

California Tahoe Conservancy
Agenda Item 7
December 17, 2015

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Summary: Staff recommends authorization to enter into agreements to transfer various interests in land to the California Department of Transportation (Caltrans) for a U.S. Highway 50 (US 50) water quality improvement project.

Location: The land is located within the City of South Lake Tahoe either adjacent to or in close proximity to US 50. The specific Conservancy parcels are El Dorado County Assessor Parcel Numbers 23-211-44, 23-241-23, 31-061-20, 31-061-21, 31-075-22, and 31-075-23 (Attachments 1a, 1b, and 1c).

Fiscal Summary: The California Tahoe Conservancy (Conservancy) will receive up to \$50,000 from Caltrans and deposit the proceeds into the Tahoe Conservancy Fund.

Recommended Action: Adopt Resolution 15-12-02 (Attachment 2) authorizing the transfer agreements and accepting the Caltrans payment.

Background

Caltrans has been planning, designing, and constructing several Environmental Improvement Program (EIP) water quality projects to address storm water runoff from the highways on the California side of the Tahoe Basin. In addition to improving water quality, the projects may provide Class II bike lanes, sidewalks, traffic improvements, such as bus turnouts and street lighting, and pavement overlays.

During the project planning and design, Caltrans looks for opportunities to use Conservancy-owned parcels for water quality improvements, such as underground infiltration galleries. Currently, Caltrans is designing the US 50 project from Trout Creek to the intersection of US 50 and State Route 89. Construction of the project is scheduled to begin in 2017 and will last three years.

Project Description

Caltrans has identified several opportunities related to Conservancy-owned land for the US 50 project. Conservancy staff has reviewed the requests and recommends that the Board authorize:

1. The Transfer of Jurisdiction and Control (TOJ) from the Conservancy to Caltrans for the construction of surface and subsurface improvements on El Dorado County Assessor Parcel Number (APN) 031-061-20 and 031-061-21. Because the Caltrans infrastructure will significantly limit the ability of the Conservancy to manage the land in any other meaningful manner a TOJ is recommended instead of a temporary license agreement or limited easement.

The TOJ will allow Caltrans to construct, operate, and maintain a Delaware Sand Filter (DSF) along with associated piping to treat runoff prior to its discharge into the Upper Truckee River. The TOJ will also allow Caltrans to construct a driveway to the sand vault for maintenance purposes. To minimize the footprint of disturbance, Caltrans will construct a retaining wall around the DSF. All disturbed areas will be revegetated. The DSF's new discharge pipe and newly installed infrastructure for the City of South Lake Tahoe's Sierra Tract 3/4 project will connect. Caltrans will also execute an assignment of coverage to APN 031-061-20, thereby providing the coverage rights associated with the improvements.

2. A Memorandum of Understanding (MOU) between Caltrans and the Conservancy to provide specific easement rights across El Dorado County APNs 23-211-44, 23-241-23, 31-075-22, and 031-075-23. This MOU will facilitate the construction, operation, and maintenance of the following improvements:

APN	Area Involved	Proposed Improvement
23-211-44	14,655 Square Feet (SF)	Underground infiltration gallery, drop inlets, piping, revegetation and access gate
23-241-23	111 SF	Sidewalk, curb and gutter, minor grading and revegetation
31-075-22 & 31-075-23	9,992 SF	Underground infiltration gallery, revegetation

3. A License Agreement for temporary construction use of 1,364 SF on El Dorado County APN 23-241-23 and 4,604 SF on El Dorado County APN 031-061-20 allowing

Caltrans to enter onto the land to facilitate the construction of the improvements within the highway Right-of-Way or the TOJ. Accordingly, upon completion of the work, Caltrans will revegetate disturbed areas and replace existing bollards or fencing removed during construction.

Project Implementation

If the Board approves, Conservancy staff intends to enter into the agreements referenced above and take all necessary actions to implement the transfers. Caltrans will be required to provide the Conservancy with the legal descriptions, exhibits illustrating the improvements, and other exhibits necessary to implement the transaction. The license for temporary construction and the MOUs include provisions related to permitting, restoration, and liability.

Project Evaluation

The proposed agreements are consistent with the Conservancy's Special Use Guidelines and the Asset Land Guidelines. The project's objectives are consistent with the purposes of acquisition and will not result in adverse impacts to the properties. Caltrans' projects support regional planning and resource management objectives in the Lake Tahoe Basin and are being pursued in accordance with the EIP. The proposed projects also further the Conservancy's management objectives by coordinating management with other agencies to facilitate more responsive, cost-effective, and comprehensive arrangements for achieving water quality objectives.

Conservancy staff worked with Caltrans staff to minimize the impact of the water quality improvements on the existing natural vegetation landscape, including minimizing the number of healthy trees removed for the improvements, salvaging existing topsoil and shrubs for restoring disturbed areas, and minimizing the footprint necessary for the work. As noted, this partnership effort and the specifically tailored agreements allows the Conservancy to continue to use the majority of its property for the uses identified at the time of acquisition.

The parcels identified for transfer to Caltrans through a TOJ (APNs 031-061-20 and 031-061-21) were originally purchased by the Conservancy using Section 8(g) funds in 1994 for the purpose of water quality and protection of the natural environment. The Caltrans payment for the TOJ will be deposited into the Tahoe Conservancy Fund because the Section 8(g) Fund account no longer exists. The remaining parcels were purchased with funding from the Lake Tahoe Acquisition Bond Act and Lake Tahoe License Plate Account. The Caltrans payment for the MOU and license agreements will

also be deposited into the Tahoe Conservancy Fund, consistent with Government Code section 66908.2. Staff will work with the Natural Resources Agency and the Department of Finance to request reimbursement/reappropriation authority for the use of these funds.

Consistency with the Conservancy's Enabling Legislation

The recommended license, MOU, and TOJ agreements are 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 state agencies 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.

Consistent with Government Code Section 66908.2 the proceeds from any lease, rental, sale, exchange or transfer of land or interest therein shall be deposited into the Tahoe Conservancy Fund defined in Government Code Section 66905.10.

Compliance with the California Environmental Quality Act (CEQA)

Pursuant to 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 for Natural Resources 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. (Cal. Code Regs., title 14, § 12100 et seq.). Staff has evaluated the improvements associated with the US 50 project and has found them to be exempt under CEQA. This project qualifies for a categorical exemption under CEQA Guidelines sections 15303 (new construction of small structures) and 15304 (minor alteration of lands), and the Conservancy's CEQA regulations, sections 12102.3 and 12102.4. A Notice of Exemption has been drafted for this project (Attachment 3). If the Board authorizes the agreements, staff will file the Notice of Exemption with the State Clearinghouse pursuant to CEQA Guidelines, section 15062.

List of Attachments:

Attachment 1a – Location Map

Attachment 1b – Parcels West Map

Attachment 1c – Parcels East Map

Attachment 2 – Resolution 15-12-02

Attachment 3 – Notice of Exemption

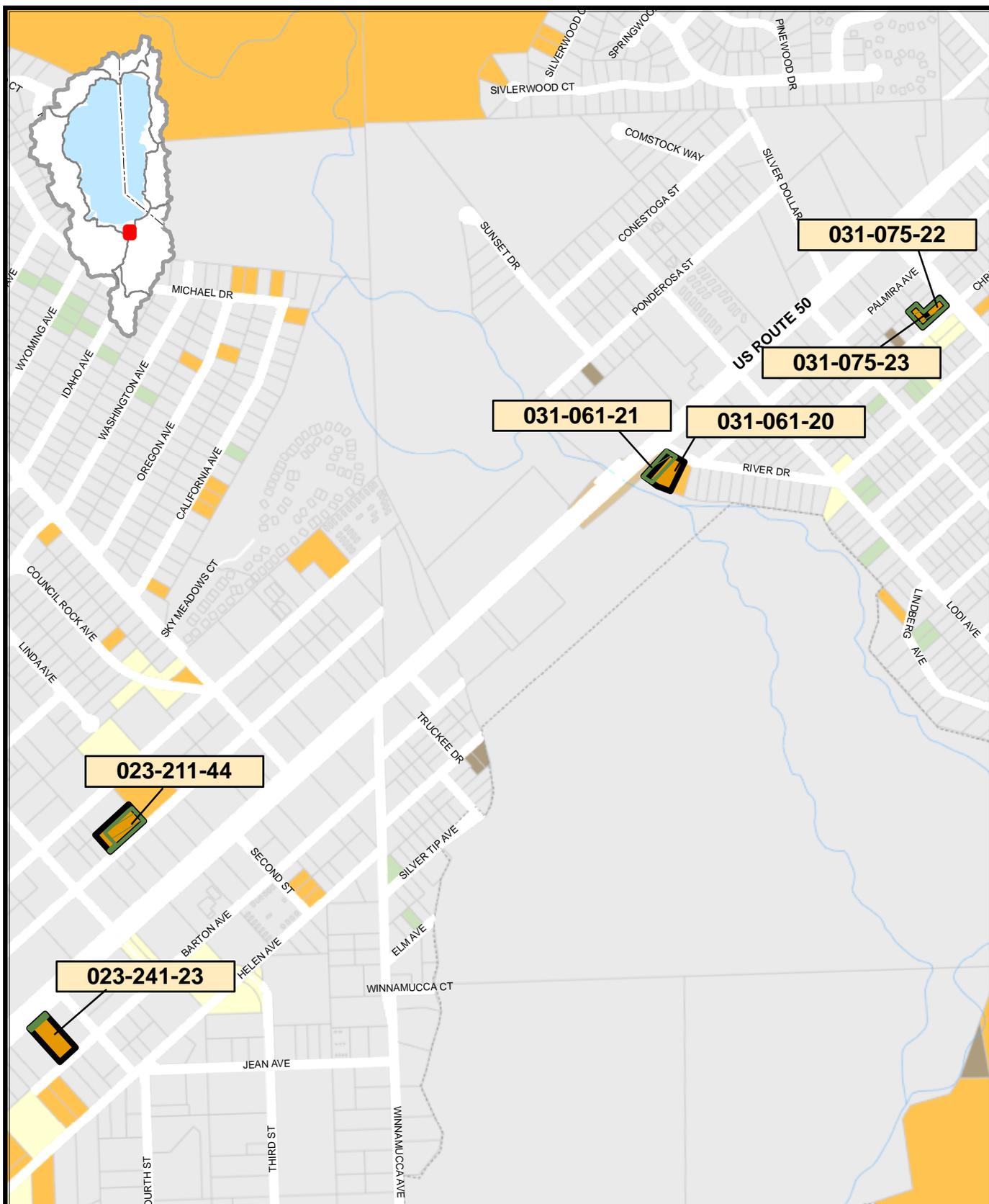
Conservancy Staff Contact:

Penny Stewart

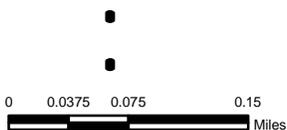
(530) 543-6013

penny.stewart@tahoe.ca.gov

ATTACHMENT 1a
Location Map



-  Land Interest Area
-  Conservancy Parcels Impacted



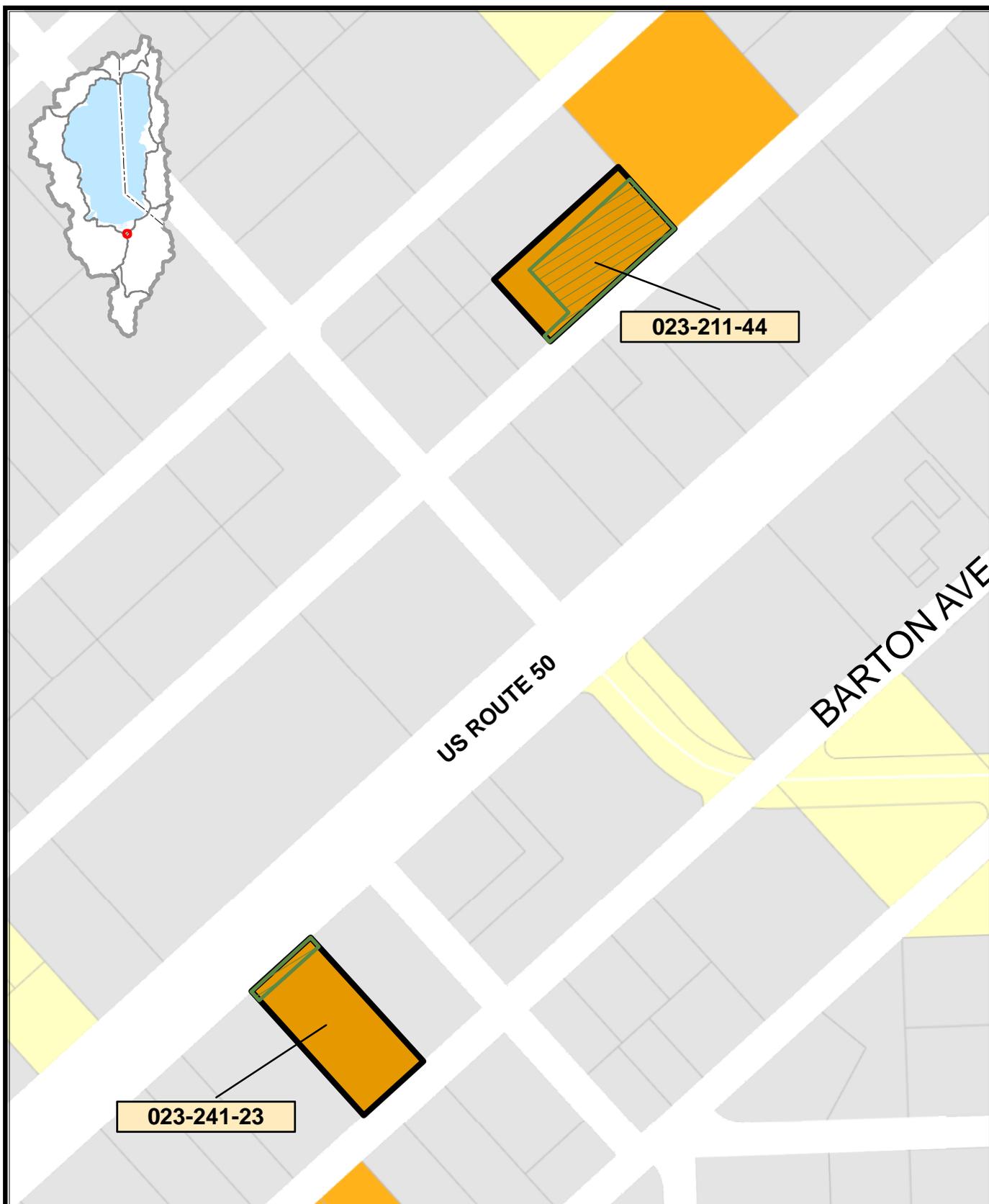
California Tahoe Conservancy
December 2015

Map for reference purposes only.
Sources: TRPA; CTC



ATTACHMENT 1b

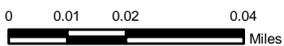
Parcels West



Land Interest Areas



Conservancy Parcels Impacted



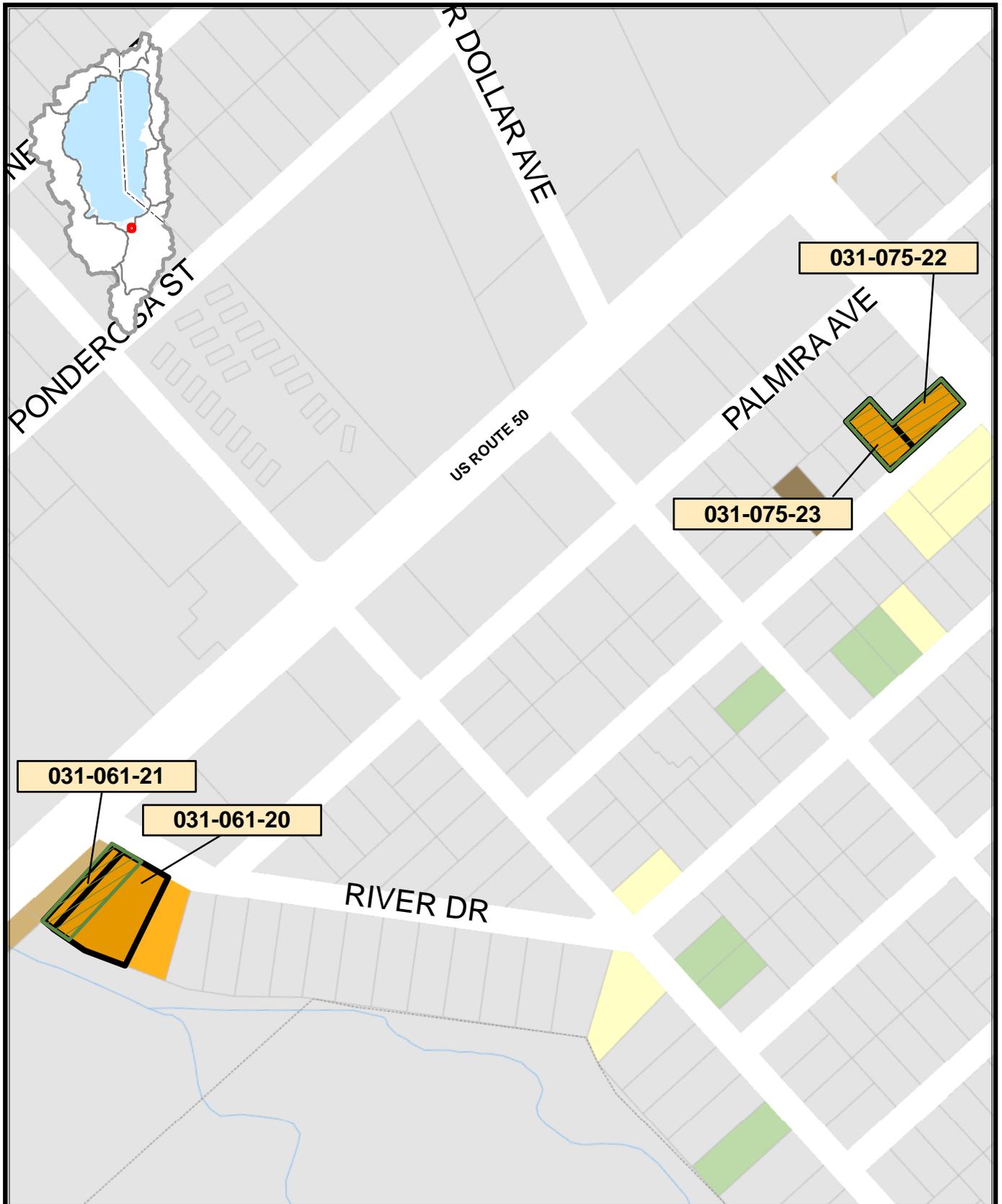
California Tahoe Conservancy

December 2015

Map for reference purposes only.

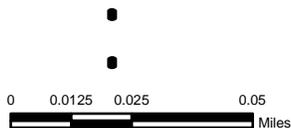
Sources: TRPA; CTC





Land Interest Area

Conservancy Parcels Impacted



California Tahoe Conservancy

December 2015

Map for reference purposes only.

Sources: TRPA; CTC



ATTACHMENT 2

California Tahoe Conservancy
Resolution 15-12-02
Adopted: December 17, 2015

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Staff recommends that the California Tahoe Conservancy adopt the following resolution pursuant to Government Code sections 66907.8, 66907.9 and 66908.2:

"The California Tahoe Conservancy hereby authorizes staff to enter into Agreements with the California Department of Transportation on El Dorado County Assessor Parcel Numbers 23-211-44, 23-241-23, 31-061-20, 31-061-21, 31-075-22, and 31-075-23 to permit activities associated with water quality improvement projects for U.S. Highway 50, 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 17th day of December, 2015.

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

Patrick Wright
Executive Director

ATTACHMENT 3

NOTICE OF EXEMPTION

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

Project Title:

Execution of land interest agreements with the California Department of Transportation

Project Location – Specific:

Conservancy-owned parcels within the U.S. Highway 50 Trout to Y Water Quality Improvement Project, specifically identified as El Dorado County APNs 23-211-44, 23-241-23, 31-061-20, 31-061-21, 31-075-22, and 31-075-23

Project Location – City:

South Lake Tahoe

Project Location – County:

El Dorado County

Description of Nature, Purpose, and Beneficiaries of Project:

The land interest agreements will facilitate the construction of water quality and pedestrian improvements associated with the U.S. Highway 50 Water Quality Improvement Project.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 12/17/2015) (Agenda Item 7)

Name of Person or Agency Carrying Out Project:

California Tahoe Conservancy

Exempt Status:

- Ministerial (§ 21080 (b)(1); § 15268)
- Declared Emergency (§ 21080 (b)(3); § 15269 (a))
- Emergency Project (§ 21080 (b)(4); § 15269 (b)(c))
- Categorical Exemption, Classes 3 & 4, §§ 15303 and 15304 (See also Cal. Code Regs., title 14, §§ 12102.3 and 12102.4)

Reasons Why Project is Exempt:

The improvements to be constructed are associated with an existing state highway and are new structures or are new underground facilities where the surface will be restored.

Contact Person:

Penny Stewart

Telephone Number:

(530) 543-6013

Date Received for Filing:

Patrick Wright
Executive Director