

California Tahoe Conservancy
Agenda Item 8
December 16, 2011

**GRANT OF EASEMENT FOR
SNOW CREEK SEZ RESTORATION PROJECT**

Summary: Staff recommends authorization to grant an easement to Placer County (County) for improvements and maintenance associated with the Snow Creek SEZ Restoration Project and its associated bicycle trail.

Location: Within the Woodvista Subdivision, Placer County (Placer County Assessor's Parcel Numbers 112-120-004, 112-120-016; 112-120-035; 112-120-069; 112-120-089; and 112-120-090) (Attachment 1).

Fiscal Summary: Incidental staff costs.

Recommended Action: Adopt Resolution 11-12-03 (Attachment 2).

Background

The California Natural Resources Agency awarded Placer County a \$1,000,000 River Parkways Grant to restore wetland and riparian habitat and create a 0.6 mile raised boardwalk Class 1 bikeway. Known as the Snow Creek SEZ Restoration Project, it furthers Environmental Improvement Program (EIP) Project Numbers 391 (Stream Environment Zone (SEZ) restoration on upper National Avenue/TNT Property), 649 (the County's goal to restore 40 acres of SEZ/wetlands), and 10038 (the Class I trail connection on National Avenue from State Route 28 into North Tahoe Regional Park). Attachment 3 shows an overview of the proposed project improvements within the project area.

The Snow Creek SEZ Restoration Project continues the County's cleanup efforts of a former concrete batch plant, known as the TNT Materials Plant, located on Gun Club Road in Tahoe Vista. Placer County decided to implement this project when its adjacent erosion control project in Tahoe Estates identified numerous water quality issues originating in the upper watershed. The County Department of Public Works,

Tahoe Engineering Division, purchased the property in 2008 with an acquisition grant from the Sierra Nevada-Cascade Conservation Grant Program.

The TNT Materials Plant, which opened in 1948, initially provided paving material for the construction of State Route 267. It was developed on top of and adjacent to Snow Creek's wetlands, altering the natural course of a tributary to Snow Creek. The fill that was placed for the development of the Plant will be removed as part of the proposed restoration activities.

The Conservancy has not provided funding through any of its programs for project planning, acquisition, or site improvement activities. However, the Conservancy's numerous environmentally sensitive land acquisitions in the area provide a land base that Placer County seeks to utilize for both restoration activities and bikeway improvements. The implementation of this project furthers the objectives of the Conservancy's Stream Environment Zone Restoration and Public Access and Recreation Programs.

The County is currently working to acquire all necessary entitlements to implement the project, including the easements for uses on Conservancy-owned property that staff is now recommending. These entitlements are necessary for the County to secure project construction funding from the River Parkways Grant.

With the inclusion of the Conservancy's properties, project implementation will enable restoration of a contiguous wetland area and develop a new bike trail that will run towards National Avenue, connecting with undeveloped trails on other Conservancy properties and trails in North Tahoe Regional Park.

Project Description

This project involves the grant of a permanent easement to the County for bike trail construction, operation, and maintenance on four parcels and shorter-term access rights to facilitate restoration of the entire area that was filled by TNT Plant activities on two additional parcels. With the exception of one parcel that will be restored in its entirety, the easement will affect only those portions of Conservancy parcels needed to efficiently construct and maintain improvements.

Project Evaluation

The granting of an easement for access rights to operate, maintain, and construct improvements associated with restoration and bike trail projects is consistent with the

Conservancy's Urban Land Management Program Special Use Guidelines. In this case, the easement granted will be for short-term uses (land and habitat restoration), and permanent uses (operations, and maintenance of bike trail improvements, including boardwalks, bridge, and at-grade features).

Restoration of the two Conservancy properties is consistent with the Conservancy's acquisition of other properties in the Woodvista Subdivision. Furthermore, the bike trail improvements provide an enhancement to the properties that is consistent with Public Access and Recreation Program objectives for the non-motorized trail network. No existing leases or licenses encumber any of the subject properties.

No other feasible locations exist for the proposed improvements and activities in the vicinity. The existing Pine Drop Trail, located north of the proposed project, does not adequately serve the trail network and neighborhoods that the proposed bike trail would, even though it already connects to the North Tahoe Regional Park. The amount of Conservancy-owned land in the project vicinity limits options for trails that do not cross State property. Use of the County's paper streets would result in an inferior trail location that does not connect as well to the existing trail network. The new trail would include a boardwalk across which recreationists can traverse the SEZ, connecting neighborhoods and recreation features.

Because the easement furthers the goals and objectives of the Conservancy's Public Access and Recreation Program and Stream Environment Zone Restoration Program, no fee is proposed for this grant of easement.

Consistency with the Conservancy's Enabling Legislation

The recommended easement 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 Initial Study and Mitigated Negative Declaration (IS/MND) for this project in order to comply with CEQA. The County Board of Supervisors adopted the MND on November 15, 2011 and a Notice of Determination (NOD) was filed with the State Clearinghouse (SCH# 2011092035).

A copy of the IS/MND 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.

Staff has reviewed the IS/MND and believes the analyses of the proposed easements in the document are adequate. The Conservancy finds that no substantial changes are proposed in the project, and no unsubstantial changes have occurred with respect to the circumstances under which the project is undertaken that would involve any new significant effects or significantly increase the severity of any previously identified impacts. As a result, no new mitigation measures are necessary to find that the project, as mitigated, would have no significant environmental impacts. The mitigation measures are located in *Section 5, Environmental Commitments/Mitigation Measures and Mitigation Monitoring Reporting Requirements*, of the IS/MND.

Staff recommends the Conservancy board review the IS/MND and make the findings as set forth in the Resolution (Attachment 2) and authorize the granting of an easement 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 1 – Project Location Map
- Attachment 2 – Resolution 11-12-03
- Attachment 3 – Project Overview Plan Sheet
- Attachment 4 – Placer County Initial Study/Mitigated Negative Declaration (on CD)
- Attachment 5 – Notice of Determination (NOD)

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