

TAHOE CITY PUBLIC UTILITY DISTRICT EASEMENT

Recommended Action: Adopt Resolution 16-12-05 (Attachment 1) authorizing conveyance of an easement to the Tahoe City Public Utility District (TCPUD) on Placer County Assessor's Parcel Number (APN) 094-031-004, to facilitate TCPUD's Bunker Water Tank Replacement Project and continued operation and maintenance of TCPUD's Bunker Well Facility.

Location: The easement is located at 700 Bunker Well Drive in Tahoe City, California, Placer County APN 094-031-004 (Attachment 2).

Fiscal Summary: The proposed authorization would result in incidental staff costs related to the preparation and processing of the easement. TCPUD would pay appraised fair market value for the easement (\$15,100) and provide 20 years of free hydrant water services to the California Tahoe Conservancy for projects within TCPUD's jurisdiction.

Overview

Description of Recommended Action

Staff recommends the Board authorize the conveyance of an easement to TCPUD on California Tahoe Conservancy (Conservancy) parcel, APN 094-031-004, also known as 700 Bunker Well Drive. The easement provides permanent access for the operation and maintenance of TCPUD's Bunker Well Facility (Facility) located on Conservancy property and use of the road to access a portion of the Facility located on an adjacent U.S. Forest Service parcel. The Facility includes three water wells, a water tank, supporting generator, related structures, and an access road. In addition, the easement facilitates TCPUD's Bunker Water Tank Replacement Project (Project) by providing temporary construction access to use the road to remove and replace the water tank, install Best Management Practices (BMPs), and pave the road.

The easement requires maintenance of all improvements on Conservancy land, insurance, indemnification, and restoration of any damage to the Conservancy land.

The Facility includes two of the highest producing wells in the TCPUD system. Without the Facility, TCPUD would not be able to provide water service to the 2,899 water connections they service in Tahoe City. If the Board approves this recommendation, staff intends to convey the easement to TCPUD and take all necessary related actions. The Project is tentatively scheduled for summer 2017.

History

The Board previously approved three 25-year license agreements in 1990, 1991, and 1994, authorizing TCPUD to construct, operate, and maintain various individual components of the Facility (e.g., the individual wells and access road), including paving the existing access road. The license agreements expire(d) in August 2015, June 2016, and May 2019, respectively. TCPUD applied to replace the license agreements with one permanent easement.

Financing

The Conservancy will incur incidental staff costs related to the preparation and processing of the easement. TCPUD will pay the Conservancy the appraised fair market value of the easement (\$15,100) to reimburse the Lake Tahoe Acquisition Bond Act (original parcel acquisition funding source). In addition, TCPUD has agreed to provide the Conservancy with a no-cost fire hydrant permit for up to 50,000 gallons per year for 20 years for use on Conservancy land management projects. This right will be non-transferrable, non-expandable, and limited to projects within TCPUD's jurisdiction.

Authority

Consistency with the Conservancy's Enabling Legislation

The recommended action is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.8 authorizes the Conservancy to transfer or convey any real property interest to fulfill the purposes of its enabling legislation and to promote the State's planning priorities. Under 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.

Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with Strategic Plan Strategy III.A. "Efficiently Manage Conservancy-Owned Lands" by partnering with TCPUD and enhancing management efficiencies to provide an important public service to Tahoe City residents (water service).

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's Land Transfer Guidelines by facilitating a partnership and enhancing management efficiencies of a public service (water service) by another government agency on Conservancy land.

Consistency with External Authorities

The recommended action is consistent with the Environmental Improvement Program by requiring BMPs for all project improvements.

Compliance with the California Environmental Quality Act (CEQA)

TCPUD, acting as the lead agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the Project to comply with CEQA. The MND evaluated the potential environmental impacts of the water tank removal and replacement, as well as improvements to the access road necessary for the continued operation and maintenance of the entire Facility. TCPUD adopted the MND and filed a Notice of Determination (NOD) on October 21, 2016.

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

As a responsible agency, the Conservancy must consider the MND prepared by TCPUD and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the MND and believes that the Project has been adequately analyzed in this document. 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 9-11 of the Project Summary at the beginning of the MND.

Staff recommends the Board review and consider the MND adopted by the TCPUD as lead agency, together with any comments received during the public review process; certify that it has independently considered and reached its own conclusions regarding the potential environmental effects of the Project; make the findings as set forth in the attached resolution; and authorize the conveyance. If the Board considers and concurs with the MND and authorizes the conveyance, staff will file a NOD with the State Clearinghouse pursuant to CEQA guidelines, section 15096. Attachment 4 contains the Conservancy's proposed NOD.

List of Attachments:

Attachment 1 – Resolution 16-12-05

Attachment 2 – Project Map

Attachment 3 – TCPUD CEQA Documentation (on attached CD)

Attachment 4 – Conservancy Notice of Determination

Conservancy Staff Contact:

Aimee Rutledge

aimee.rutledge@tahoe.ca.gov