPR) in the vicinity of Lake Valley State Recreation Area, Ms. Rutledge indicated that staff had not ruled out the possibility of a future exchange of the property with DPR upon completion of the site restoration and determination that the property is sufficiently "adjacent" to the DPR's Lake Valley State Recreation Area park unit.

Mr. Marsolais and Ms. Novasel thanked staff for the effort underway on the project and related activity with the County on the Sawmill Bike Trail.

In response to a question from Chair Sevison regarding possible value associated with the project's associated sewer connections, Ms. Rutledge indicated that staff intends to contact the South Tahoe Public Utility District but that in similar recent acquisitions these rights were not determined to have value as a transferrable commodity.

Ms. Novasel moved approval of **Resolution 15-09-04**. Board Member Davis seconded the motion. The motion passed unanimously.

Agenda Item 9. Project Updates (Discussion Items Only)

a. Lakeview Lookout (Alta Mira)

Associate Environmental Planner Scott Cecchi presented the update on the improvements made to the site this summer and reported on the conceptual designs for future improvements.

Board members thanked staff for their efforts and offered additional suggestions including lighting, artwork, restrooms, and potential integration of the adjacent El Dorado County parcel. Board precautions for the site included pedestrian crossing concerns and restroom maintenance.

No Board action was taken on this item.

b. South Tahoe Greenway

Associate Environmental Planner Sue Rae Irelan presented an update on the first phase of construction (Phase 1a), noting that this section of the trail is expected to be done by the end of September. Ms. Irelan also presented a summary of potential future phase plans (Phases 1b and 2), including a series of land exchanges with the City of South Lake Tahoe and the Lake Tahoe Community College, to facilitate implementation and funding of the future phases.

Ms. Irelan said that staff anticipates returning to the Board for approval of the Active Transportation Program (ATP) grant contract, California Environmental Quality Act compliance documentation, approval of project modifications (including minor route adjustments along Barbara Avenue and over Trout Creek) and the aforementioned land exchanges associated with Phases 1b and 2.

In response to a question from Mr. Ferrara concerning the origin of the Phase 1a construction funds, Ms. Irelan responded Phase 1a was funded through the Conservancy's Prop 40 appropriation.

Ms. Irelan also mentioned the City of South Lake Tahoe expected to be awarded ATP funds for improvements around the South Tahoe Middle School, which adds to the connectivity improvements throughout this part of South Lake Tahoe.

Ms. Novasel expressed appreciation for the improved safety around the school associated with the projects. Ms. Suter and Chair Sevison thanked staff for their work on the project.

No Board action was taken on this item.

c. Asset Lands

Associate Environmental Planner Aimee Rutledge presented the Tahoe Valley Asset Lands summary of projected future sales or transfers of asset lands to help implement the TVAP.

In response to a question from Vice Chair Hooper regarding future land sales and specifically the City of South Lake Tahoe plan for the area, Ms. Rutledge elaborated on contingencies that the City of South Lake Tahoe would have to approve including consistency with the TVAP and other regional and statewide planning goals. Mr. Wright stated that the significance of these asset land sales and recent Conservancy statutory changes, is more transparency for the Board and the public regarding what the future development is. He also said the Conservancy will work with local jurisdictions in order to meet jurisdictional objectives with these sales.

In response to a question from Ms. Suter regarding the stage of negotiations over the disposition of the Conservancy's 3.5 acre parcel with the owners of the adjacent factory stores parcel Ms. Rutledge stated that no specific project has been submitted but that preliminary discussions indicate the need for additional development rights. In response to a question from Ms. Suter on the substance of the preliminary discussions, Ms. Rutledge said the discussions were at the conceptual level.

In response to a question from Mr. Hooper regarding project timing, Ms. Rutledge said the negotiations would involve the City of South Lake Tahoe and would

revolve around the TVAP, other regional planning goals, and statewide planning goals and sustainable communities.

Mr. Wright added that staff will work with the City of South Lake Tahoe and El Dorado County to ensure the project meets community objectives and local area plan goals.

In response to a question from Ms. Finn regarding property valuation and potential entitlements, Mr. Wright indicated that there is a subtle but significant difference in how the Conservancy and City of South Lake Tahoe can now help shape the future of the property, whereas in the past where we would sell the property and as long as the development was consistent with the zoning it went ahead.

In response to a question from Ms. Finn regarding the Conservancy's authority to work directly with an adjoining property owner as opposed to listing the property for sale to the highest bidder, Staff Counsel Davis said the Conservancy's land sales authority by statute is "notwithstanding any other provision of law" which would be open-ended in terms of the structure of land sales; however for the purpose of the Conservancy's Asset Land Sales Guidelines, the process followed previously involved a competitive bid, appraised value auction process, typically used by the Department of General Services and Caltrans.

Staff Counsel Davis added that for the purpose of the update and a possible December action, staff is directly negotiating with the private landowners and anticipates that the result of the process will be a project that meets all parties' goals. He said that the direct negotiation with private landowners is following a process used by Caltrans for similar negotiations. Ms. Rutledge added to the discussion saying that while the Conservancy recognizes its broad authority to sell land for management purposes notwithstanding any other provision of law and the sealed bid process within the Asset Lands Program Guidelines, if there is an opportunity to work actively with the local agencies and a land owner to most effectively achieve sustainable community goals, then staff intends to move in that direction.

In response to a question from Ms. Finn regarding highest and best use valuation, Ms. Rutledge said that the property would be appraised through an appraisal process meeting state standards, regardless of how the property is ultimately transferred, but that consideration would be given to a transaction which furthers the Conservancy's goal of achieving sustainable communities objectives where the

projects involve a mix of land, development rights, and coverage in the Conservancy land band and that each project may be different.

Laurel Ames from the Tahoe Area Sierra Club commented on the item. She stated that consideration should be given to the value of the property from an open space perspective noting the limited amount of undeveloped property in the vicinity of the "Y" intersection.

Mr. Wright responded that he is confident that in our discussions with the City of South Lake Tahoe we will come up with a design for this parcel that will be incorporated into the greenbelt and provide open space and also include some other amenities that will be far preferable to having vacant land and factory stores that are virtually unchanged.

No Board action was taken on this item.

d. Upper Truckee Marsh

Senior Environmental Planner Stu Roll presented the Upper Truckee River and Marsh Restoration Project update. Mr. Roll also presented a preview of the preferred alternative for restoration of the marsh, which is scheduled for Board review and potential adoption at the December 17-18, 2015 meeting.

In response to a question from Board Member Davis regarding the previous Lower West Side Restoration Project, Mr. Roll described that that project commenced in 2001 with the removal of 85,000 cubic yards of fill resulting in the restoration of a functioning wetland with seasonal inundation and sediment deposition. Mr. Roll said the total project cost was on the order of \$10 to \$13 million, including project planning.

South Lake Tahoe resident Laurel Ames representing herself commented on the project. She congratulated the Conservancy and Mr. Roll on this project. She also expressed appreciation for the time the staff has given to listening to the public. She stated she is very pleased that the old river channels will be re-watered.

South Lake Tahoe resident Tom Rosenberg commented on the proposed project, raising three aspects of the proposed project as briefly summarized below:

1. River rafting take-out and river rafting management issues
2. Updated flood analysis
3. Possible benefit of an additional comment period

Mr. Rosenberg indicated the recommended alternative does not include a river-rafting take-out, as the recommended alternative routes the river to the middle of the meadow and further from the traditional rafting take-out near the end of Venice Drive. Mr. Rosenberg discussed concerns regarding potential issues this modification to raft access may have on the east and west sides of the meadow. Concerns included sanitation, noise, and trash issues, and “so on”.

Mr. Rosenberg noted the importance of the updated Project flood analysis for the City and also for the Tahoe Island Park and Tahoe Keys neighborhoods, and he stated that the updated flood analysis had not yet been released to the public. He also remarked on the importance of the flood modeling spatial resolution and confidence levels, suggesting that a confidence level of 95% or better would be necessary to support the conclusions and findings in the environmental document.

Mr. Rosenberg mentioned that the present suggested alternative is in a “to be determined” state in several important aspects. He specified that the river take out, flood analysis, and the entire section of the river from the U.S. Highway 50 bridge have not been adequately specified in the plan. Mr. Rosenberg stated that several of the proposed enhancements occur on private property making them less clear as to what will actually occur. He also demonstrated support for approving the preferred alternative but requested an additional public review period prior to approving the flood analysis report.

No Board action was taken on this item.

e. Tahoe Conservancy/DPR/USFS Land Exchanges

Staff Counsel Davis presented an update on the status of several completed, authorized, and future land transfer actions with DPR, and a summary of the recent public workshop on the proposed Conservancy/U.S. Forest Service land exchange as well as future workshops scheduled for winter 2015/16 related to the Lake Valley State Recreation Area, Washoe Meadows State Park and Emerald Bay State Park. He stated that the exchanges are for the purpose of ownership consolidation and effective management through shared planning, operation, personnel and facilities.

In response to a comment from Chair Sevison regarding future projects that may require new use of the lands to be exchanged, Mr. Wright stated the negotiations between the Conservancy and DPR are very thorough and included discussions of both day-to-day management and long-term operation.

Mr. Steve Musillami, DPR, stated that he would like to see further discussion on the Dollar property due to challenges on day-to day property use.

Ms. Laurel Ames representing the Tahoe Area Sierra Club commented on the DPR exchange. She stated that while she recognizes the importance of management efficiencies there is public concern related to change in use and the importance of recognizing current use patterns. She also noted the importance of evaluating recreational use in the context of environmental protection both in terms of the Conservancy ownerships and the U.S. Forest Service ownerships.

Ms. Jennifer Quashnick of Friends of the South Shore also provided public comment on this item. She indicated her support for the comments made by Ms. Ames and reiterated the need for public discourse in the context of possible Conservancy and U.S. Forest Service land exchanges.

No Board action was taken on this item.

Agenda Item 10. Administration

Election of Board Chair and Vice Chair

Vice Chair Hooper called for nominations for Chair of the Tahoe Conservancy Board. Ms. Suter nominated Chair Sevison. Board Member Davis seconded the nomination.

Vice Chair Hooper called for additional nominations. No additional nominations were offered.

The Board unanimously elected Chair Sevison as Chair. Chair Sevison abstained.

Chair Sevison called for nominations for Vice Chair of the Tahoe Conservancy Board. Ms. Suter nominated Vice Chair Hooper. Ms. Finn seconded the nomination.

Chair Sevison called for additional nominations. No additional nominations were offered.

The Board unanimously elected Vice Chair Hooper as Vice Chair. Vice Chair Hooper abstained.

Agenda Item 11. Public Comment

South Lake Tahoe resident Norma Santiago commented on the Lakeview Lookout Project regarding the environmental analysis and funding for a previous related walkway project.

Agenda Item 12. Board Member Comment

Vice Chair Hooper thanked the staff for leading him and Ms. Suter on an early September field trip to various Conservancy project locations.

Board Member Davis invited everyone to attend the City's 50th Anniversary parade on Saturday, September 19th.

Agenda Item 13. Recess

At 12:22 p.m. Deputy Attorney General Marian Moe announced that the Board would recess for lunch and reconvene for the scheduled project tour at 1:30 p.m.

Agenda Item 14. Tour

Following lunch recess, the Board reconvened at 1:40 p.m. for the project tour.

Agenda Item 13. Adjournment

Chair Sevison adjourned the meeting in the field at 3:10 p.m.

California Tahoe Conservancy
Resolution 15-12-01
Adopted: December 17, 2015

APPROVAL OF MINUTES

I hereby certify that the foregoing is a true and correct copy of the minutes of the September 17, 2015 meeting of the California Tahoe Conservancy adopted on December 17, 2015.

IN WITNESS THEREOF, I have hereunto set my hand this 17th day of December, 2015.

Patrick Wright
Executive Director