

**SAWMILL 2 BIKE PATH AND EROSION CONTROL PROJECT
EASEMENT ACQUISITION GRANT**

Summary: Staff recommends authorization to grant up to \$85,000 to the County of El Dorado for the acquisition of four easements in support of improvements associated with the Sawmill 2 Bike Path and Erosion Control Project, Phase 2B.

Location: South side of Sawmill Road between U.S. Highway 50 and Echo View Estates Drive, El Dorado County (El Dorado County Assessor Parcel Numbers 033-090-12, 033-090-13, 033-180-04, and 033-180-36) (Attachment 1).

Fiscal Summary: Proposition 84 funds, up to \$85,000.

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

Background

The California Tahoe Conservancy (Conservancy) awarded El Dorado County (County) an \$821,000 planning grant in 2005 (\$460,000 from the Public Access and Recreation Program and \$361,000 from the Erosion Control Program) to design and permit a bike path and erosion control facilities along Sawmill Road and erosion control improvements within the adjacent Echo View Estates subdivision. Known as the Sawmill 2 Bike Path and Erosion Control Project (Project), it is listed as Projects #706 and #10034 of the Environmental Improvement Program (EIP).

The County applied the Conservancy's Preferred Design Approach to plan erosion control facilities to achieve the greatest benefit to water quality. Careful planning also produced the currently-proposed path alignment, which minimizes environmental impacts, complements the erosion control infrastructure, and reduces construction costs where feasible.

The County is currently working to acquire all necessary entitlements, including the easements recently granted by the Conservancy on three Conservancy-owned properties. These entitlements are necessary for the County to secure construction funding, prepare and advertise for construction, construct, and, ultimately, operate and maintain the bike path and erosion control infrastructure. The parcels over which the County is requesting funding to acquire easements are owned by private parties. The County contracted for an Appraisal Report for Partial Acquisitions by a professional real estate appraisal firm, Pattison and Associates, Inc. That report evaluated seven separate parcels, four of which are the subject of this staff recommendation. Staff has reviewed the report.

Project Description

Construction of Phase 2B of the Project requires the acquisition of seven easements across privately-owned parcels. The recommended award of \$85,000 would fund the acquisition of four easements. (The County will fund the remaining three easements separately.)

The County proposes to use the four parcels for two purposes: (1) to construct a Class 1 Bike Path and appropriate appurtenances including storm water capture, conveyance, and treatment; and (2) to operate and maintain said improvements. Table 1, below, provides a breakdown of easement area, cost, and purpose by parcel. The size of the easements is based on the 50% design plan. Because size may change slightly as the design progresses, a small contingency to account for the potential fluctuation is included.

Table 1

	APN	Purpose	Size (SF)	Appraised Value
Amacker	033-090-12	Bike Path	23,427	\$41,465.79
		Drainage	1,359	240.54
Silberstein Trust	033-090-13	Bike Path	10,594	20,022.66
		Drainage	315	59.54
Yant	033-180-04	Bike Path	1,750	12,897.50
		Drainage	2,592	752.48
Yant	033-180-36	Bike Path	869	7,881.83
Contingency				1,679.66
Total				\$85,000.00

In concert with the construction of the Project, permanent and temporary Best Management Practices (BMPs) will be installed and maintained to protect water quality. For some property frontages, the Project will install landscaping and/or native vegetation as appropriate in construction-disturbed areas in consultation with the private landowners, in addition to fencing or other vehicle barriers to preclude automotive encroachment into the properties. The easements will allow the County to construct, operate, and maintain these Project improvements. The easements will not entirely cover each parcel, but instead cover portions sufficiently large to efficiently construct and maintain improvements. The easement areas will be legally described within the easement conveyance documents to be prepared and recorded by the County.

The recommended grant amount of \$85,000 is based upon the appraised value of each of the four parcels and correlates to a per-square-foot value. As previously stated, the size of the easements was based upon 50% design plans that may change slightly and require the addition or subtraction of a minor amount of easement area. The small contingency should allow for minor changes to the square footage of actual acquired easements. The proposed easement acquisition will not cause the relocation of residents; therefore, there will be no relocation costs. Conservancy staff costs to review, process, and administer this grant are incidental.

Project Implementation

The County continues to develop the engineering design and bid specifications and work with property owners on the necessary easements for project implementation. It is anticipated that Phase 2B may be advertised for bid as soon as the fall of 2012 or early spring of 2013, with the intent of constructing the improvements during the 2013 construction season. Phase 2A should begin and be completed during the 2012 construction season.

Project Evaluation

The granting of funds for easement acquisitions to support improvements that fulfill two programs (Recreation and Erosion Control) is consistent with the Conservancy's Public Access and Recreation Program Guidelines. Further, the acquisitions capitalize on previously-awarded planning grant funds and the Conservancy's Preferred Design Approach for the erosion control facilities, which achieve the greatest benefit to water quality.

Consistency with the Conservancy's Enabling Legislation

The recommended easement acquisition grant is consistent with the Conservancy's enabling legislation. Specifically, Government Code sections 66905.2 and 66907.7 authorize the Conservancy to award grants to local public agencies for purposes consistent with its mission, which includes providing public access and recreational facilities.

Compliance with the California Environmental Quality Act (CEQA)

El Dorado County, acting as the lead agency, prepared an Initial Study (IS) and a Mitigated Negative Declaration (MND) for this project to comply with CEQA. El Dorado County's Board of Supervisors adopted the MND on December 10, 2009, and a Notice of Determination (NOD) was filed on December 14, 2009 with the State Clearinghouse (SCH# 2009102016). In May 2010, the Conservancy drafted an Addendum to the MND incorporating amendments to the CEQA Guidelines. The findings in the Addendum were based on information provided by the County's memo addressing the CEQA amendments. The Conservancy Board previously considered and concurred with the findings of the IS/MND and filed an NOD following the July 15, 2010 Board meeting for the purpose of giving an easement to the County for improvements on a Conservancy parcel, and again on September 15, 2011 for additional easements on three additional Conservancy-owned parcels. This will be the third time the Conservancy Board is being asked to consider and concur with the IS/MND and Addendum and authorize staff to file a new NOD.

A copy of the IS/MND and Addendum have been provided to the Board on CD (Attachment 3) and are available for public review at the Conservancy Office, 1061 Third Street, South Lake Tahoe, CA 96150.

Staff has reviewed the IS, MND, and Addendum and believes the analyses of the proposed improvements in the document are adequate. Staff has determined that the project, as proposed, would not cause a significant effect on the environment. Since completion of the MND and Addendum, there is no new information, substantial changes to the proposed project, or changes to the project implementation that would involve any new significant effects not analyzed in the MND or Addendum. 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 *Appendix B, Mitigation Monitoring and Reporting Program*, of the MND.

If the Board authorizes the recommended acquisition grant, 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 – Project Location Map

Attachment 2 – Resolution 12-03-03

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

Attachment 4 – Notice of Determination

Conservancy Staff Contact:

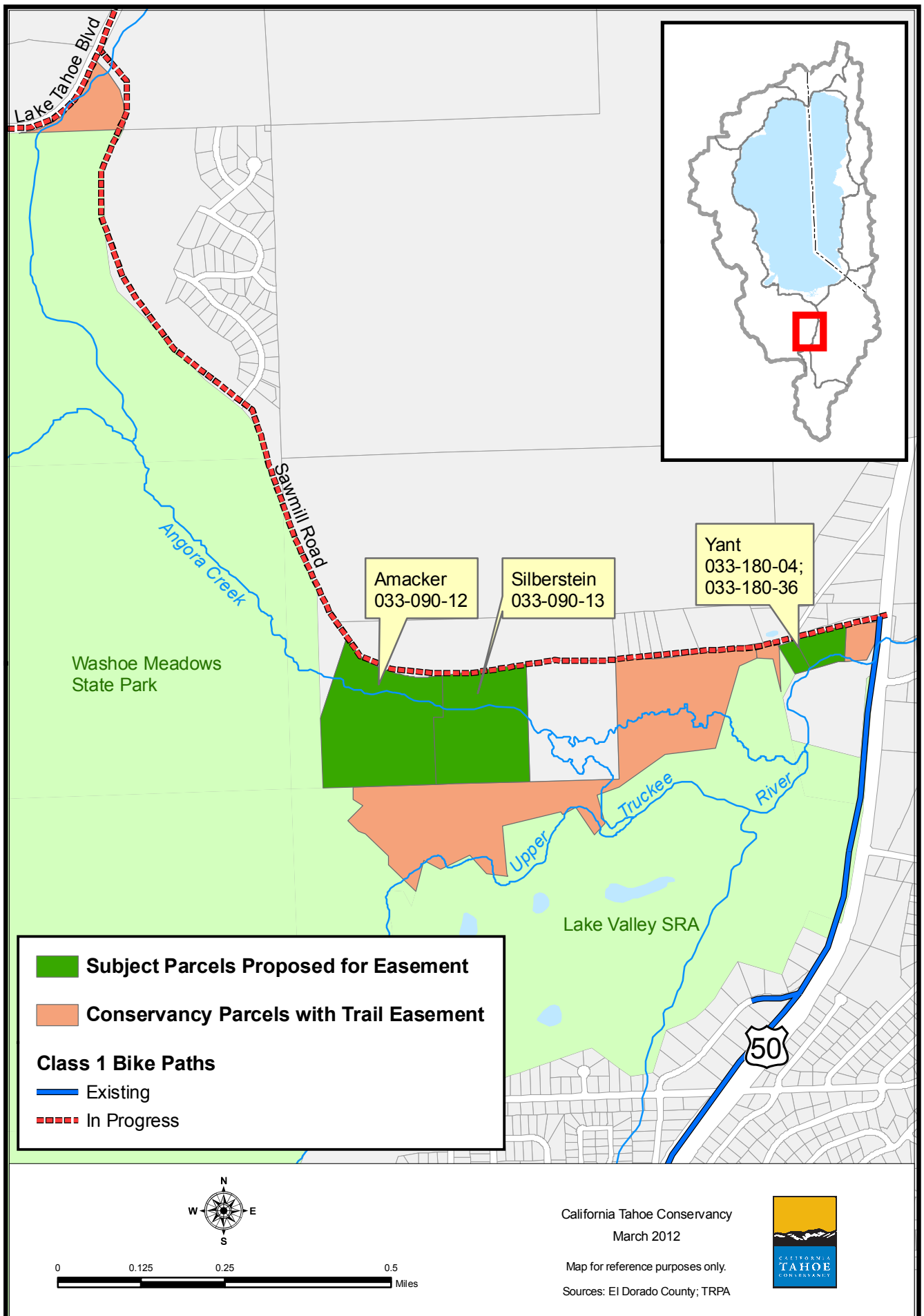
Peter Eichar, AICP

(530) 543-6046

peichar@tahoe.ca.gov

ATTACHMENT 1

Location Map



ATTACHMENT 2

California Tahoe Conservancy

Resolution

12-03-03

Adopted: March 15, 2012

SAWMILL 2 BIKE PATH AND EROSION CONTROL PROJECT EASEMENT ACQUISITION GRANT

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

“The California Tahoe Conservancy has considered the environmental impacts of the Sawmill 2 Bike Path and Erosion Control Project as described in El Dorado County’s Initial Study / Mitigated Negative Declaration (IS/MND) certified by El Dorado County on December 10, 2009. In May 2010, the Conservancy drafted an Addendum to the Mitigated Negative Declaration incorporating amendments to the CEQA Guidelines which became effective March 18, 2010. The Addendum addresses new questions added to the Appendix G, Environmental Checklist. The Conservancy has reviewed the IS/MND and Addendum and related documents and finds that the improvements proposed have been adequately analyzed in the IS/MND and Addendum. The Conservancy finds that no new substantial changes to the proposed project or other changes to the project implementation would involve any new significant effects that were not analyzed in the Initial Study, Mitigated Negative Declaration, and Addendum. 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 the award of an easement acquisition grant, up to \$85,000 to El Dorado County for the purposes of acquiring four easements over a portion of El Dorado County Assessor Parcel Numbers 033-090-12, 033-090-13, 033-180-04, and 033-180-36 and which permits the construction and maintenance of water quality and bike path improvements associated with the Sawmill 2 Bike Path and Erosion Control Project. Further, the Conservancy authorizes staff to enter into a grant agreement, and to take all other necessary steps, in substantial conformity with the purposes of the project and the terms and provisions discussed in the accompanying staff report and exhibits, to achieve the objectives of this grant."

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

**SAWMILL 2 BIKE PATH AND EROSION CONTROL PROJECT
EASEMENT ACQUISITION GRANT**

El Dorado County Initial Study and
Mitigated Negative Declaration
Addendum to Mitigated Negative Declaration

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:

Filing of Notice of Determination in compliance with sections 21108 and 21152 of the Public Resources Code.

Project Title:

Grant \$85,000 to El Dorado County for the purposes of acquiring four easements over a portion of four separate parcels which permits the construction and maintenance of water quality and bike path improvements associated with the Sawmill 2 Bike Path and Erosion Control Project.

State Clearinghouse Number:

2009102016

Contact Person:

Peter Eichar

Telephone Number:

(530) 543-6046

Project Location:

Southern side of Sawmill road between US Highway 50 and Echo View Estates Drive, El Dorado County (El Dorado County Assessor Parcel Numbers 033-090-12, 033-090-13, 033-180-04, and 033-180-36).

Project Description:

The Sawmill 2 Bike Path and Erosion Control (Project), Phase 2B involves the granting of funds for the acquisition of four easements on four privately-owned parcels to support the County in construction of the Project.

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 Mitigated Negative Declaration for the project was prepared and approved by El Dorado County on December 10, 2009, and a Notice of Determination was filed on December 14, 2009. The Notice of Determination, Mitigated Negative Declaration, and record of project approval may be examined at El Dorado County Department of Transportation, 924 B Emerald Bay Road, South Lake Tahoe, CA 96150. In May 2010, the Conservancy prepared an Addendum to the MND to address amendments to CEQA which became effective March 18, 2010. The California Tahoe Conservancy reviewed and considered the Mitigated Negative Declaration and Addendum prior to project approval. The Addendum to the MND may be examined at the California Tahoe Conservancy, 1061 Third Street, South Lake Tahoe, CA 96150.
3. Mitigation measures were made a condition of the approval of the project by El Dorado County and the California Tahoe Conservancy.
4. 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: A California Department of Fish and Game Environmental Filing Fee was paid for this project. A copy of the receipt will be filed with this notice.

Date Received for Filing:

Patrick Wright
Executive Director