

**LICENSE AND TRANSFER OF JURISDICTION
AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION**

Summary: Staff recommends authorization to enter into license and transfer of jurisdiction agreements with the California Department of Transportation to facilitate the implementation of water quality improvement projects along two highways on the California side of the Tahoe Basin.

Location: The parcels are located adjacent to State Route 89 and U.S. Highway 50 in El Dorado County. Conservancy parcels that will be included in the agreements are El Dorado County Assessor Parcel Numbers (APNs) 016-292-08, 016-292-28, 032-141-02, 033-191-04, 033-192-01, 033-223-04, and 033-224-04 (Attachment 1).

Fiscal Summary: The proposed authorization would result in minor incidental staff costs, related to the preparation and processing of the agreements.

Recommended Action: Adopt Resolution 12-03-01 (Attachment 2) authorizing license and transfer of jurisdiction agreements with Caltrans.

Background

The California Department of Transportation (Caltrans) has been planning, designing, and constructing several water quality improvement projects to address storm water runoff from the highways on the California side of the Tahoe Basin. In addition to water quality improvements, the projects often also provide Class II bike lanes, traffic improvements such as striping and intersection lighting, and pavement overlays. During the planning and design of these water quality improvement projects, Caltrans looks for opportunities to use Conservancy-owned parcels for water quality improvements such as drainage channels with rock check dams. All projects are designated under the Environmental Improvement Program (EIP). The subject parcels are located in the project areas for EIP Project Numbers 794, 993, and 995.

Project Description

Caltrans has identified several needs related to the Conservancy-owned parcels. Conservancy staff has reviewed the requests and recommends that the Board authorize three requests:

1. Caltrans is in the final design phase for the El Dorado 89 Water Quality Improvement Project (WQIP) Project along State Route 89 from Eagle Falls to Meeks Bay in El Dorado County. This project proposes to utilize two Conservancy-owned parcels, El Dorado County APNs 016-292-08 and 016-292-28, to assist in the construction of drainage channels, rock energy dissipaters, and rock check dams in the Rubicon area. Staff recommends that the Board authorize a transfer of jurisdiction from the Conservancy to Caltrans to accommodate this use by Caltrans.
2. The El Dorado 50 Segment 1 WQIP Project from Meyers Road to Incline Road is also in final design. This project proposes to utilize four Conservancy-owned parcels, El Dorado County APNs 033-191-04, 033-192-01, 033-223-04, and 033-224-04, to assist in the construction of culvert replacements, inlet structures, and outlet channels. These four parcels are located at the corners of U.S. Highway 50 and Elks Club Drive, and U.S. Highway 50 and Meadow Vale Drive near Meyers. The improvements will be within Caltrans' highway ownership; however, in order to construct the improvements, Caltrans will temporarily impact Conservancy-owned land beyond the improvements. Upon completion of the construction of the improvements, Caltrans will restore and revegetate the portion of the Conservancy-owned parcels it disturbs. Staff recommends that the Board authorize a license to Caltrans to accommodate this temporary use.
3. Final design of the El Dorado 50 Segment 2 WQIP project from the South Lake Tahoe Airport to the Y in South Lake Tahoe is also in progress. Caltrans proposes to utilize a Conservancy-owned parcel, El Dorado APN 032-141-02, located near the intersection of South Street and U.S. Highway 50, to assist in the removal and replacement of a culvert and headwall. Upon completion of the construction of the improvements, Caltrans will restore and revegetate the portion of the Conservancy-owned parcel it disturbs. Staff recommends that the Board authorize a license to Caltrans to accommodate this temporary use.

Project Implementation

If the Board approves, staff intends to enter into the license and transfer of jurisdiction agreements referenced above and take all necessary actions to implement the agreements. Caltrans will be required to provide the Conservancy with the legal descriptions, exhibits illustrating the improvements, and other exhibits necessary to implement the transaction. The licenses for temporary construction include provisions related to permitting, restoration, insurance, and indemnification. Consistent with Board direction under the Conservancy's lease and license program, Caltrans has not been charged a fee for the use of Conservancy property for improvements associated with its water quality projects. However, as part of the current planning efforts for the Conservancy-owned former Tahoe Pines Campground site, El Dorado APN 034-300-10, Conservancy staff has identified the benefit of obtaining rights to some of the existing U.S. Highway 50 right-of-way from Caltrans for the parking area and other potential improvements. Conservancy and Caltrans staffs have discussed this potential transfer, and Caltrans staff supports, in concept, a future transfer to the Conservancy. Conservancy staff will return to the Board at a future meeting for the formal action on this topic.

Project Evaluation

The proposed agreements are consistent with the Conservancy's Special Use Guidelines. The projects' objectives are consistent with the purposes of acquisition and will not result in adverse impacts to the properties. Caltrans' projects support regional planning and resource management objectives in the Lake Tahoe Basin and are being pursued in accordance with the EIP. The proposed projects also further the Conservancy's management objectives by coordinating management with other agencies to facilitate more responsive, cost-effective, and comprehensive arrangements for achieving water quality objectives.

Consistency with the Conservancy's Enabling Legislation

The recommended license and transfer of jurisdiction agreements are 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 state agencies 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.

The Conservancy acquired the property involved in these agreements either through the Lake Tahoe Acquisitions Bond Act or through transfer with the California Department of Parks and Recreation. The uses proposed by Caltrans for these parcels are consistent with the original intents of the acquisitions.

Compliance with the California Environmental Quality Act (CEQA)

Given the different activities recommended for each project, there are three different environmental findings that the Board must make. The background information for each of these findings is provided below.

1. Caltrans, acting as the lead agency, prepared an Initial Study (IS) and Negative Declaration (ND) for the El Dorado 89 WQIP to comply with CEQA. Caltrans adopted the ND on June 24, 2009, and a Notice of Determination (NOD) was filed on June 30, 2009.

The IS, ND, NOD, and record of project approval may be examined at Caltrans' office at 703 B Street, Marysville, California 95901. A copy of the IS, ND, and NOD has been provided to the Board on an attached CD and is available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, California 96150 (Attachment 3).

Staff has reviewed the ND and believes that the improvements proposed have been adequately analyzed in the document. Staff has determined that the project, as proposed, would not cause a significant effect on the environment. Since completion of the ND, there is no new information, substantial changes to the proposed project, or changes to project implementation, which would involve any new significant effects which were not analyzed in the ND.

Staff recommends the Board review the ND and make the findings as set forth in the attached resolution. If the Board considers and concurs with the ND and authorizes the transfer of jurisdiction agreement, staff will file an NOD with the State Clearinghouse pursuant to CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 et seq.), section 15096. Attachment 4 contains the Conservancy's proposed NOD.

2. Caltrans, acting as the lead agency, prepared an IS and ND for the El Dorado 50 Segment 1 WQIP to comply with CEQA. Caltrans adopted the ND on October 27, 2009, and a NOD was filed on November 4, 2009.

The IS, ND, NOD, and record of project approval may be examined at Caltrans' offices at 703 B Street, Marysville, California 95901. A copy of the IS, ND, and NOD has been provided to the Board on an attached CD and is available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, California 96150 (Attachment 3).

Staff has reviewed the ND and believes that the improvements proposed have been adequately analyzed in the document. Staff has determined that the project, as proposed, would not cause a significant effect on the environment. Since completion of the ND, there is no new information, substantial changes to the proposed project, or changes to project implementation, which would involve any new significant effects which were not analyzed in the ND.

Staff recommends the Board review the ND and make the findings as set forth in the attached resolution. If the Board considers and concurs with the ND and authorizes the license agreement, staff will file an NOD with the State Clearinghouse pursuant to CEQA Guidelines, section 15096. Attachment 5 contains the Conservancy's proposed NOD.

3. Caltrans, acting as the Lead Agency, prepared an IS and ND for the El Dorado 50 Segment 2 WQIP to comply with CEQA. Caltrans adopted the ND on October 22, 2009, and a NOD was filed on October 29, 2009.

The IS, ND, NOD, and record of project approval may be examined at Caltrans' offices at 703 B Street, Marysville, California 95901. A copy of the IS, ND, and NOD has been provided to the Board on an attached CD and is available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, California 96150 (Attachment 3).

Staff has reviewed the ND and believes that the improvements proposed have been adequately analyzed in the document. Staff has determined that the project, as proposed, would not cause a significant effect on the environment. Since completion of the ND, there is no new information, substantial changes to the proposed project, or changes to project implementation, which would involve any new significant effects which were not analyzed in the ND.

Staff recommends the Board review the ND and make the findings as set forth in the attached resolution. If the Board considers and concurs with the ND and authorizes the license agreement, Staff will file an NOD with the State Clearinghouse pursuant to CEQA Guidelines, section 15096. Attachment 6 contains the Conservancy's proposed NOD.

List of Attachments:

- Attachment 1 – Caltrans License and Transfer of Jurisdiction Agreements Maps
(2 pages)
- Attachment 2 – Resolution 12-03-01
- Attachment 3 – Caltrans Initial Studies, Negative Declarations, and Notices of Determination for the El Dorado 89 WQIP and the El Dorado 50 WQIPs
(on CD)
- Attachment 4 – Notice of Determination, El Dorado 89 WQIP
- Attachment 5 – Notice of Determination, El Dorado 50 Segment 1 WQIP
- Attachment 6 – Notice of Determination, El Dorado 50 Segment 2 WQIP

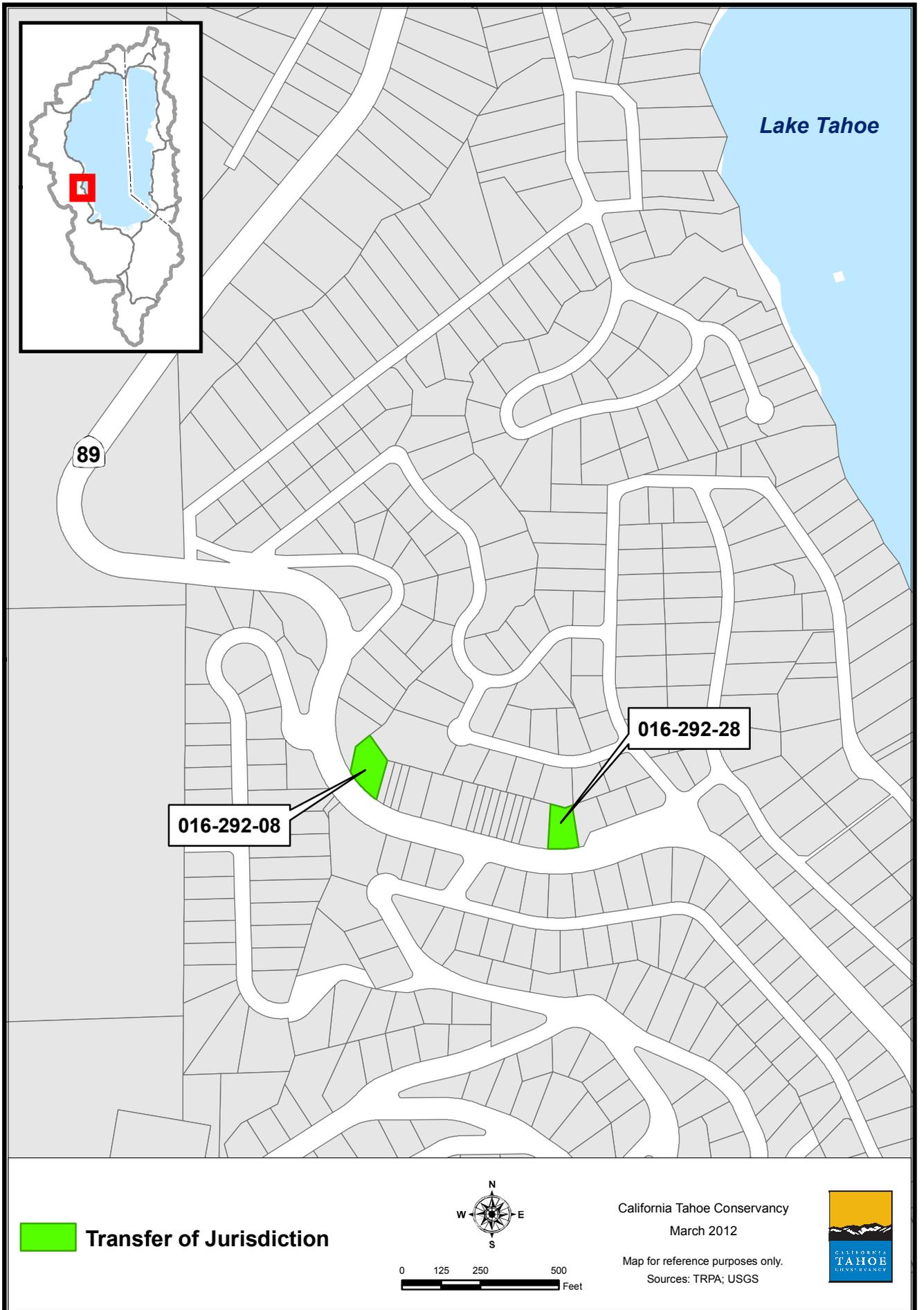
Conservancy Staff Contact:

Penny Stewart

(530) 543-6013
pstewart@tahoe.ca.gov

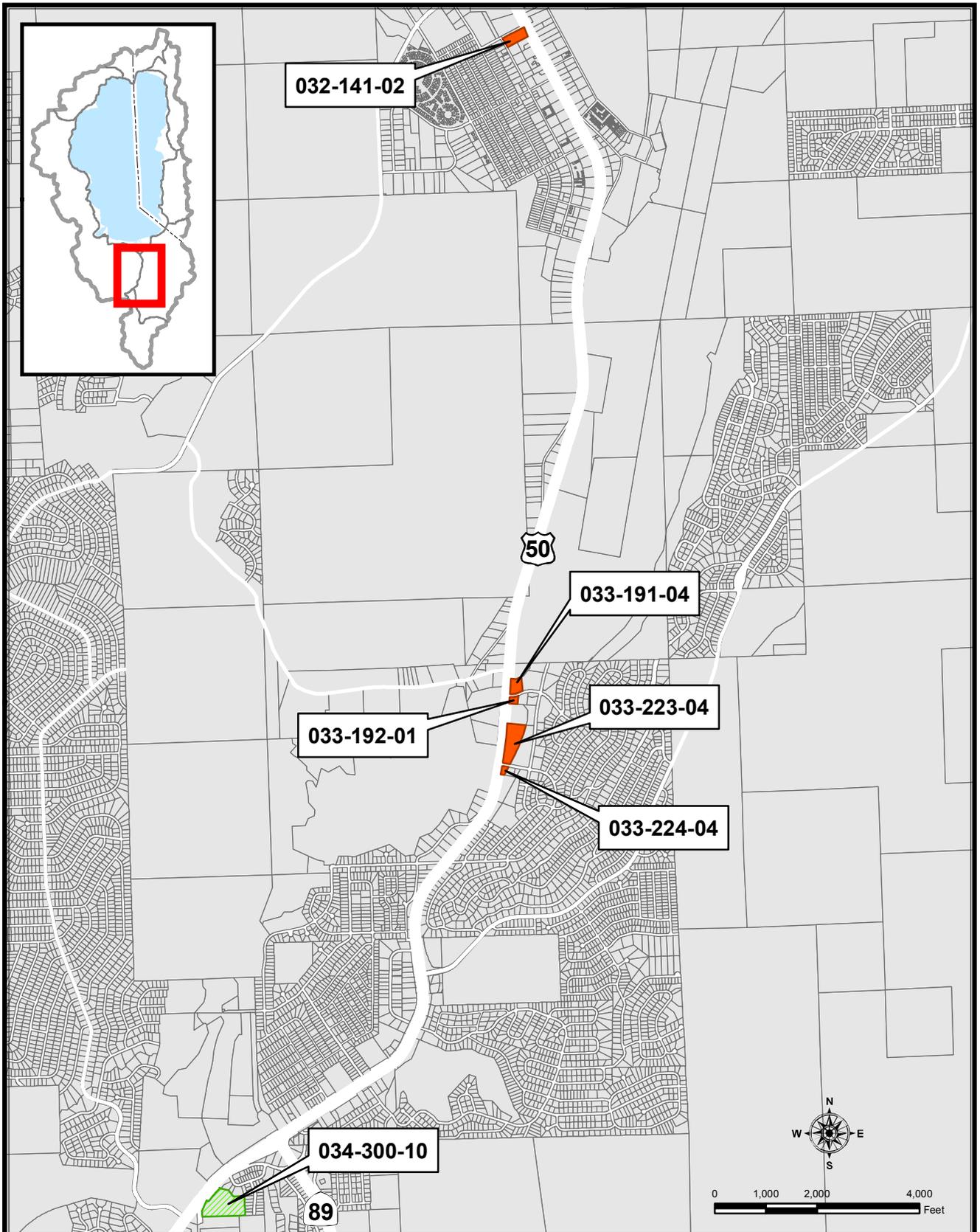
ATTACHMENT 1

Caltrans License and Transfer of Jurisdiction Agreements (page 1 of 2)



ATTACHMENT 1

Caltrans License and Transfer of Jurisdiction Agreements (page 2 of 2)



-  **Temporary Construction Easements**
-  **Potential Future Transfer of Jurisdiction**

California Tahoe Conservancy
March 2012

Map for reference purposes only.
Sources: TRPA; USGS



ATTACHMENT 2

California Tahoe Conservancy
Resolution
12-03-01
Adopted: March 15, 2012

LICENSE AND TRANSFER OF JURISDICTION AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

Staff recommends the California Tahoe Conservancy make the following finding based on the accompanying staff report pursuant to Public Resources Code section 21000 et seq.:

“The Conservancy has considered the environmental impacts of the proposed El Dorado 89 WQIP as described in the California Department of Transportation’s Initial Study/Negative Declaration (IS/ND) and related documents certified by California Department of Transportation on June 24, 2009. The Conservancy has reviewed the IS/ND and related documents and finds that the improvements proposed have been adequately analyzed in the IS/ND. The Conservancy finds that no substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is undertaken that would involve any new significant environmental effects or significantly increase the severity of any previously-identified impacts. The Conservancy hereby directs staff to file a Notice of Determination with the State Clearinghouse for this project.

The Conservancy has considered the environmental impacts of the El Dorado 50 Segment 1 WQIP as described in the IS/ND and related documents, certified by California Department of Transportation on October 27, 2009. The Conservancy has reviewed the IS/ND and related documents and finds that the improvement proposed have been adequately analyzed in the IS/ND. The Conservancy finds that no substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is undertaken that would involve any new significant environmental effects

or significantly increase the severity of any previously-identified impacts. The Conservancy hereby directs staff to file a Notice of Determination with the State Clearinghouse for this project.

The Conservancy has considered the environmental impacts of the El Dorado 50 Segment 2 WQIP as described in the IS/ND and related documents, certified by the California Department of Transportation on October 22, 2009. The Conservancy has reviewed the IS/ND and related documents and finds that the improvement proposed have been adequately analyzed in the IS/ND. The Conservancy finds that no substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is undertaken that would involve any new significant environmental effects or significantly increase the severity of any previously-identified impacts. 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 enter into long-term license agreements and Transfer of Jurisdiction Agreements with the California Department of Transportation on El Dorado County Assessor Parcel Numbers 016-292-08, 016-292-28, 032-141-02, 033-191-04, 033-192-01, 033-223-04, and 033-224-04 to permit activities associated with water quality improvement projects for U.S. Highway 50 and State Route 89, 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 15th day of March, 2012.

IN WITNESS THEREOF, I have hereunto set my hand this 15th day of March 2012.

Patrick Wright
Executive Director

ATTACHMENT 3

**LICENSE AND TRANSFER OF JURISDICTION AGREEMENTS
WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION**

EL DORADO 89 WATER QUALITY IMPROVEMENT PROJECT

EL DORADO 50 SEGMENT 1 WATER QUALITY IMPROVEMENT PROJECT

EL DORADO 50 SEGMENT 2 WATER QUALITY IMPROVEMENT PROJECT

California Department of Transportation Initial Study,
Negative Declaration, and
Notice of Determination for each of the above-named projects

On CD

ATTACHMENT 4

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

Subject:

Authorization to enter into a transfer of jurisdiction agreement with the California Department of Transportation

Project Title:

El Dorado 89 Water Quality Improvement Project

State Clearinghouse Number:

2008052105

Contact Person:

Penny Stewart

Telephone Number:

(530) 543-6013

Project Location:

Two Conservancy-owned parcels located on the west shore of Lake Tahoe, El Dorado County Assessor Parcel Numbers 016-292-08 and 016-292-28

Project Description:

The transfer of jurisdiction agreement would provide rights to a portion of APN 016-292-08 and 016-292-28 to assist in the construction of drainages, rock energy dissipaters, and rock check dams.

This is to advise that the California Tahoe Conservancy, acting as a responsible agency, has approved the above-described project on March 15, 2012 and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment.
 2. A Negative Declaration (ND) for the project was prepared and approved by Caltrans on June 24, 2009, and a Notice of Determination (NOD) was filed on June 30, 2009. The ND, NOD, and record of project approval may be examined at the California Department of Transportation, 703 B Street, Marysville, California 95901. The California Tahoe Conservancy reviewed and considered the ND that was prepared by the California Department of Transportation prior to project approval.
 3. The Conservancy finds that no substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is taken that would affect any potentially significant environmental effects. Furthermore, there are no changes regarding the project that would require new or different mitigation measures.
-

Fish and Game Fees: N/A, paid by Caltrans

Date Received for Filing:

Patrick Wright
Executive Director

ATTACHMENT 5

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

Subject:

Authorization to enter into a license agreement with the California Department of Transportation

Project Title:

El Dorado 50 Segment 1 Water Quality Improvement Project

State Clearinghouse Number:

2009032029

Contact Person:

Penny Stewart

Telephone Number:

(530) 543-6013

Project Location:

Four Conservancy-owned parcels located on the south shore of Lake Tahoe, El Dorado County Assessor Parcel Numbers 033-191-04, 033-192-01, 033-223-04, and 033-224-04

Project Description:

The license agreement would provide temporary access rights to small portions of APN 033-191-04, 033-192-01, 033-223-04, and 033-224-04 to assist in the construction of culvert, inlet structures, and outlet channels.

This is to advise that the California Tahoe Conservancy, acting as a responsible agency, has approved the above-described project on March 15, 2012 and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment.
 2. A Negative Declaration (ND) for the project was prepared and approved by the California Department of Transportation on October 27, 2009, and a Notice of Determination (NOD) was filed on November 4, 2009. The NOD, ND, and record of project approval may be examined at California Department of Transportation, 703 B Street, Marysville, California 95901. The California Tahoe Conservancy reviewed and considered the ND that was prepared by the California Department of Transportation prior to project approval.
 3. The Conservancy finds that no substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is taken that would affect any potentially significant environmental effects. Furthermore, there are no changes regarding the project that would require new or different mitigation measures.
-

Fish and Game Fees: N/A, paid by Caltrans

Date Received for Filing:

Patrick Wright
Executive Director