

## **SOUTH TAHOE GREENWAY SHARED USE TRAIL**

**Summary:** Staff recommends adoption of the proposed Mitigated Negative Declaration for the South Tahoe Greenway Shared Use Trail (Greenway) and authorization to expend up to \$50,000.00 for project pre-acquisition activity (such as appraisals, preliminary title reports, easement descriptions, maps, surveys, and application fees) on both public and private lands and to complete preliminary plans.

**Location:** Generally within the former Caltrans U.S. Highway 50 freeway Right of Way (ROW) between the Sierra Tract subdivision and Van Sickle Bi-State Park in South Lake Tahoe, California (Attachment 1). Other public lands required for the trail include El Dorado County Assessor Parcel Numbers [APNs] 027-331-03, 025-204-01, 025-203-01, and 028-090-05), 025-061-26, 025-061-27, 027-323-17, and 025-041-09), 025-061-18 and 028-083-14). Temporary or permanent easements are also required for the Greenway or its connector trails from the following private parcels: APNs 025-282-18, 025-282-01, 025-021-77, 025-021-38, 028-141-37, and 028-141-39, 025-051-22 and 025-510-02.

**Fiscal Summary:** Up to \$50,000 from State sources, including Proposition 12, 40, or 84 Bond Funds and/or Conservancy Public Access Program – Lake Tahoe Conservancy Account.

**Recommended Action:** Adopt Resolution 11-09-07 (Attachment 3).

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### **Background**

In the 1960's, Caltrans initiated right-of-way property acquisition for a by-pass freeway intended to address traffic congestion along U.S. Highway 50 in South Lake Tahoe. By the 1980's, changing environmental values precluded construction of major new auto routes in the Tahoe Basin and local public agency planners began to identify appropriate future uses of the right-of-way area. Caltrans and the Conservancy completed a land transfer agreement for the former freeway property in 2000 to protect

open space and the site's natural values and to examine bike trail feasibility. The California Tahoe Conservancy (Conservancy) and the Department of General Services (DGS) chose a design team led by Parsons, an environmental consulting firm, to provide a fatal flaw analysis of the former freeway property for a bike trail. The results of this feasibility study, presented to the Board on December 6, 2002, identified the transportation and recreation values of the alignment and concluded bike trail development was possible. Project planning began that year.

After considerable site inventory on the 550 acre project area and extensive consultation with the public and other agencies, the design team produced preliminary project plans and a number of alternative alignments for a nearly 10-mile trail making a connection between Meyers and the State line. In 2006, public scoping for a joint environmental document prepared to support decisions by the Conservancy, the U.S. Forest Service, and the Tahoe Regional Planning Agency (TRPA) presented the proposed project and a range of feasible alternatives. One alternative was eliminated from consideration after property owners objected to consideration of access through their private land. In response to comments received, the Conservancy developed a new alternative for consideration in another public scoping process in 2008.

Throughout 2009 and 2010, the Conservancy faced uncertainty related both to the range of alternatives for the southern section of the route and the potential for securing public construction funds. In 2010, staff presented to the Board its proposal to refocus project design efforts on the project core, securing the critical transportation connections in the center of South Lake Tahoe. This revised project encompasses a 3.86 mile trail extending between Sierra Tract and Van Sickle Bi-State Park. Although potential for future southward extension of the route to Meyers remains, the current project considers only the transportation connections in the core of South Lake Tahoe.

### **Project Description**

The purpose of the Greenway is to complete an accessible and continuous shared-use trail for non-motorized users of all types in the core of South Lake Tahoe that establishes a convenient non-auto transportation alternative and high quality recreational experience for residents and visitors. The project would construct 3.86 miles of separated bike path, incorporating a section of existing trail at the Community Playfields to complete a 4+ mile connection.

The majority of the Greenway is located within the former freeway right-of-way on lands owned by the Conservancy. To complete the desired connection while minimizing environmental and design constraints, however, the project also enters

lands owned by other public entities and private individuals, both temporarily and permanently. Staff initiated contacts with all affected private property owners during spring, 2011 prior to circulation of the environmental document for public review. Initial contacts have been positive regarding their interest in granting easements for the Greenway.

Up to \$50,000.00 in additional expenditures would fund the next steps in moving the project forward. Following the Board's adoption of California Environmental Quality Act documents and approval of the project, staff will pursue obtaining the necessary agency permits and authorizations needed to implement the project. In addition, pre-acquisition activities, including appraisals, preliminary title reports, easement descriptions, maps, surveys, and application fees for easements or other authorizations needed for access across public and private lands will be pursued as part of the next steps of the project. However, no purchase or other acceptance of needed right-of-way will occur without Board approval at a later date.

The additional next steps being authorized also include completion of the project's Preliminary Plans to the level expected by the State Public Works Board (PWB) required before moving on to Final Design/Working Drawings. Final Design and Working Drawings will require subsequent Board authorization and approval by the PWB.

Certification of the environmental document and expected project approvals from TRPA and the City position the Greenway to compete for federal, State, and private construction funding. Having the documentation needed to obtain right-of-way through the entire project area increases the project's competitiveness and opens the possibility of effectively seeking monies for needed acquisitions.

### **Project Budget**

A total of \$1,412,000 in Conservancy funding since 2001 provided planning, preliminary design, and environmental evaluation of the South Tahoe Greenway Shared Use Trail. This expenditure positioned the project for TRPA permitting and City design review, expected by the end of 2011.

The following budget includes the tasks and estimated costs necessary for completion of the preliminary plans and pre-acquisition activities for easements over eight private parcels and additional public parcels owned or managed by the City, the U.S. Forest Service, and the District.

Conservancy funding for these next steps, if authorized, anticipates use of Proposition 12 funding sources for total expenditures of up to \$50,000. The Project is subsumed in State Treasurer's Office (STO) approved project number 8010 (Additional Environmental Improvement Program (EIP) Implementation Activities) under Proposition 12, so there are allocated and available bond funds. Following the authorization of funding for this project from this Proposition 12 funding source under the blanket EIP project authorization, Conservancy staff would subsequently go through the process to assign it to its own STO project number and reallocate the approved funds within the bond. The Conservancy also has approved funding from Propositions 40 and 84 for Additional EIP Implementation Activities, as well as Public Access Program – LTC Account trail monies, to use for this project, if necessary.

**Budget Item:**

Easement Descriptions (survey, mapping, and legal descriptions)	\$10,800
Special Use Permit Application	1,200
Appraisal	25,000
Completion of Preliminary Plans	<u>13,000</u>
<b>Total</b>	<b>\$50,000</b>

Please note that costs for individual budget items may vary somewhat from those shown above, but total expenditures will not exceed \$50,000. Full construction of the revised project will likely exceed \$8,000,000 to \$10,000,000.

**Project Implementation**

If authorized by the Board, staff will negotiate with affected property owners for temporary and permanent easements to allow construction of the Greenway. This authorization allows expenditure for pre-acquisition activities and applications; all easement acceptance will require future Board action.

Project implementation is expected to proceed according to the following schedule:

Preparation of appraisal and easement exhibits	October 2011
Appraisal, review, and property owner consultation	November 2011
Public property owner consultation/special use permit development	November 2011
Completion of Preliminary Plans	by March 2012
Public Works Board approval	
Authorization for right-of-way acceptance	March 2012

## **Project Evaluation**

Implementation of this project meets the four primary objectives of the Conservancy's Public Recreation and Access Program:

- 1) The Project serves to "increase and enhance significant regional public access and public recreational opportunities" by establishing a shared use trail in the core portion of the South Lake Tahoe bikeway network.
- 2) The Project "provides a range of public access opportunities to locations with regionally significant lakefront, riverfront, cultural/historical and natural characteristics", by directly linking neighborhoods and tourist accommodations to services, local and bi-state parks, and, through network connections to beach facilities.
- 3) The Greenway is a high priority element in the Region's Bicycle and Pedestrian Master Plan and the Environmental Improvement Program (EIP), "increasing regional ... non-motorized transportation and recreation opportunities."
- 4) Project elements include interpretive signage along the route, which "supports environmental education, interpretation ... that promotes stewardship and provides information ..."

This project is a high priority EIP project (EIP Project #752) designed to improve the functionality of the South Lake Tahoe transportation system, reduce traffic congestion and vehicle miles traveled (VMT) with related reductions in air pollutants including greenhouse gas emissions. The Greenway is expected to contribute to attainment of environmental threshold goals related to transportation and mobility, air quality, and recreation by reducing VMT, improving air quality, and by providing a high quality recreation feature that is broadly available to the public.

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

Implementation of this project is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907 authorizes the Conservancy to acquire real property or interests therein for the purposes of providing public access or public recreational facilities. Under Government Code section 66906.8, the Conservancy is authorized to select and hire private consultants or contractors to achieve these purposes. In addition, Government Code section 66907.10 authorizes the Conservancy to improve and develop acquired lands for a variety of purposes.

## **Compliance with the California Environmental Quality Act (CEQA)**

The Conservancy, acting as the Lead Agency, prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for this project to comply with CEQA (Attachment 4). Copies of the IS/MND are retained, with the record of proceedings upon which the Board's decision on this matter is based, at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150.

The IS/MND and a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI), were submitted to the State Clearinghouse (Number 2006112070) on May 31, 2011. The Clearinghouse circulated these documents to responsible agencies for a review period that ended on July 1, 2011. The Conservancy also publicly circulated the NOI for the project, announcing the public review period for the IS/MND (June 1, 2011 – July 1, 2011) and providing information regarding where the documents were available for review. This NOI was mailed to organizations and individuals who participated in earlier public planning processes, to agencies and organizations that could be affected by the project, and was published in the *Tahoe Daily Tribune* newspaper on June 1, 2011. The Conservancy held a public open house on June 15<sup>th</sup> from 6 - 8 p.m. at the LTBMU offices, near the project site, to provide information on the project, answer questions, and offer an additional opportunity for interested parties to provide written comments.

Staff considered, responded to, and in some cases, incorporated revisions in response to public comments received regarding the project.

Staff believes that the IS/MND adequately analyzes project features and proposes mitigation measures where necessary to avoid significant effect on the environment. After considering public comment, staff proposes revision to one mitigation measure and several minor project revisions to address specific concerns raised. The revised mitigation measure and project revisions require minor relocations of the proposed trail to better reflect private and public property and roadway safety concerns. These realignments produce equal or reduced effects on the environment. No additional mitigation measures are needed to find that the project, as mitigated, would have no significant environmental impacts. The Conservancy concludes that the revised mitigation measure is more effective at reducing traffic safety concerns with increased environmental benefit.

Staff recommends that the Board review the IS/MND, together with the comments received during the public review process, and make the findings as set forth in the

attached resolution. If the Board adopts the IS/MND and authorizes the project, Department of General Services (DGS) staff will file a NOD with the State Clearinghouse pursuant to California CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.), section 15075. Attachment 4 contains the Conservancy's proposed NOD.

**List of Attachments:**

Attachment 1 – Project Location Map

Attachment 2 – Property Access Needs

Attachment 3 – Resolution 11-09-07

Attachment 4 – Initial Study, Mitigated Negative Declaration, Notice of Determination  
(on CD)

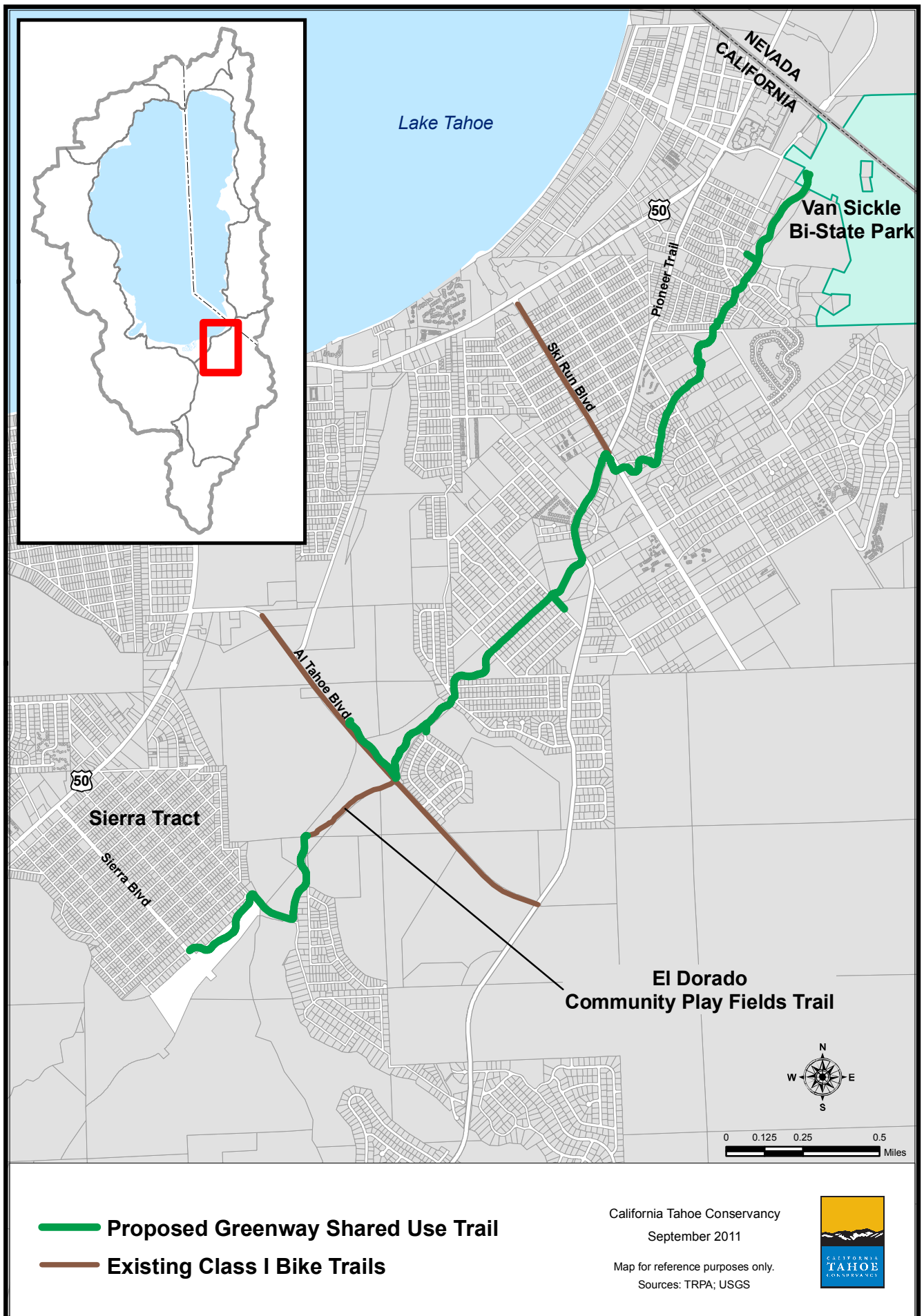
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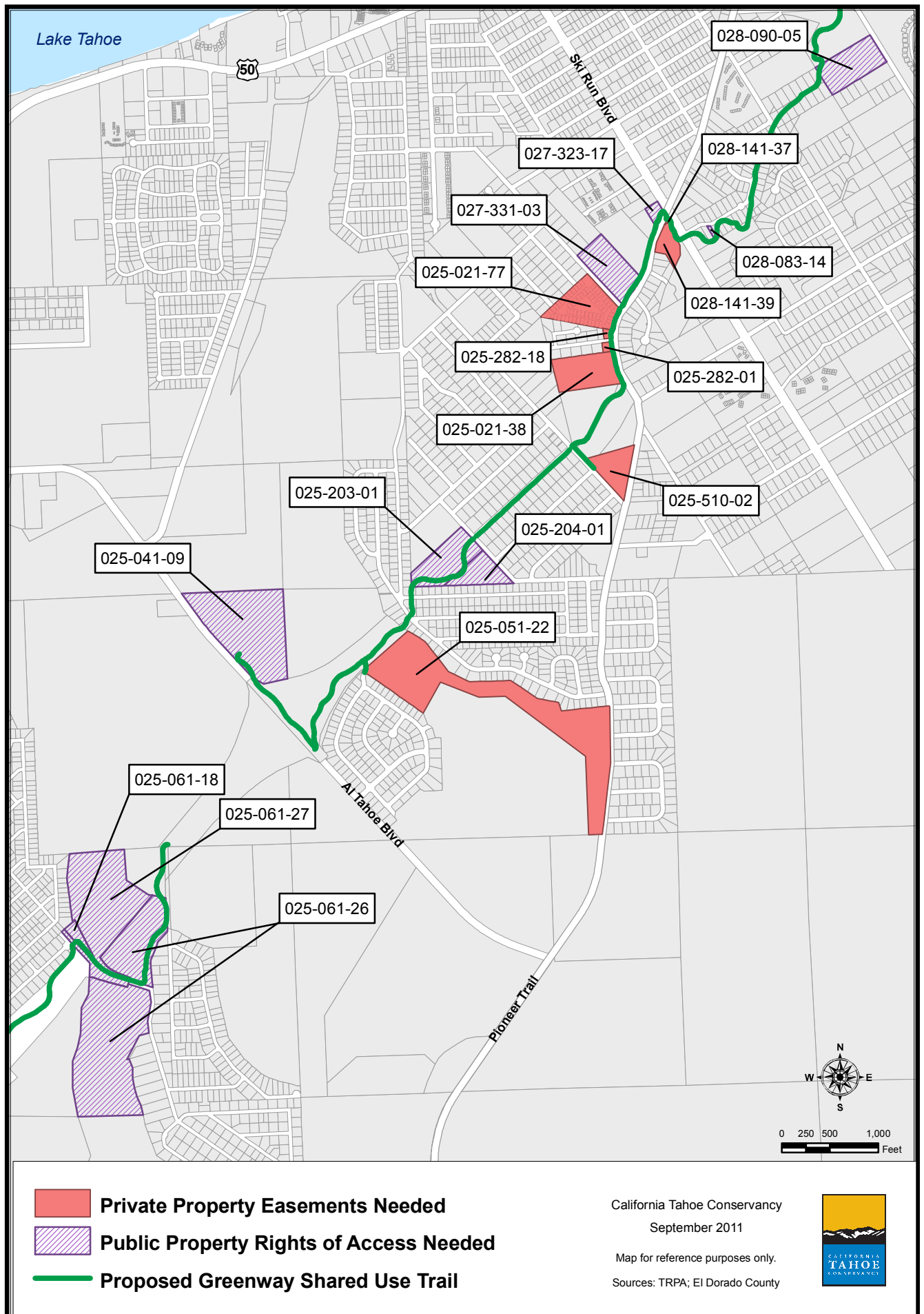
**ATTACHMENT 1**  
**South Tahoe Greenway Shared Use Trail**





## ATTACHMENT 2

### South Tahoe Greenway Shared Use Trail Property Access Needs



### **ATTACHMENT 3**

California Tahoe Conservancy

Resolution

11-09-07

Adopted: September 15, 2011

#### **SOUTH TAHOE GREENWAY SHARED USE TRAIL**

Staff recommends that the California Tahoe Conservancy (Conservancy) adopt the following finding based on the accompanying staff report, and pursuant to Public Resources Code section 21000 et seq.:

"The Conservancy, in its capacity as the lead agency, independently prepared the Initial Study and Final Mitigated Negative Declaration, Response to Comments, and the Mitigation Monitoring Report for the South Tahoe Greenway Shared Use Trail project (Project). The Conservancy finds on the basis of the whole record before it that there is no substantial evidence that the Project, as revised, will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Conservancy's independent judgment and analysis. The California Department of General Services, Environmental Division, holds the documents and other material that make up the Project Record. The Conservancy hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Report and approves the project as described in the Mitigated Negative Declaration."

Staff further recommends that the Conservancy adopt the following resolution, pursuant to Government Code section 66907:

"The Conservancy hereby authorizes staff to expend up to \$50,000 for pre-acquisition activity (such as appraisals, preliminary title reports, easement descriptions, maps, surveys, and application fees) on private and public ownerships and to complete preliminary plans to advance future project implementation of the South Tahoe Greenway Shared Use Trail."

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 15th day of September 2011.

In WITNESS THEREOF, I have hereunto set my hand this 15th day of September 2011.

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Patrick Wright  
Executive Officer

**ATTACHMENT 4**

**SOUTH TAHOE GREENWAY SHARED USE TRAIL**

Initial Study  
Mitigated Negative Declaration  
Notice of Determination

On CD