

California Tahoe Conservancy  
Agenda Item 8b  
December 18, 2015

**DOLLAR CREEK SHARED-USE TRAIL PROJECT  
FIRESTONE PROPERTY TRANSFER APPROVAL**

**Summary:** Staff requests authorization approving the transfer of the Firestone property (Placer County Assessor Parcels Number 92-010-40, 92-010-41, 92-010-42, 93-010-37, 38 & 39) from the North Tahoe Public Utility District to Placer County for the construction, operation and maintenance of the Dollar Creek Shared-Use Trail Project (Project) and independently consider the environmental documentation for the Project.

**Location:** The Firestone property is located in the Dollar Hill/Dollar Point area, on the North Shore of Lake Tahoe (Attachment 1a). The Dollar Creek Shared-Use Trail Project comprises 2.2 miles of trail through publicly-owned land beginning at Highway 28 between Country Club Drive and Old County Road crossing Dollar Creek and ending at Fulton Crescent Road in the Old County Road subdivision (Attachment 1b).

**Fiscal Summary:** Incidental staff costs.

**Recommended Action:** Adopt Resolution 15-12-04 (Attachment 2).

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**Background**

In 1988, the Conservancy awarded a \$1.186 grant to the North Tahoe Public Utility District (NTPUD) to acquire the 85 acre Firestone property to facilitate the planning and construction of the NTPUD Bike Trail, a 6.7 mile shared use trail from Dollar Hill to the North Tahoe Regional Park. The Conservancy grant was conditioned upon NTPUD's commitment to build and maintain the trail.

The Conservancy subsequently awarded three additional planning grants to NTPUD for the bike trail project, totaling about \$1.3 million. In 2010, however, NTPUD stopped work on the trail, and allowed its grant agreement with the Conservancy to expire with \$587,000 in unspent funds.

Placer County (County) then became the lead agency for the project, and the Conservancy awarded the County a \$435,000 planning grant in 2010, and a \$500,000 acquisition grant in 2012. The County then began to seek ownership of the Firestone property from NTPUD in return for assuming NTPUD's obligation to build and maintain the trail, now known as the Dollar Creek Shared-Use Trail.

Meanwhile, the County approved the Initial Study and Mitigated Negative Declaration (IS/MND) in 2012 for the first 2.2 mile segment of the project. In 2014, the County received \$3,400,000 in Federal Lands Access Program construction funding, supported by a County match of \$485,000, and a \$200,000 grant from the North Lake Tahoe Resort Association. Final design is complete and construction is scheduled to commence in 2016.

### **Project Description**

Conservancy approval of proposed transfer is required by the terms of the Conservancy grant agreement with NTPUD for the Firestone acquisition. Specifically, the grant agreement requires NTPUD to operate and maintain the Firestone property for bike trail and open-space purposes and to undertake the Project, including trail construction, operation, and maintenance. Any change in the Project roles and responsibilities through land transfer or otherwise requires Conservancy Board approval.

Upon Conservancy approval of the transfer, the County will construct and operate the Project and operate and maintain all of the Firestone property, including the Project right-of-way and improvements (i.e., North Rim Drive and the Highway 28 trail head and parking area). As described in Attachment 3, the specific operation, management and maintenance strategy for the Project includes natural resource protection, education and interpretation, adaptive management, and varied or seasonal uses, including cross country skiing, emergency police and fire and dispersed recreation.

### **Project Evaluation**

Under the proposed transfer, the County will assume responsibility for meeting the terms and conditions of the Conservancy's 1988 grant to NTPUD. In addition, the Firestone property remains subject to the Conservancy's standard power of termination clause (contained in all acquisition grants), authorizing the Conservancy to use a process (i.e., the Civil Code Section 885 power of termination) to regain possession of the land, in the event it is used inconsistent with the terms of the grant.

Any additional change in the roles, land uses or land transfers remain subject to the Conservancy acquisition grant, including additional Board approval, the Lake Tahoe Acquisition Bond Act funding source requirements and compliance with the California Environmental Quality Act (CEQA).

Finally, the Project remains consistent with the Conservancy's Public Access and Recreation Program Guidelines and program objectives. The Project enhances significant regional public access and recreational opportunities by increasing and enhancing access to regionally significant areas and facilities, and by providing a stand-alone trail connection from Highway 28 to neighborhoods located north and east of Dollar Hill. The Project is consistent with the Lake Tahoe Region's Environmental Improvement Program (portion of EIP Project 761), and is a key component of the Tahoe Regional Planning Agency's Lake Tahoe Regional Bicycle and Pedestrian Master Plan.

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

The recommended transfer 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 IS/MND for the Project to comply with CEQA. The County Board of Supervisors adopted the IS/MND on October 23, 2012, and filed a Notice of Determination (NOD) with the State Clearinghouse (SCH# 2012062010) on October 25, 2012.

A copy of the IS/MND and the County NOD has been provided to the Board on CD (Attachment 4) and is available for public review at the Conservancy office, 1061 Third Street in South Lake Tahoe, California.

As a responsible agency, the Conservancy must consider the IS/MND prepared by the County and reach its own conclusions on whether and how to approve the Project.

Staff has reviewed the IS/MND and believes the Project analysis is adequate. Staff has determined that the Project, as proposed, would not cause a significant effect on the environment.

Since completion of the IS/MND, 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 IS/MND. The mitigation measures for the Project are located in *Sections 3.2.1 through 3.2.18, Environmental Analysis and Mitigation Measures*, of the IS/MND. Some of the potential impacts and mitigation measures are not present on the Firestone property, such as the Stream Environment Zone (SEZ) disturbance related to the Dollar Creek Bridge Crossing and the related SEZ restoration (IS/MND *Section 3.2.4.2*).

Staff recommends the Board review and consider the IS/MND, prepared and 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 environmental effects of the of the Project; make the findings as set forth in the Resolution (Attachment 2); and approve the Firestone property transfer in support of Project implementation. If the Board considers and concurs with the IS/MND and authorizes the actions described above, staff will file a NOD with the State Clearinghouse pursuant to State CEQA Guidelines, section 15096 (Attachment 5).

**List of Attachments:**

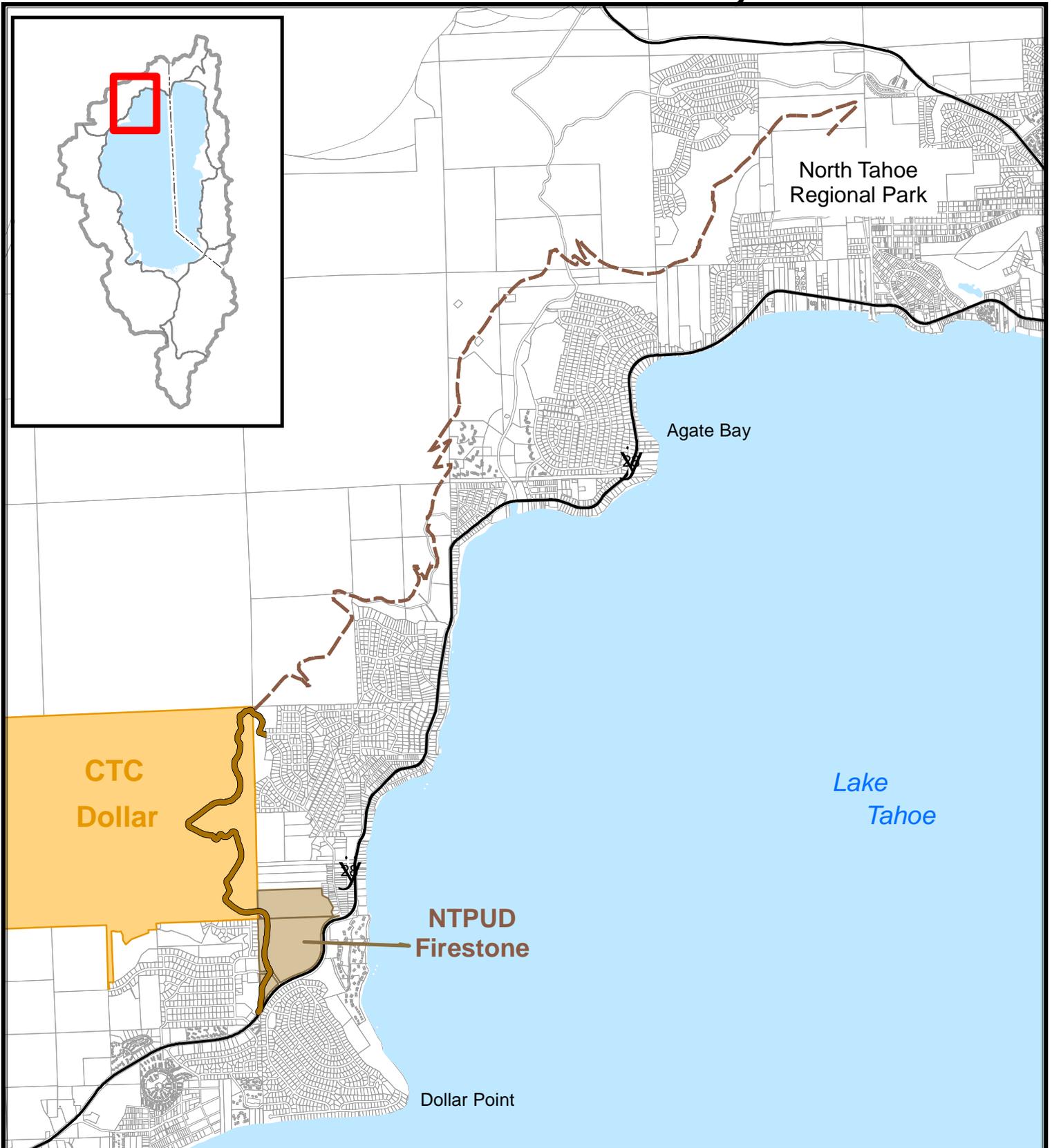
- Attachment 1a – Project Location Map
- Attachment 1b – Firestone Property Map
- Attachment 2 – Resolution 15-12-04
- Attachment 3 – Operation and Maintenance Strategy (Appendix F to IS/MND)
- Attachment 4 – Placer County Initial Study/Mitigated Negative Declaration (on CD)
- Attachment 5 – Conservancy Notice of Determination

**Conservancy Staff Contact:**

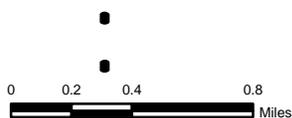
Ryan Davis (530) 543-6022  
ryan.davis@tahoe.ca.gov

# Attachment 1a

## 2010 Dollar Hill Potential Study Route



- Shared Use Trail
- - - Study Route



California Tahoe Conservancy  
February 2015

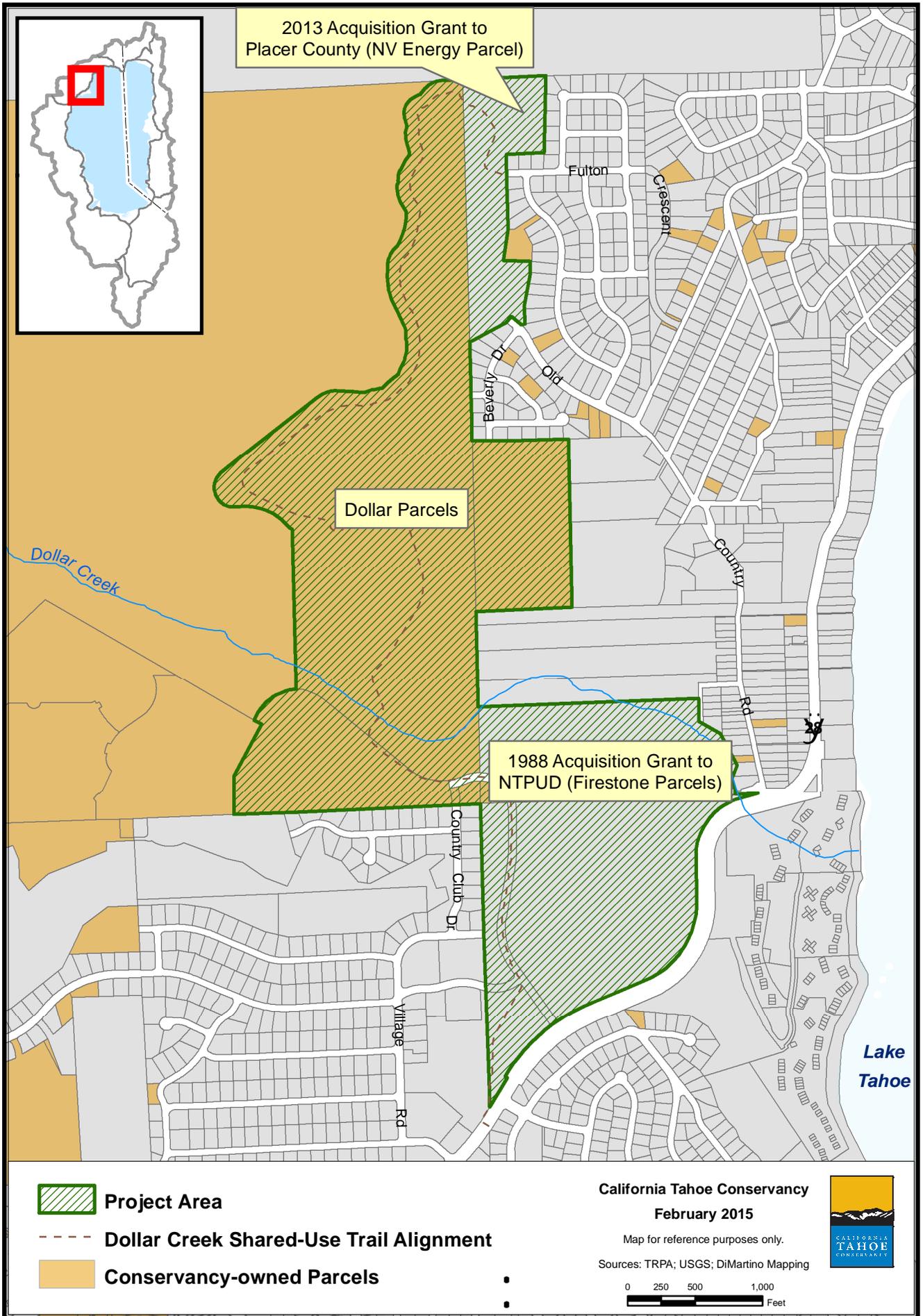
Map for reference purposes only.

Sources: Placer County; TRPA



ATTACHMENT 1b

Dollar Creek Shared-Use Trail Location Map



## **ATTACHMENT 2**

California Tahoe Conservancy  
Resolution  
15-12-04  
Adopted: December 18, 2015

### **DOLLAR CREEK SHARED-USE TRAIL PROJECT FIRESTONE PROPERTY TRANSFER APPROVAL**

Staff recommends that the California Tahoe Conservancy make the following finding 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 Quality Act, has reviewed and considered the Initial Study and Mitigated Negative Declaration (IS/MND) certified by Placer County on October 23, 2012. The Conservancy certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed Dollar Creek Shared-Use Trail Project (Project) and finds, on the basis of the whole record before it, that there is no substantial evidence that the Project will have a significant effect on the environment. The Conservancy finds there is no new information, substantial changes to the Project, or changes to Project implementation which would involve any new significant effects which were not analyzed in the IS/MND. The Conservancy incorporates the mitigation measures described in the MND as a condition for approval of the project. The mitigation measures for the Project are located in *Sections 3.2.1 through 3.2.18, Environmental Analysis and Mitigation Measures*, of the IS/MND. 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 execute and/or approve all necessary agreements related to the transfer of Placer County Assessor Parcels Number 92-010-40, 41 & 42, 93-010-37, 38 & 39, from the North Tahoe Public Utility District to the County of Placer for the construction

operation and maintenance of the Dollar Creek Shared-Use Trail 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 18th day of December 2015.

In WITNESS THEREOF, I have hereunto set my hand this 18th day of December 2015.

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Patrick Wright  
Executive Director

**South Tahoe Project Shared Use Trail  
Operations, Management and Maintenance Strategy (OMMS)**

This Operations, Management and Maintenance Strategy (OMMS) establishes Operator guidance for the Dollar Creek Shared-Use Trail Project (Project). As project planners complete environmental study and final design details, and as use of the completed trail or trail segments dictate, additional requirements may arise and will be addressed.

The Operator retains responsibilities of the project area that extends beyond trail uses. For example, the land management addresses stewardship responsibilities related to protection of natural and cultural resources and control of neighborhood access points and parking. The OMMS addresses these and other ongoing programs *only* as they relate to existing and proposed future trail uses.

The Operator will be the designated agency assigned to the operation and maintenance of the built Project. Because the project has not been funded yet for construction, the designated Operator has not been determined. The Project area is located within the jurisdiction of the North Tahoe Public Utility District (NTPUD) who operates and manages other multiuse trail facilities within their district boundaries. From a continuity and resource perspective, the NTPUD could be the logical lead agency for taking on the Operator role and administrating the OMMS. Formal determination of Operator lead agency shall occur following construction of the Project.

I. Objectives

The Operator's project goals provide direction for development of the proposed project design. Adequate long-term management and maintenance is required to assure project features continue to provide transportation and recreation benefits. The following management and maintenance objectives state clearly the Operator's intent for long-term project support.

- a. Manage trail use to provide broad access to users of all age groups and abilities.
- b. Manage trail use to protect natural and cultural resources.
- c. Manage trail use to create a neighborhood asset.
- d. Use the least restrictive means available to effectively manage trail use, increasing degree of restrictions only in response to actual conditions.
- e. Maintain trail facilities adequately to meet safety needs for all user groups.
- f. Maintain trail facilities adequately to protect the public investment in construction costs.

II. Protection of Critical Resources

The Dollar Creek Shared-Use Trail route passes through areas of sensitive and diverse vegetation communities and habitats, as well as areas of containing cultural resources. The Operator commits to protection of these resources with the provision and process described below.

- a. Design features. The trail design incorporates features to keep through travelers on the protected surface of the trail through SEZ areas and other sensitive sites. The design also recognizes the high desire for access to neighborhoods and recreational amenities and provides specific, protected ways to accommodate that desire. To preserve neighborhood connections and an existing unpaved trail system where resources permit, the design also incorporates BMPs on existing trails to reduce their impacts. The project description includes full discussion of these items.
- b. Education and Interpretation. The project design relies on education and interpretation as a first means of resource protection. Directional signage to specifically designated access areas will decrease the pressure to develop new volunteer trails. Interpretive signage will improve compliance with these directions and enhance the sense of stewardship of trail users. Mileage markers will provide a sense of distance and map location. This OMMS recognizes the abilities of strategic sign placement to direct most users as well as the limitations of this approach in high use or particularly sensitive areas.
- c. Adaptive management. In addition to directional and interpretive signing, the project design uses physical barriers in critical areas to more emphatically direct users. If new volunteer trails develop through the SEZ, additional measures such fence sections or areas of new planting can be used to direct travel. Outside of SEZ areas, the design uses forest debris or targeted planting to discourage access, use of which can be expanded if necessary.

### III. Public Access and Use Guidance

The following management direction provides specific guidance for public access and use along the Project.

- a. The Project is a non-motorized trail, intended to meet environmental thresholds by providing for the non-auto transportation and non-motorized recreation needs of residents and visitors. The trail specifically accommodates bicyclists, pedestrians, cross-country skiers, snowshoers, and those with special access needs.
- b. The Project provides safe, direct access for persons with mobility disabilities in compliance with Americans with Disabilities Act (ADA) provisions. Use of other powered mobility devices by persons with mobility disabilities as allowed by ADA will meet transportation and recreation goals for those persons. The Operator will stay vigilant to user safety needs and may amend use guidelines for any user group in response to specific future circumstances.
- c. Authorized personnel in motorized vehicles, such as maintenance crews, will occasionally require access on the trail. In recognition of the safety concerns related to mixing non-motorized and motorized users on the same trails, these vehicles will operate under heightened safety conditions. This could include temporary trail closures, flashing lights, or warning flags or signs. Emergency medical or police/fire personnel requiring vehicle access, and using emergency lights and/or sirens, will use the protected trail surface as the law allows. No routine or administrative access in vehicles will be allowed.

- d. The Conservancy has long considered snowmobiling incompatible with its mission and snowmobiles are prohibited by statute from operation within Conservancy-owned lands. NTPUD similarly does not permit snowmobile use on NTPUD-owned lands.
- e. No camping on Conservancy and NTPUD land along the Project route is permitted.
- f. After construction of the Project, the protected surface of the trail will serve many trail access needs on the parcels through which it passes. Some needs will continue to be met best by smaller unpaved trails.
- g. The nature of a shared-use trail mixes different types of users traveling at different speeds. The Operator supports the "Yield to Wheels" and "Safe Speeds" outreach efforts to ensure safe and enjoyable use. Signage, trail markings, and education will improve compliance. Maintaining a safe trail experience for all users may require additional management strategies in the future. The proposal includes no posted speed limits.
- h. The Project is part of a developing bicycle access network with a goal of providing a completely non-auto route between origination and destination points. It is understood, however, that some trail users in the Tahoe Region drive to trail connections, generating a parking demand at connection points. Access from legal parking areas along public streets will occur. While parking along public streets is legal in most places and will not be prohibited through this proposal, this use can create conflicts with neighbors. Conflicts can include trespass, littering, sanitary concerns, noise, and off leash dog activity. The Operator employs use of adaptive management strategies to address this type of use conflict. In this situation, strategies could include (but may not be limited to) increasing educational signs concerning respectful use, increased visitation by management personnel, placement of user management fencing or boulders or trash cans, or consideration of parking facility permitted as part of Project but not built at time of trail construction.
- i. Access to the Project from developed public sites will also occasionally occur. Project facilities are assets to Tahoe City parks and the existing trail network south of the Project area. However, no public facilities along the Project route are designed to serve as trail heads for a regional bicycle trail. If extended parking for Project trail use competes with needs generated by other day uses, adaptive management strategies will be employed to protect park access for other user groups. This may include developing specific parking restrictions at public parking locations to limit or preclude bike trail network parking or building parking facility permitted as part of Project but not built at time of trail construction.
- j. The Project proposal relies on use of adaptive management strategies to address issues for long-term maintenance. These strategies could include (but may not be limited to) increasing outreach concerning respectful use, increased visitation by management personnel, or placement of fencing or trashcans.

#### IV. Operations and Maintenance

The Project brings new users to the project area and proposes new facilities that require periodic maintenance. The Operator retains the responsibility to ensure public access consistent

with project goals and to maintain trail features for safety and to protect the investment of public funds used in their construction. Several strategies exist to provide management and maintenance; the appropriate combination will change over time to reflect need and changing circumstances.

- a. Urban Land Management (ULM) Personnel. At present, the Operator uses permanent land management staff and seasonal lot inspectors, site hosts, and land stewards to address issues as diverse as encroachments, land disturbance, hazard trees, needed maintenance, and disruptive users. These employees engage in pro-active inspections and respond to citizen calls. Seasonal field crews also accomplish site restoration and maintenance such as building fences and other barriers, posting signage, and grading and revegetation.
- b. Enforcement Contract. The Operator cooperates on enforcement actions needed in extreme situations on Conservancy and NTPUD parcels within Operator limits. These usually involve activities with threat of imminent harm such as illegal camping or campfires. This cooperation is critical, as the Placer County Sheriff staff have law enforcement authority. It is important to note that County law enforcement officials exercise their authority in relation to the laws of the respective jurisdictions. Law enforcement officials will not enforce Operator trail and land management policies described that are not also prohibited by local or state statute.
- c. Maintenance Contracts/Agreements. Many recreation providers, including the County, Conservancy and NTPUD, regularly contract with other entities to manage and maintain specific recreation properties and facilities. If contracts occur with eligible local jurisdictions for Project maintenance activities, funding for certain aspects of this type of agreement may be eligible for local tax funding that generates maintenance funds for new bicycle trails. Additionally, many communities rely on volunteer services for some types of public facility upkeep. Maintenance needs such as litter patrol are well suited for this kind of assistance.

Maintenance needs for trail features will change over time, increasing with facility age. As the Project is constructed, specific maintenance needs will be identified and planned. The following description includes general maintenance issues and serves as a guide in developing a specific approach as plans mature.

1. Asphalt Concrete Trail Surface. The asphalt concrete trail surface will require scheduled maintenance. Asphalt concrete sealing is important to maintain the integrity of the surface; sealing frequency responds to site conditions such as proximity to snow removal from roadways and sun exposure. Other asphalt concrete repairs can include crack sealing, patching, or repair of heave damage from tree roots.
2. Asphalt Concrete Markings. Repainting trail markings or roadway crosswalks must occur frequently. For crosswalks on roadways, maintained by other jurisdictions, annual repainting will typically be necessary. Trail centerline striping or other trail symbols require less frequent renewal.
3. Bridge Maintenance and Repair. If the final design uses wood decking on the bridge span, scheduled maintenance will include sealant application to protect material integrity. Synthetic surfaces avoid this requirement. However, all trail surfaces require some element of regular maintenance.

4. **Repair.** Other facility features such as signs and fences will require repair and periodic replacement. This includes trail and site features that can be damaged by snow load, vandalism, or improper use. Annual inspections and citizen reports can identify repair needs to be planned and completed as necessary.
5. **Spring Clean-up.** Interest in shared-use trail use in Tahoe begins with the first warm days in Spring, usually long before the snow melts on trail surfaces. The Operator does not plan to clear snow from the Project, yet expects that local interest exists and snow removal could be provided by others. Other spring tasks include sweeping the trail, seal coating or repainting pavement markings if necessary and addressing hazard vegetation or other facility repair.
6. **Regular Maintenance.** Keeping the trail surface clear and free from obstacles requires regular sweeping, trimming trailside vegetation, and litter control and removal. Future tree or limb removal may be necessary to reduce safety hazard for trail users. Certain areas may benefit from placement of "mutt mitt" receptacles.
7. **Site Protection/Restoration.** The Project relies on placing trail obstacles and revegetation of cut and fill slopes and disturbed areas. New public access to some areas could encourage establishment of new trails or widening of existing trails in the project area. To assure that new trails accessing the Project do not develop, the Operator will rely on a system of regular monitoring and adaptive management. The adaptive management techniques available, as described above, include: use of interpretive and directional signage and placement of additional trail obstacles or user management fences.
8. **Highway 28 Trail Crossing.** The proposed trail crosses Highway 89 near Dollar Drive which includes operation and maintenance of the pedestrian-activated signal, installation and removal of seasonal center lane pedestrian refuge, maintenance of pavement striping and signs affiliated with crossing, and applicable traffic control protocol deployed during performance of these activities. These activities will be permitted and performed under a Caltrans encroachment permit acquired by the Operator.

#### V. Project Monitoring

Project monitoring addresses the following:

1. **Construction Monitoring** as determined by TRPA and NPDES construction permit conditions; and
2. **Post-Project Monitoring (Revegetation and Restoration, BMP Effectiveness, Noxious Weed and Invasive Species, and general trail use).**



**ATTACHMENT 4**

**DOLLAR CREEK SHARED-USE TRAIL PROJECT  
FIRESTONE PROPERTY TRANSFER APPROVAL**

Placer County Initial Study  
Mitigated Negative Declaration  
Notice of Determination

On Attached CD

## ATTACHMENT 5

### 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 Resources Code.

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**Project Title:**

Dollar Creek Shared-Use Trail Project, Firestone Property Transfer Approval-.

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**State Clearinghouse Number:**

2012062010

**Contact Person:**

Ryan Davis

**Telephone Number:**

(530) 543-6022

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**Project Location:** Placer County

Placer County Assessor Parcels Numbers 092-010-021, 092-010-023, 092-010-033, 092-010-034, 092-010-035, 092-010-039, **092-010-040, 092-010-041, 092-010-042, 093-010-037, 093-010-038, 093-010-039**, and 092-240-021, north of State Route 28 between the intersection of Dollar Drive and State Route 28 (North Lake Boulevard) and the terminus of Fulton Crescent Drive in Old County Road Subdivision, North Lake Tahoe, CA.

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**Project Description:**

Tahoe Conservancy approval of a land transfer of Placer County Assessor Parcels Number **092-010-040, 092-010-041, 92-010-42, 93-010-37, 38 & 39**, from the North Tahoe Public Utility District to Placer County for the purpose of constructing, operating and maintaining a 2.2-mile-long shared-use trail (with at-grade and bridge elements) that extends the existing bike trail network through public lands commonly known as the Dollar and Firestone Properties. When implemented, the Project may optionally include a trailhead parking facility near Dollar Drive and SR 28 to support trail users. The Conservancy previously approved grants of easements to Placer County for the improvements to proceed through Dollar (Placer County Assessor Parcels No. 92-010-21, 33, 34, 35& 39; 92-240-21).

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This is to advise that the California Tahoe Conservancy, acting as a responsible agency, has approved the above described project on December 18, 2015 and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration (MND) for the project was prepared and approved by Placer County on October 23, 2012, and a Notice of Determination was filed on October 23, 2012. The California Tahoe Conservancy reviewed and considered the MND prior to project approval. The Notice of Determination, MND, and record of project approval may be examined at Placer County Department of Public Works, 7717 North Lake Boulevard, Tahoe Vista, CA 96148 or California Tahoe Conservancy 1061 Third Street, South Lake Tahoe CA 96150.
3. Mitigation measures were made a condition of the approval of the project by Placer County and the Conservancy and are located in *Section 3.2.1 through 3.2.18 Environmental Analysis and Mitigation Measures*, of the IS/MND.

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Fish and Game Fees: A California Department of Fish and Game Environmental Filing Fee was paid for this project by Placer County as Lead Agency.

***Date Received for Filing:***

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Patrick Wright  
Executive Director