California Tahoe Conservancy Agenda Item 7.a December 8, 2016

TAHOE CITY COMPENSATORY MITIGATION WETLANDS CONSERVATION EASEMENT

Recommended Action: Adopt Resolution 16-12-02 (Attachment 1) approving the conveyance of a wetlands conservation easement from Placer County to the Tahoe City Public Utility District and the North Tahoe Fire Protection District on a portion of Placer County Assessor's Parcel Number 094-190-026 (Property) and authorizing staff to execute all necessary documents.

Location: The Property is located in Tahoe City, California near the corner of State Route 28 and Fairway Drive (Attachment 2).

Fiscal Summary: Incidental staff costs.

Overview

Description of Recommended Action

Staff requests approval for the conveyance of a wetlands conservation easement (Easement) from Placer County (County) to the Tahoe City Public Utility District (TCPUD) and the North Tahoe Fire Protection District (NTFPD). The Easement protects an existing wetlands mitigation site on the Property and provides for long-term maintenance.

The County purchased the Property in 1995 with a Conservancy-funded acquisition grant. The grant requires Conservancy Board approval of any transfers of interest in the Property. The proposed Easement is a transfer of an interest in the Property. The Easement is consistent with the purposes of the original Conservancy grant because it protects existing wetlands and water quality improvements. The County intends to convey the Easement to TCPUD and NTFPD in early 2017.

History

In 1990 and 1994, the Board authorized acquisition grant funding to support the County's Tahoe City Water Quality Improvement Project (TCWQIP). The County

purchased the Property with this grant funding in 1995, and completed the Conservancy-funded storm water improvements upon it in 1997. These storm water improvements included drainage infrastructure, a detention pond, and constructed wetlands.

In 2012, TCPUD and NTFPD jointly constructed additional wetlands on the Property to comply with Lahontan Regional Water Quality Control Board (Lahontan) permit requirements. The Lahontan permits required mitigation for wetland impacts associated with the NTFPD Public Safety Facility Project and the TCPUD Tahoe City Lakeside Trail phases V-VII. The mitigation involved the construction and permanent legal protection of wetlands. The proposed Easement satisfies these Lahontan permit conditions. The Easement and associated wetland mitigation does not adversely affect the TCWQIP because it provides additional functional wetlands on the Property.

NTFPD constructed the Public Safety Facility Project in 2011 to address community fire protection and safety needs. TCPUD completed the Tahoe City Lakeside Trail in 2012, providing multi-use trail connectivity and public access through Tahoe City. The Easement will assist NTFPD and TCPUD in completing permit requirements for these priority projects. The Board previously authorized coverage transfers for the TCPUD and NTFPD projects in 2003 and 2010, respectively.

Authority

Consistency with the Conservancy's Enabling Legislation

The Board's approval of the County's conveyance of an Easement is consistent with the Conservancy's enabling legislation (Government Code Title 7.42). Specifically, section 66907.8 authorizes the Conservancy to transfer any real property interest to fulfill its purposes of protecting the natural environment and promoting State planning priorities. Section 66907.9 authorizes the Conservancy to participate in agreements for the management of land under its ownership or control with local public agencies.

Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with the Strategic Plan because it supports high priority conservation and recreation Environmental Improvement Program (EIP) projects (Strategy II).

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Soil Erosion Control Grants Program Guidelines because the Easement and constructed wetlands on the Property are consistent with the purposes of the Conservancy-funded acquisition.

Consistency with External Authorities

The recommended action supports EIP Project #03.01.02.0014 and NTFPD's public safety mission.

Compliance with the California Environmental Quality Act (CEQA)

Pursuant to California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), certain classes of activities are statutorily exempt from CEQA or are exempt because they have been determined by the Secretary for Natural Resources to have no significant effect on the environment. Pursuant to Public Resources Code sections 21001(f) and 21082, the Conservancy has also adopted regulations to implement, interpret, and make specific the provisions of CEQA. (Cal. Code Regs., title 14, § 12100 et seq.). Staff has evaluated the improvements associated with the action and has found them to be exempt under CEQA. This action qualifies for a categorical exemption under CEQA Guidelines sections 15301 (existing facilities) and 15325 (transfers of ownership of interests in land in order to preserve existing natural conditions), and the Conservancy's CEQA regulations, sections 12102.1 and 12102.25. A Notice of Exemption (NOE) has been drafted (Attachment 3). If the Board approves the conveyance of an Easement, staff will file the NOE with the State Clearinghouse pursuant to CEQA Guidelines, section 15062.

List of Attachments:

Attachment 1 – Resolution 16-12-02 Attachment 2 – Project Location Map Attachment 3 – Notice of Exemption

Conservancy Staff Contact:

Scott Cecchi

scott.cecchi@tahoe.ca.gov