

**COUNTY SERVICE AREA #5
EROSION CONTROL PROJECT
LICENSE AGREEMENT**

Recommended Action: Adopt Resolution 16-06-02 (Attachment 1) authorizing a long-term license agreement with El Dorado County on three Conservancy-owned parcels in support of the County Service Area #5 Erosion Control Project.

Location: Three Conservancy-owned parcels (El Dorado County Assessor Parcel Numbers 014-302-02, 014-303-12, and 015-063-18) near the west shore of Lake Tahoe in Tahoma. All three parcels are within the Tahoe Cedars subdivision and the County Service Area #5 Project area, bordered by Lake Tahoe and First Avenue to the east, El Dorado County/Placer County line to the north, Chinkapin Road and Placer Street to the west, and Cedar Street to the south (Attachment 2).

Fiscal Summary: The proposed authorization will result in minor incidental staff costs related to the preparation and processing of the agreement.

Overview

Description of Recommended Action

- Staff recommends the Board authorize a long-term license agreement with El Dorado County (County) on three Conservancy-owned parcels to facilitate implementation of the County Service Area #5 (CSA #5) Erosion Control Project (Project). The proposed license agreement will provide the County with access rights to construct and maintain water quality improvements, as described by parcel below:

Assessor Parcel Numbers	Proposed Improvement
014-302-02	Rock lined channel and rock bowl
014-303-12	Rock lined channel
015-063-18	Offline underground infiltration system with sediment traps

- The County will construct improvements primarily within the County right-of-way, but some of the Project’s features and construction activities extend onto the adjacent Conservancy lands. Staff expects minimal disturbance to Conservancy-owned properties and their natural resources due to the limited nature of the proposed work.
- The Project will stabilize eroding slopes and ditches and will incorporate infiltration systems to decrease fine sediment and nutrient loads that impact Lake Tahoe’s clarity.
- Staff intends to enter into the license agreement with the County and take all necessary actions to implement the agreement in summer/fall of 2016.

History

In 2009, the County completed an assessment of all County maintained watershed outfalls within the Lake Tahoe Basin as part of their Pollutant Load Reduction Strategy Report, a key element of the Lake Tahoe Total Maximum Daily Load. This assessment determined that the watershed outfalls from the CSA #5 area, on the west shore of Lake Tahoe in Tahoma, drained storm water from the Tahoe Cedars subdivision directly into Lake Tahoe. The County initiated a planning effort in order to evaluate existing infrastructure and problems related to water quality and erosion.

In December of 2012, the Board authorized a \$395,000 site improvement grant for CSA #5 Project Phase A water quality improvements. The County pursued this initial phase because of the limited funding available at that time. Phase A consisted of modifications to the existing storm drain system in order to provide water quality treatment through infiltration and sediment capture. The County completed construction of the CSA #5 Project Phase A in 2014.

The County then developed the Project to address the water quality problems that were not addressed in Phase A. The Project applies the Conservancy's Preferred Design Approach and the Pollutant Load Reduction Model to improve water quality. The proposed license agreement will support the County's effort to complete water quality improvements within the Project area. The County anticipates completing Project construction, using funding from the U.S. Forest Service, Lake Tahoe Basin Management Unit, by fall 2016.

Financing

The proposed authorization would result in minor incidental staff costs related to the preparation and processing of the agreement. Consistent with the Conservancy's Lease and License Program and Soil Erosion Control Program Guidelines, the County is not charged a fee for the use of Conservancy-owned property because the improvements are associated with water quality improvement projects.

Authority

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 real property or interest therein, or option acquired under this title to local public agencies, state agencies, federal agencies, nonprofit organizations, individuals, corporate entities, or partnerships to fulfill the purposes of this title [7.42] and to promote the state's planning priorities, consistent with subdivision (i) of Section 79707 of the Water Code." 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, and to enter into any other agreements authorized by State or federal law.

Consistency with the Conservancy's Strategic Plan

This recommendation is consistent with Strategic Plan because the license for the use of Conservancy-owned land for water quality improvements facilitates the efficient management of Conservancy land (Strategy III) and the investment in high priority conservation and recreation/Environmental Improvement Program (EIP) projects (Strategy II).

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's Special Use Guidelines and the Erosion Control Program Guidelines because the action furthers the Conservancy's overall agency purposes by allowing the County to construct and maintain storm water conveyance and treatment infrastructure to improve water quality for Lake Tahoe.

The parcels were acquired under the Conservancy's Environmentally Sensitive Lands Acquisition Program and the water quality improvements proposed on these parcels are consistent with protecting natural resources. The license agreement will contain other standard language requiring contractor insurance, and indemnification, as well as restoration of any damage to the Conservancy parcels. Furthermore, the County will be required to maintain the improvements for 20 years after the installation.

Consistency with External Authorities

The license is consistent with the EIP because it completes the implementation of EIP project #01.01.01.0067. Furthermore, the action provides natural resource, water quality, and public recreational benefits consistent with state planning priorities (Water Code § 79707(1)).

Compliance with the California Environmental Quality Act (CEQA)

The County, acting as the lead agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the County Service Area #5 Erosion Control Project (Project) to comply with CEQA. The County adopted the MND on April 19, 2016, and filed a Notice of Determination (NOD) on April 19, 2016.

A copy of the IS and MND are 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 the County and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the MND and believes that the Project has 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 3-19 of the MND CEQA Checklist.

Staff recommends the Board review and consider the MND adopted by the County 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 long-term license agreement. If the Board considers and concurs with the MND and authorizes the license, staff will file an NOD with the State Clearinghouse pursuant to CEQA guidelines, section 15096. Attachment 4 contains the Conservancy's proposed NOD.

List of Attachments:

Attachment 1 – Resolution 16-06-02

Attachment 2 – Project Location Map

Attachment 3 – El Dorado County Mitigated Negative Declaration (on attached CD)

Attachment 4 – Conservancy Notice of Determination

Conservancy Staff Contact:

Mark Sedlock

Phone: (530) 543-6048

ATTACHMENT 1

California Tahoe Conservancy
Resolution
16-06-02

Adopted: June 16, 2016

COUNTY SERVICE AREA #5 EROSION CONTROL 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 County Service Area #5 (CSA #5) Erosion Control Project Initial Study and Mitigated Negative Declaration (IS/MND) certified by El Dorado County on April 19, 2016.

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 license agreement. The Conservancy 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 long-term license agreement with El Dorado County, over a portion of El Dorado County Assessor Parcel Numbers 014-302-02, 014-303-12, and 015-063-18, which permits the construction and maintenance of water quality improvements associated with the CSA #5 Erosion Control

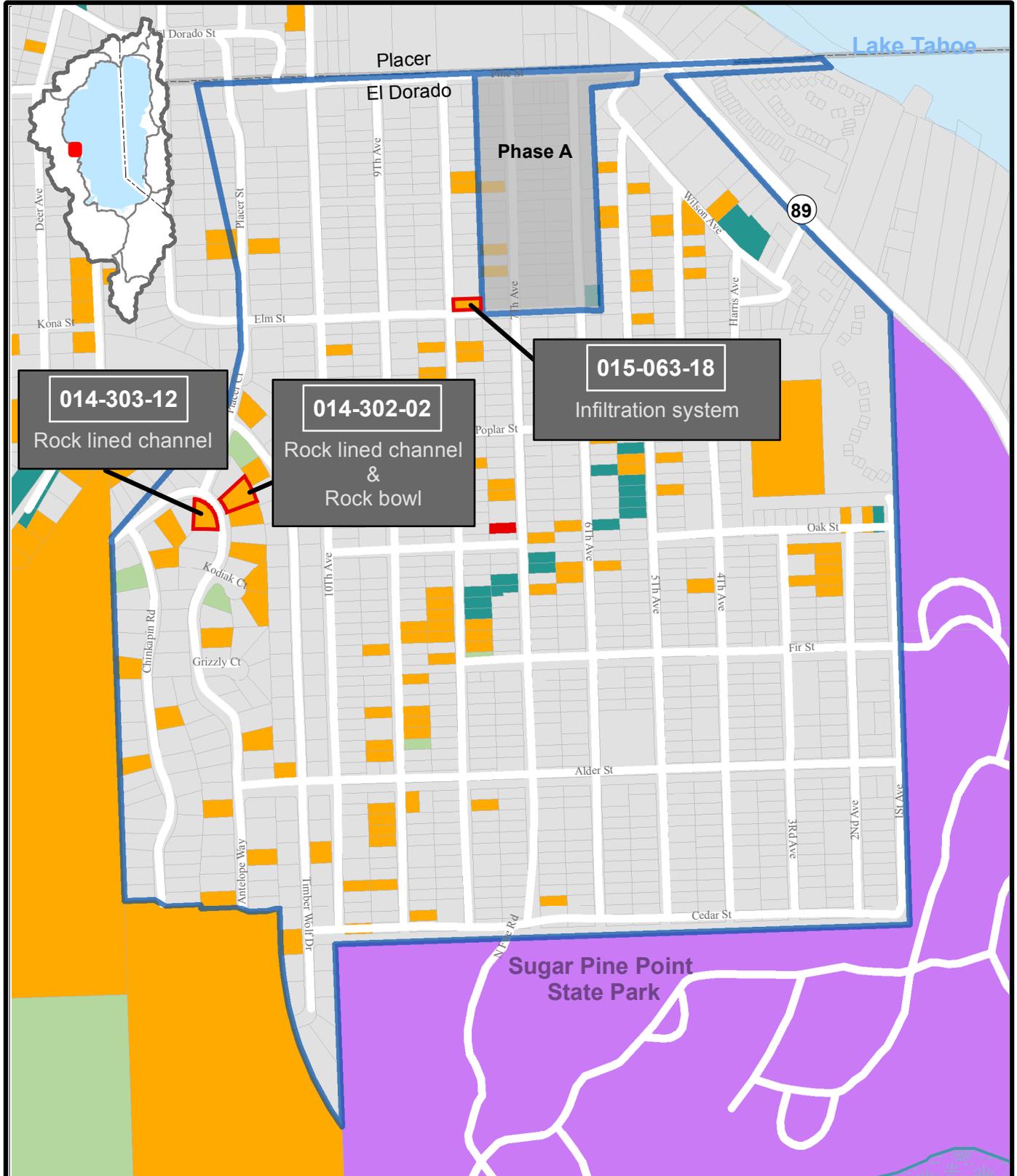
Project, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation.”

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 16th day of June 2016.

In WITNESS THEREOF, I have hereunto set my hand this 16th day of June 2016.

Patrick Wright
Executive Director

ATTACHMENT 2
Project
County Service Area #5 Erosion Control Project License Agreement



Proposed Items

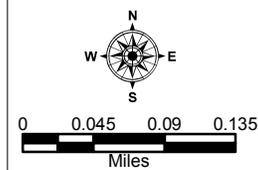
 Conservancy License Agreement

Supporting Features

 CSA 5 Erosion Control Project Area
 Phase A (Completed 2014)

Basin Ownership

 CA Tahoe Conservancy
 CA Dept of Parks and Recreation
 El Dorado County
 Meeks Bay Fire Protection District
 Private
 US Forest Service



Sources:
TRPA, CTC

California
Tahoe Conservancy



June 2016

*Map for reference purposes only.

ATTACHMENT 3

COUNTY SERVICE AREA # 5 EROSION CONTROL PROJECT

El Dorado County Initial Study
Mitigated Negative Declaration
County's Notice of Determination

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:

The filing of a Notice of Determination in compliance with section 21108 of the Public Resources Code.

Project Title:

County Service Area #5 Erosion Control Project Long-term License Agreement with El Dorado County.

State Clearinghouse Number:

2016022058

Contact Person:

Mark Sedlock

Telephone Number:

(530) 543-6048

Project Location:

Three Conservancy-owned parcels (El Dorado Assessor Parcel Numbers 014-302-02, 014-303-12, and 015-063-18) within the County Service Area #5 Erosion Control Project area in the Lake Tahoe Basin, as shown on the attached map (Exhibit A).

Project Description:

The Project proposes to construct, maintain, and improve storm water facilities and implement erosion control practices for the County Service Area #5 Erosion Control Project as identified by the Lake Tahoe Environmental Improvement Program.

This is to advise that the California Tahoe Conservancy (Conservancy), acting as a responsible agency, has approved the above described project on June 16, 2016 [Agenda Item 7a] and has made the following determinations regarding the above described project:

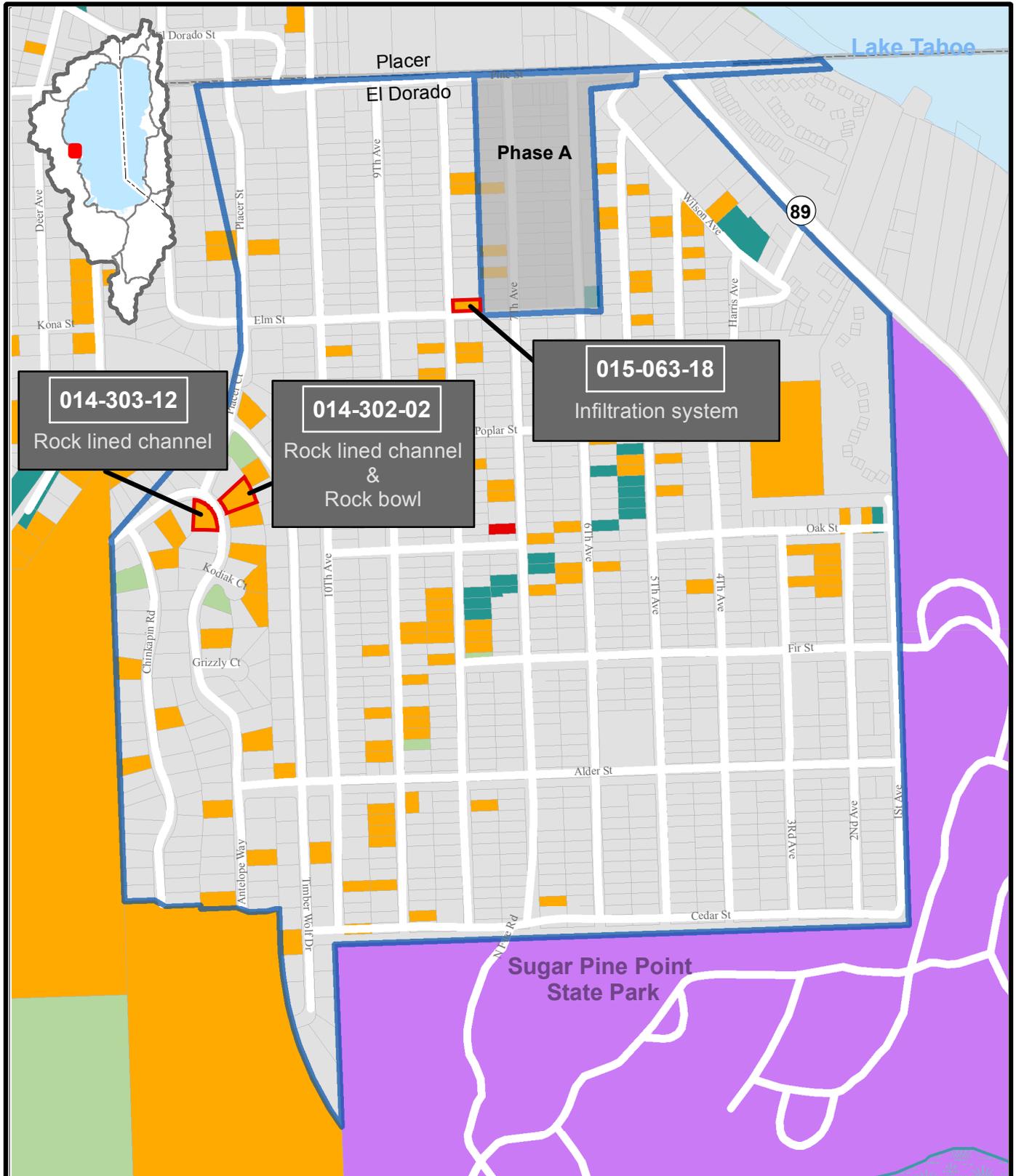
1. The project will not have a significant effect on the environment.
2. El Dorado County, acting as the lead agency, prepared an Initial Study and Mitigated Negative Declaration (MND) for the project to comply with CEQA. El Dorado County adopted the MND on April 19, 2016 and a Notice of Determination (NOD) was filed on April 19, 2016. The Conservancy reviewed and considered the MND prior to project approval. The NOD, MND, and record of project approval may be examined at El Dorado County Department of Transportation, 924 B Emerald Bay Road, South Lake Tahoe, CA 96150.
3. Mitigation Measures were made a condition of the approval of the project by El Dorado County and the California Tahoe Conservancy.

Date Received for Filing:

Patrick Wright
Executive Director

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

EXHIBIT A
Project
County Service Area #5 Erosion Control Project License Agreement



Proposed Items

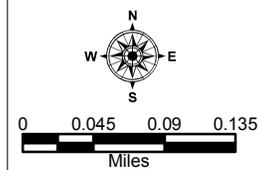
 Conservancy License Agreement

Supporting Features

 CSA 5 Erosion Control Project Area
 Phase A (Completed 2014)

Basin Ownership

 CA Tahoe Conservancy
 CA Dept of Parks and Recreation
 El Dorado County
 Meeks Bay Fire Protection District
 Private
 US Forest Service



Sources:
TRPA, CTC

California
Tahoe Conservancy



June 2016

*Map for reference purposes only.