

California Tahoe Conservancy
Agenda Item 7b
February 5, 2015

**TAHOE HILLS EROSION CONTROL PROJECT
LICENSE AGREEMENT**

Summary: Staff recommends authorization of a long-term license agreement with El Dorado County on two Conservancy parcels in support of the Tahoe Hills Erosion Control Project.

Location: Two Conservancy parcels (El Dorado County Assessor Parcel Numbers 016-062-06 and 016-562-09) near the west shore of Lake Tahoe and just south of Meek's Bay, within the Tahoe Hills Project area bordered by State Route 89 to the north, Lake Tahoe to the east, Bay View Drive and Sweetwater Drive to the west, and Lakeridge Drive and Lakeridge Court to the south (Attachment 1).

Fiscal Summary: Incidental staff costs related to the preparation and processing of the agreement

Recommended Action: Adopt Resolution 15-02-03 (Attachment 2).

Background

In 2009, El Dorado County (County) began a planning effort for the Tahoe Hills subdivision to evaluate existing infrastructure and problems related to water quality and erosion. The County developed the Tahoe Hills Erosion Control Project (Project) to address the highest priority water quality problems within the Project area through the installation of improvements such as infiltration facilities and slope protection. The Project applies the Conservancy's Preferred Design Approach (PDA) along with results from the Pollutant Load Reduction Model (PLRM) to improve water quality by reducing the loads of fine sediment and nutrients in storm water runoff. Project construction is scheduled for fall 2015.

The County estimates the total cost of the project to be \$800,000. The U.S. Forest Service, Lake Tahoe Basin Management Unit (LTBMU), provided \$750,000 for the planning and construction of the Project, and the Tahoe Regional Planning Agency (TRPA) provided an additional \$50,000 in water quality mitigation funds. The Project

is included in the Environmental Improvement Program and will assist the County in reaching their Lake Tahoe Total Maximum Daily Load targets. Completion of the Project is integral to the County's Pollutant Load Reduction Plan.

Project Description

Staff recommends authorization to enter into a license agreement with the County for El Dorado County Assessor Parcel Numbers 016-062-06 and 016-562-09. The proposed license agreement would provide the County with access rights to construct and maintain water quality improvements, as described by parcel below:

Assessor Parcel Numbers	Proposed Improvement
016-062-06	Underground Infiltration System
016-562-09	Rock Slope Protection

Project Implementation

Staff will enter into the license agreement referenced above and take all necessary actions to implement the agreement in summer/fall 2015. The agreement includes provisions related to permitting, restoration, insurance, and indemnification. Consistent with Board direction under the Conservancy's Special Use Program, the County will not be charged a fee for the use of Conservancy property for improvements associated with its water quality projects.

Project Evaluation

The proposed license agreement, which gives the County rights of use and access to Conservancy-owned parcels, including the right to construct improvements in support of the Project, is consistent with the Conservancy's adopted Special Use Guidelines and the Conservancy's Soil Erosion Control Program Guidelines. The parcels were acquired under the Conservancy's Environmentally Sensitive Lands Acquisition Program. The County is required to maintain the improvements for 20 years after the installation.

Consistency with the Conservancy's Enabling Legislation

The recommended license agreement 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 9, 2014 and a Notice of Determination (NOD) was filed with the State Clearinghouse on September 9, 2014.

A copy of the IS/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.

As a responsible agency, the Conservancy must consider the MND prepared by El Dorado County and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the IS/MND and believes that the Project has been adequately analyzed. Staff has determined that the Project, as mitigated, would not cause a significant effect on the environment. The mitigation measures for the Project can be found on pages 3-18 of the MND CEQA Checklist.

Staff recommends that the Board review and consider the IS/MND prepared and adopted by El Dorado County, together with any comments reviewed during the public review process; certify that it has independently considered and reached its own conclusions regarding the environmental effects of the Project; make the findings as set forth in the Resolution (Attachment 2); and authorize the issuance of a license agreement with El Dorado County in support of Project implementation. If the Board considers and concurs with the IS/MND and authorizes the actions described above, staff will file a NOD (Attachment 4) with the State Clearinghouse pursuant to CEQA Guidelines, section 15096.

List of Attachments:

Attachment 1 – Project Location Map

Attachment 2 – Resolution 15-02-03

Attachment 3 – El Dorado County Mitigated Negative Declaration (on attached CD)

Attachment 4 – Conservancy Notice of Determination

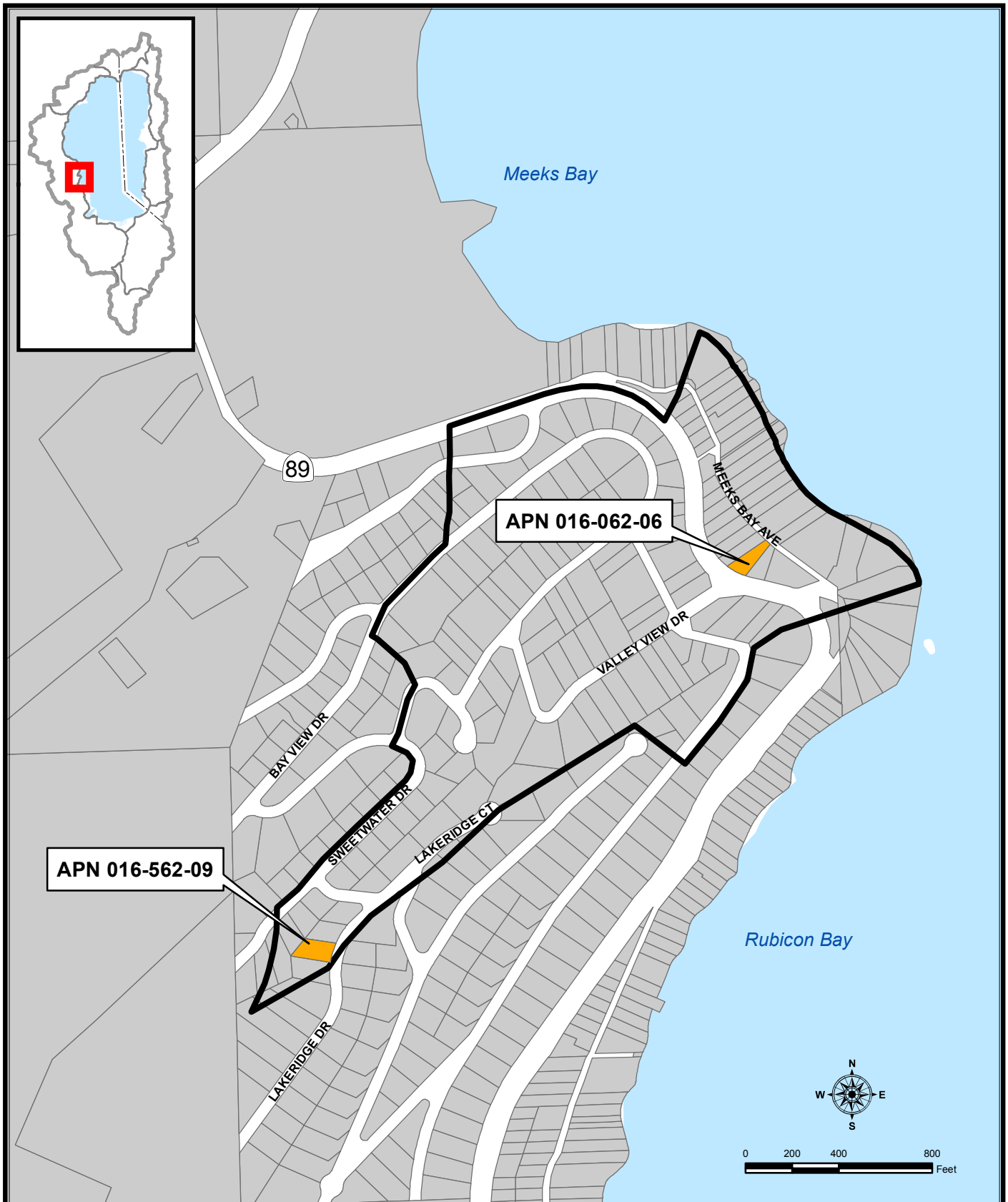
Conservancy Staff Contact:

Mark Sedlock

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ATTACHMENT 1
License Agreements



-  License Agreement Parcels
-  Tahoe Hills Erosion Control Project Area

California Tahoe Conservancy
February 2015

Map for reference purposes only.
Sources: USGS; TRPA



ATTACHMENT 2

California Tahoe Conservancy
Resolution 15-02-03
Adopted: February 5, 2015

TAHOE HILLS EROSION CONTROL PROJECT LICENSE AGREEMENT

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

“The California Tahoe Conservancy, in its role as a responsible agency under the California Environmental Policy Act, has reviewed and considered the Tahoe Hills Erosion Control Project Initial Study and Mitigated Negative Declaration (IS/MND) certified by El Dorado County on September 9, 2014. The Conservancy finds, on the basis of the whole record before it, there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment. The Conservancy incorporates the mitigation measures described in the MND as a condition for approval of the project. 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 a license agreement with El Dorado County, over a portion of El Dorado County Assessor Parcel Numbers 016-062-06 and 016-562-09, which permits the construction and maintenance of water quality improvements associated with the Tahoe Hills Erosion Control Project, 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 5th day of February 2015.

In WITNESS THEREOF, I have hereunto set my hand this 5th day of February 2015.

Patrick Wright
Executive Director

ATTACHMENT 3

TAHOE HILLS EROSION CONTROL PROJECT

El Dorado County Initial Study
Mitigated Negative Declaration
County's Notice of Determination

Department of Fish and Wildlife
Environmental Filling Fee Receipt

On attached 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:

The filing of a Notice of Determination in compliance with section 21108 of the Public Resources Code

Project Title:

Tahoe Hills Erosion Control Project Long-term License Agreement with El Dorado County.

State Clearinghouse Number:

2014062044

Contact Person:

Mark Sedlock

Telephone Number:

(530) 543-6048

Project Location:

Two Conservancy-owned parcels (El Dorado County Assessor Parcel Numbers 016-062-06 and 016-562-09) within the Tahoe Hills Erosion Control Project boundary, within the Lake Tahoe Basin.

Project Description:

The project proposes to construct, maintain, and improve stormwater facilities and implement erosion control practices for the Tahoe Hills Erosion Control Project as identified in the Lake Tahoe Environmental Improvement Program.

This is to advise that the California Tahoe Conservancy, acting as a responsible agency, has approved the above described project on February 5, 2015, 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 September 9, 2014 and a Notice of Determination was filed on September 9, 2014. 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. The California Tahoe Conservancy has reviewed and considered the Mitigated Negative Declaration that was prepared by El Dorado County prior to project approval.
3. Mitigation measures were made a condition of the approval of the project by El Dorado County and the California Tahoe Conservancy.

Fish and Wildlife Fees: An Environmental Filing Fee has been paid by the County. A copy of the receipt will be submitted with this NOD.

Date Received for Filing:

Patrick Wright
Executive Director