

California Tahoe Conservancy
Agenda Item 7b
July 21, 2011

**LICENSE AGREEMENT WITH EL DORADO COUNTY
FOR THE ECHO VIEW ESTATES 2 EROSION CONTROL PROJECT**

Summary: Staff recommends authorization of a long-term license agreement with El Dorado County (County) for improvements and maintenance associated with the Echo View Estates 2 Erosion Control Project.

Location: Two Conservancy parcels (El Dorado County Assessor Parcel Numbers 033-332-17 and 033-623-02) within the Echo View Estates 2 Erosion Control Project boundary east of Sawmill Road (Attachment 1).

Fiscal Summary: The proposed action involves incidental staff costs. There are no other known fiscal impacts.

Recommended Action: Adopt Resolution 11-07-02 (Attachment 2) authorizing a long-term license agreement for two Conservancy parcels in the Echo View Estates 2 Erosion Control Project area.

Background

The Echo View Estates 2 Erosion Control Project (Project) is Project #706 of the Environmental Improvement Program (EIP). The Project is located east of Sawmill Road on the south shore of Lake Tahoe (Attachment 1). In 1987, the County constructed erosion control improvements in the area. In 2005, a large storm caused damage to the original conveyance channel and infiltration basins. New improvements are proposed to address impacts from the 2005 storm and supplement the erosion control improvements installed in 1987. The Project also will apply the Conservancy's Preferred Design Approach (PDA) to achieve the greatest benefits to water quality.

To date, the Project has received a total of \$736,000 from the following sources:
(1) \$361,000 for the planning of erosion control improvements along Sawmill Road and the Echo View Estates subdivision from the Conservancy's Erosion Control Program;

(2) \$325,000 for planning and construction of erosion control improvements within the subdivision from the U. S. Forest Service Lake Tahoe Basin Management Unit; and (3) \$50,000 in Water Quality Mitigation funds for project implementation from the Tahoe Regional Planning Agency.

Project Description

Staff recommends authorization to execute a license agreement with the County to implement water quality improvements on two Conservancy-owned parcels within the project area. The County proposes to use the parcels to reduce soil erosion and to reduce the quantity of sediment and nutrients reaching Lake Tahoe through the completion of improvements on each parcel as detailed below.

Assessor Parcel Numbers	Proposed Improvement
033-332-17	Armored channel
033-623-02	Earthen berm for infiltration basin

Project Evaluation

The grant of access rights and construction of improvements associated with Conservancy-funded projects is consistent with the Conservancy’s adopted guidelines and criteria for the proposed leases and licenses and the Conservancy’s Soil Erosion Control Program Guidelines. The parcels were acquired under the Conservancy’s Environmentally Sensitive Lands Acquisition Program.

The County’s improvements seek to stabilize and restore the properties to a more natural condition while improving water quality. The County will be required to maintain the improvements for 20 years after the installation. The license agreement will contain other standard language requiring insurance, performance bonds, and indemnification, as well as restoration of any damage to the Conservancy parcels.

Consistency with the Conservancy’s Enabling Legislation

The recommended license 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)

El Dorado County, acting as the Lead Agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for this project in compliance with CEQA. The County adopted the MND on September 29, 2009, and a Notice of Determination (NOD) was filed on October 5, 2009.

A copy of the IS and MND, including any public comments and responses, has been provided to the Board on CD (Attachment 3) and is available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150.

Staff has reviewed the MND and believes that the improvements proposed are adequately analyzed in the document. Since completion of the MND, there is no new information, substantial changes to the proposed project, or changes to project implementation, which would involve any new significant effects that were not analyzed in the MND. As a result, no new mitigation measures are needed to find that the project, as mitigated, would have no significant environmental impacts. Descriptions of mitigation measures are on Pages 3-18 of the CEQA Checklist.

Staff recommends the Conservancy review the MND and make the findings as set forth in the attached resolution. If the Board considers and concurs with the MND and authorizes the agreement, staff will file a NOD with the State Clearinghouse pursuant to CEQA Guidelines, Section 15096 (Attachment 4).

List of Attachments:

Attachment 1 – Project Location Map

Attachment 2 – Resolution 11-07-02

Attachment 3 – El Dorado County Initial Study and Mitigated Negative Declaration
(on CD)

Attachment 4 – Conservancy Notice of Determination

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