

**COUNTRY CLUB HEIGHTS EROSION CONTROL PROJECT
LICENSE AGREEMENT**

Recommended Action: Adopt Resolution 17-06-11 (Attachment 1) containing the appropriate California Environmental Quality Act determinations and authorizing a long-term license agreement on 12 California Tahoe Conservancy (Conservancy) parcels to El Dorado County (County) in support of the Country Club Heights Erosion Control Project (Project).

Location: The 12 Conservancy parcels (County Assessor's Parcel Numbers 033-100-23, 033-201-04, 033-201-32, 033-211-09, 033-212-03, 033-212-09, 033-213-05, 033-221-03, 033-222-17, 033-223-05, 033-301-01, and 034-753-02) are located in the County within the Lake Tahoe Basin. The boundary of the Project's area is U.S. Highway 50 to the west, Southern Pines, Crystal Air, and Skyline drives to the south, Crystal Air and Elks Club drives to the east, and the subdivision boundaries to the north. (Attachment 2)

Fiscal Summary: The proposed license agreement does not involve receipt of funds by the Conservancy, and will result in 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 the County on 12 Conservancy parcels to facilitate implementation of the Project. The license agreement provides the County with rights to construct, operate, and maintain stream environment zone (SEZ) and water quality improvements.

The Project will result in ecosystem and watershed benefits, including improvement to the quality of storm water runoff that discharges to the Upper Truckee River. The

County will construct improvements to spread storm water across meadows, which will enhance riparian and wildlife habitats, increase groundwater recharge, improve water quality, and sequester carbon. The Project incorporates additional water quality improvements on Conservancy lands, including stabilization of existing eroding areas and construction of infiltration basins. The County plans to construct the Project in two phases during 2017 and 2018. The license agreement will support both Project Phase 1 and Phase 2 by providing the necessary rights to work on Conservancy lands.

Staff intends to enter into a license agreement with the County in the summer of 2017.

History

In the late 1980s, the County completed the initial Country Club Heights Erosion Control Project with \$409,800 of Conservancy funds. The County removed an unpaved portion of Boca Raton Drive and replaced it with a linear sediment basin to convey and treat storm water. The County also revegetated this basin with wetland species and installed rock check dams to improve water quality.

Currently, the Boca Raton basin and the subdivision's drainage infrastructure divert water away from the adjacent Conservancy meadow. This diversion dries out the meadow and negatively affects riparian vegetation, wildlife habitat, and water quality. The County will build upon improvements from the initial project and make significant enhancements to meadow vegetation and water quality by spreading storm water flows on the Conservancy meadow parcels. The existing basin will remain as a water quality treatment and high flow conveyance feature.

County staff plan their environmental improvement projects with active agency and stakeholder participation. In December 2016, the County released a feasibility study and preferred alternative report documenting existing conditions, potential project alternatives, and alternatives evaluation. The County also held a public meeting at that time, and the Project received broad public support.

The County intends to construct Phase 1 of the Project in 2017 with funding from the U.S. Forest Service (USFS), and is applying for Phase 2 construction funding from both the USFS and the Conservancy's Proposition 1 Grant Program. If successful in securing additional funding, the County anticipates constructing Phase 2 of the Project in 2018 with post-construction monitoring activities into 2020.

The Conservancy acquired the 12 parcels under the Environmentally Sensitive Lands Acquisition Program for protection of the natural environment, and the SEZ and water

quality improvements proposed on these parcels are consistent with the purposes of the acquisition.

Financing

The proposed authorization would result in incidental staff costs related to the preparation and processing of the agreement. Consistent with the Conservancy's Special Use Guidelines and the Soil Erosion Control Program Guidelines, the Conservancy does not charge the County a fee for the use of the Conservancy-owned property because the Project is associated with water quality improvement.

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, or otherwise transfer, including through license agreements, any real property interest to fulfill its purposes of protecting the natural environment and promoting state planning priorities. Additionally, section 66907.9 authorizes the Conservancy to initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies.

Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with the Strategic Plan because the license for use of Conservancy land for Project 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 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 license agreement will contain standard language requiring contractor insurance, indemnification, and restoration of any damage to the Conservancy parcels. The County will be required to maintain the improvements for 20 years after installation.

Consistency with External Authorities

The recommended action is consistent with the EIP because it facilitates implementation of EIP project # 01.01.01.0021.

Compliance with the California Environmental Quality Act

The County, acting as the lead agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the Project to comply with the California Environmental Quality Act (CEQA). The County adopted the MND on April 11, 2017, and filed a notice of determination (NOD) on April 18, 2017.

A copy of the IS and MND is provided to the Board on an attached CD and is available for public review at the El Dorado County Department of Transportation, 924 B Emerald Bay Road, 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 is 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 are on pages 3-19 of the MND 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 Project. If the Board considers and concurs with the MND and authorizes the funding and license agreement, 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 17-06-11

Attachment 2 – Project Map

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

Attachment 4 – Conservancy’s Notice of Determination

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