

**DOLLAR CREEK SHARED-USE TRAIL PROJECT
EASEMENT APPROVAL-FIRESTONE PROPERTY**

Summary: Staff requests authorization to execute and/or approve all necessary agreements relating to the grant of two easements for bike trail purposes over Placer County Assessor Parcel Number 92-010-37 (Easement Parcel) from the North Tahoe Public Utility District to Placer County for the construction, operation and maintenance of the Dollar Creek Shared-Use Trail.

Location: The Dollar Creek Shared-use Trail Project is a 2.2 mile bike trail connection beginning at Highway 28 and ending at Fulton Crescent Drive, in the Cedar Flat residential neighborhood (Attachment 1a). The easements are located on the Easement Parcel beginning at the intersection Highway 28 and ending at the intersection of Polaris and North Rim Drive (Attachment 1b).

Fiscal Summary: Incidental staff costs.

Recommended Action: Adopt Resolution 15-02-05 (Attachment 2).

Background

The Dollar Creek Shared-Use Trail Project (Project) is an approximately 2.2 mile class 1 bike trail located entirely on publicly-owned land including: (1) the California Tahoe Conservancy's (Conservancy) approximately 900-acre Dollar Property, recently approved by the Board for transfer to the California Department of Parks and Recreation; (2) the North Tahoe Public Utility District's (NTPUD) 85-acre Firestone Property; and (3) Placer County's (County) 19-acre NV Energy Property, as well as other County right-of-way.

Since 1987, the Conservancy has invested over \$3,000,000 for shared-use trail planning and right-of-way acquisition for shared-use trails in the Dollar Hill area. The Dollar Hill trail network is located primarily within the NTPUD service area boundaries.

Accordingly, NTPUD assumed an initial lead role in bike trail right-of way acquisition and planning in the Dollar Hill area.

In 1988, the Conservancy authorized a grant of \$1,186,000 to NTPUD for acquisition and planning for approximately eight miles of trail in the Dollar Hill area. This action was followed by two subsequent Board authorizations, in July 1990 (\$235,000) and July 1996 (\$80,000), funding additional bike trail acquisitions and planning. NTPUD's 85-acre Firestone Property was funded with these grants, including the five-acre Easement Parcel.

In 2010, however, NTPUD stopped work on the trail and allowed the most recent grant agreement to expire with \$587,000 in unspent funds. The Conservancy subsequently awarded Placer County a \$435,000 planning grant in 2010 and a \$500,000 acquisition grant in 2012, and the County became the lead agency for the trail.

The County, as the current lead agency for the Project, approved the Initial Study and Mitigated Negative Declaration (IS/MND) in 2012. In 2014, the County received \$3,400,000 in Federal Lands Access Program funding, supported by a County match of \$485,000; the Tahoe Resort Association provided \$200,000 in County Transient Occupancy Tax, which in total should fully fund Project construction. In 2014 the County acquired the 19-acre NV Energy Property through a \$350,000 Conservancy acquisition grant. Final design is complete and construction could commence in 2015.

Project Description

Because NTPUD has transferred the lead role responsibility for the Project to the County, the proposed easements are necessary to complete the bike trail right-of-way, consolidate the right-of-way ownership in the County and to shift responsibility for construction, operation and maintenance of the Project from NTPUD to the County.

Conservancy approval of proposed easements is required under the terms of the Conservancy grant agreement to NTPUD for the Firestone Property acquisition. Specifically, the grant agreement requires that NTPUD maintain the Firestone Property for bike trail and open-space purposes and to undertake the Project, including trail construction, operation, and maintenance. Any change in the Project roles through easement transfer or otherwise, requires Conservancy Board approval. This authorization gives Conservancy staff authority to approve the grant of easements from NTPUD to the County.

The easements are located on a small portion of the Firestone property at the southern terminus of the Project right-of-way located on Highway 28 as shown in Attachment 1B. The combined easements consist of approximately 900 lineal feet of bike trail right-of-way. These easements connect to the County's North Rim Drive right-of-way which in turn connects to 8,000 linear feet of County right-of-way through the Conservancy's Dollar Property, authorized by the Conservancy in 2012. The remainder of the right-of-way was located on the County's NV Energy Property (approximately 800 linear feet).

Project Evaluation

The proposed easement transfer by NTPUD is consistent with the terms and conditions of the Conservancy grant to NTPUD and the purposes of the Conservancy's public access and recreation program objectives. The easements contain a standard power of termination clause used by the Conservancy for all local assistance grant funded land acquisitions, specifically giving the Conservancy and/or the NTPUD the right to use a statutory process to recover the property in the event it is used in a manner inconsistent with the terms of the Board authorization and the grant agreement. Accordingly, under the terms of the proposed easements, the County is assuming NTPUD's preexisting obligations to the Conservancy with respect to the recreational use of easement right-of-way area and the construction operation and maintenance responsibility for the bike trail within that Firestone Easement portion of the right-of-way and all other right-of-way within the Project area.

Responsibility for other portions of the larger Dollar Hill trail network, including potential connections to NTPUD's Regional Park in Tahoe Vista remain subject to further negotiation between the County and NTPUD. In short, this authorization and the proposed transfer does not relieve NTPUD from other obligations under other various Conservancy grants (acquisition and planning) beyond this particular Project area. However, the County indicated its intention to focus on the remaining portions of the larger trail network as part of its authorization to accept the Dollar Creek right-of-way.

The transfer consolidates right-of-way ownership within the Project area. This gives the County primary responsibility over the entire 2.2 mile shared-use trail for the purpose of construction and long-term operation and maintenance of the Project. As required by the grant, the easements also contain standard clauses obligating the County to assume NTPUD's obligation not only for construction but also for shared-use trail operation and maintenance for 20 years following completion of construction. The County estimates that the cost of maintenance will be approximately \$10,000 per mile per year. As noted earlier the cost of construction is approximately \$3.5 million.

In summary, this shift of responsibility relieves NTPUD of the cost of constructing and operating the Project as required by the grant agreement. The County will also assume responsibility for the operation and maintenance of the remainder of the approximately 100 foot wide right-of-way outside of the approximately 10 foot wide paved trail.

The bulk of the Firestone Property will remain subject to the terms and conditions of the original Conservancy grant to NTPUD. The Firestone Property is currently operated and maintained as open-space consistent with the terms of the Conservancy Board authorization and the grant agreement. Any future change of use or other land transfers or grant of easements would remain subject to the Conservancy acquisition grant, Conservancy Board approval and compliance with the California Environmental Quality Act (CEQA).

The proposed project meets the Conservancy's Public Access and Recreation Program Guidelines and program objectives. The Project enhances significant regional public access and recreational opportunities by increasing and enhancing access to regionally significant areas and facilities. The Conservancy traditionally seeks to fund projects that would help complete the regional bicycle network. In this case, completion of this trail segment will enhance recreational and transportation opportunities by providing a linked series of bicycle trails from Tahoe City to neighborhoods located east of Dollar Hill. The Project is consistent with the Lake Tahoe Region's Environmental Improvement Program (portion of EIP Project 761). While the total eight-mile length of the North Tahoe Bike Trail (NTBT) comprises a component of the Tahoe Regional Planning Agency's Lake Tahoe Regional Bicycle and Pedestrian Master Plan, this shorter project independently has value and bike trail network utility, furthering the region's transportation goals.

Consistency with the Conservancy's Enabling Legislation

The recommended easement 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)

Placer County, acting as the lead agency, prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for this Project in order to comply with CEQA. The County Board of Supervisors adopted the MND on October 23, 2012, and a Notice of Determination (NOD) was filed with the State Clearinghouse (SCH# 2012062010).

A copy of the IS/MND has been provided to the Board on CD (Attachment 3) and is available for public review at the Conservancy office, 1061 Third Street in South Lake Tahoe, California.

As a responsible agency, the Conservancy must consider the MND prepared by Placer County and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the IS/MND and believes the Project analysis is adequate. Staff has determined that the Project, as proposed, would not cause a significant effect on the environment. Since completion of the IS/MND, there is no new information, substantial changes to the Project, or changes to Project implementation which would involve any new significant effects which were not analyzed in the IS/MND. The mitigation measures for the Project are located in *Section 3.2.17.2, Environmental Analysis and Mitigation Measures*, of the IS/MND.

Staff recommends the Board review and consider the IS/MND prepared and adopted by Placer County 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 environmental effects of the of the Project; make the findings as set forth in the Resolution (Attachment 2); and authorize the granting of an easement 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 with the State Clearinghouse pursuant to State CEQA Guidelines, section 15096 (Attachment 4).

List of Attachments:

Attachment 1a – Dollar Creek Shared-Use Trail Project Location Map

Attachment 1b – Firestone Easement Property Location Map

Attachment 2 – Resolution 15-02-05

Attachment 3 – Placer County Initial Study/Mitigated Negative Declaration (on CD)

Attachment 4 – Notice of Determination

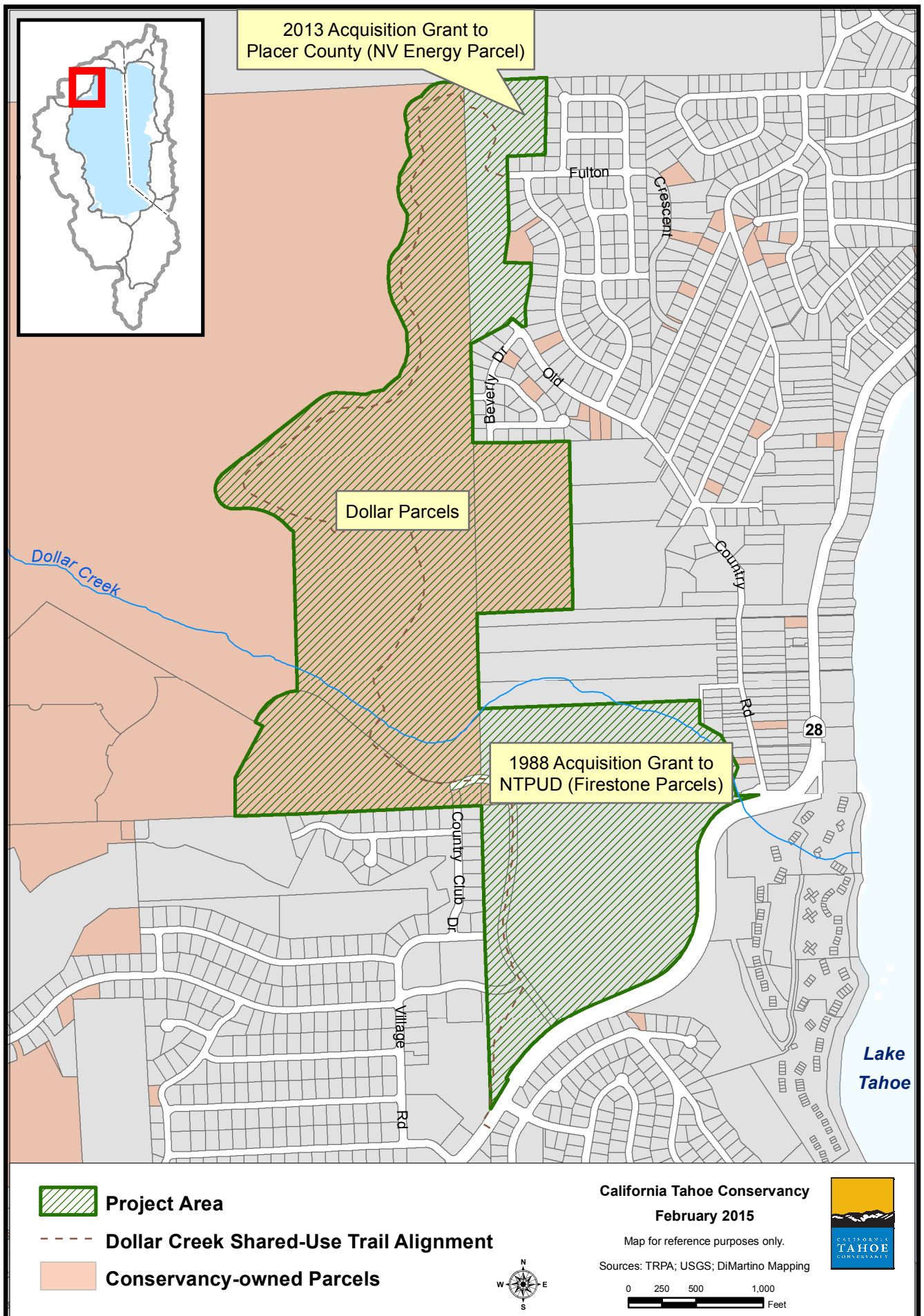
Conservancy Staff Contact:

Ryan Davis

(530) 543-6022

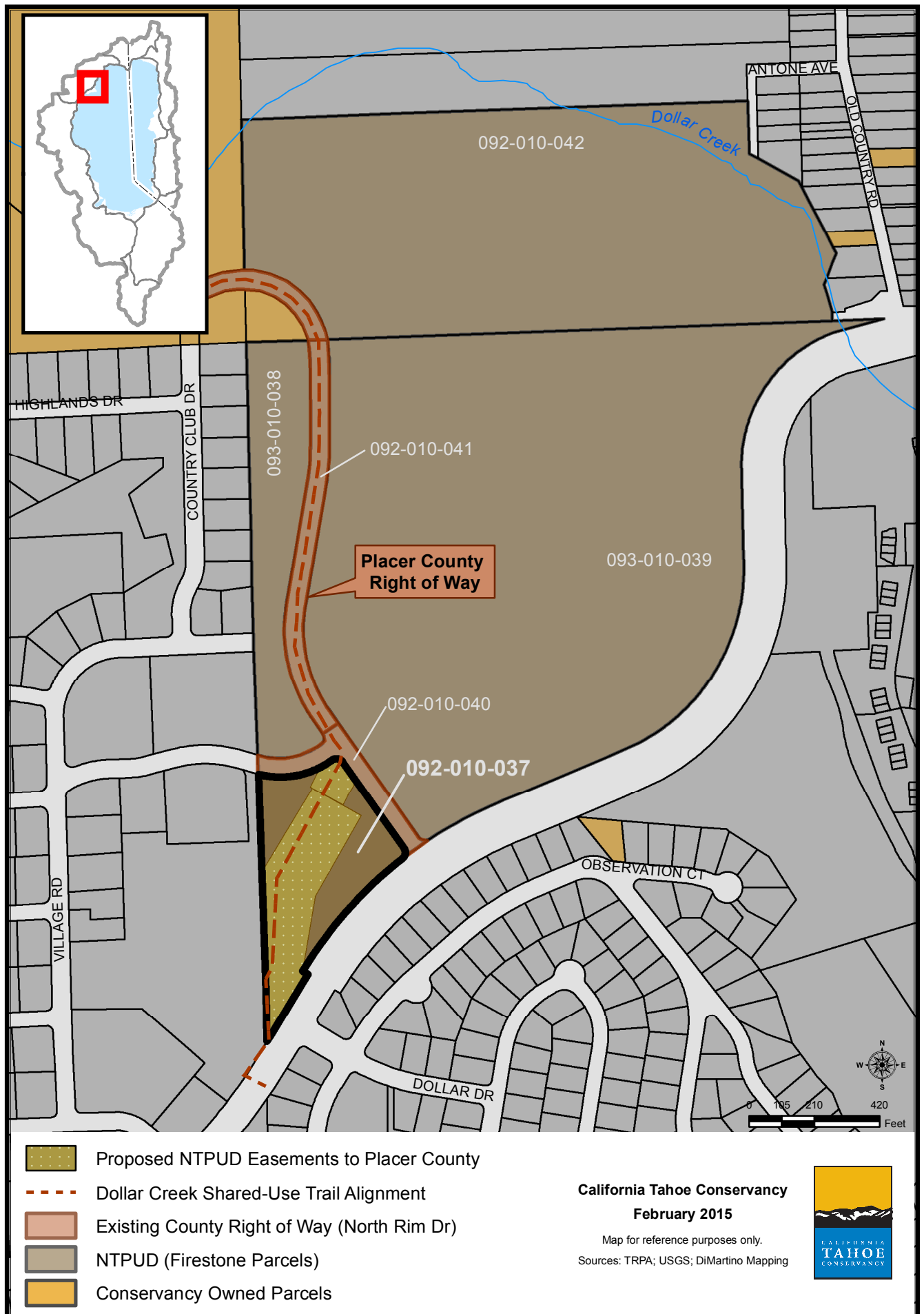
Ryan.Davis@tahoe.ca.gov

ATTACHMENT 1a
Dollar Creek Shared-Use Trail Location Map



ATTACHMENT 1b

Dollar Creek Shared-Use Trail Location Map



ATTACHMENT 2

California Tahoe Conservancy

Resolution

15-02-05

Adopted: February 5, 2015

DOLLAR CREEK SHARED-USE TRAIL PROJECT EASEMENT APPROVAL-FIRESTONE PROPERTY

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, in its role as a responsible agency under the California Environmental Quality Act, has reviewed and considered the Initial Study and Mitigated Negative Declaration (IS/MND) certified by Placer County on October 23, 2012. The Conservancy certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed project and finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment. The Conservancy finds there is no new information, substantial changes to the Project, or changes to Project implementation which would involve any new significant effects which were not analyzed in the IS/MND. 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 execute and/or approve all necessary agreements related to the transfer of easement to Placer County Assessor Parcel Number 93-010-37, from the North Tahoe Public Utility District to the County of Placer for the construction operation and maintenance of the Dollar Creek Shared-Use Trail 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

DOLLAR CREEK SHARED-USE TRAIL EASEMENT APPROVAL-FIRESTONE PROPERTY

Placer County Initial Study
Mitigated Negative Declaration
Notice of Determination

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:

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

Project Title:

Grant of easement to Placer County for the Dollar Creek Shared-Use Trail Project.

State Clearinghouse Number:

2012062010

Contact Person:

Ryan Davis

Telephone Number:

(530) 543-6022

Project Location:

Conservancy owned parcels, Placer County Assessor's Parcel Numbers 092-010-021, 092-010-023, 092-010-033, 092-010-034, 092-010-035, 092-010-039, 092-010-040, 092-010-041, 092-010-042, 093-010-037, 093-010-038, 093-010-039, and 092-240-021, north of State Route 28 between the intersection of Dollar Drive and State Route 28 (North Lake Boulevard) and the terminus of Fulton Crescent Drive in North Lake Tahoe, CA.

Project Description:

Placer County proposes to develop a 2.2-mile-long shared-use trail (with at-grade and bridge elements) that extends the existing bike trail network through public lands commonly known as the Dollar and Firestone Properties. When implemented, the Project may optionally include a trailhead parking facility near Dollar Drive and SR 28 to support trail users. The Conservancy proposes to grant the necessary easement to enable construction, operations, and maintenance activities for the improvements to proceed.

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:

1. The project will not have a significant effect on the environment.
 2. A Mitigated Negative Declaration (MND) for the project was prepared and approved by Placer County on October 23, 2012, and a Notice of Determination was filed on October 23, 2012. The California Tahoe Conservancy reviewed and considered the MND prior to project approval. The Notice of Determination, MND, and record of project approval may be examined at Placer County Department of Public Works, 7717 North Lake Boulevard, Tahoe Vista, CA 96148.
 3. Mitigation measures were made a condition of the approval of the project by Placer County and the Conservancy and are located in *Section 3.2.17.2, Environmental Analysis and Mitigation Measures*, of the IS/MND.
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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