

California Tahoe Conservancy
Agenda Item 7
September 17, 2015

LICENSE AGREEMENT BLACKWOOD CREEK MONITORING

Summary: Staff recommends authorization for a long-term license agreement with the United States Geological Survey on Blackwood Creek for a stream monitoring station.

Location: Near the community of Tahoe Pines, approximately five miles south of Tahoe City, within the Conservancy-owned Eagle Rock and Blackwood Creek Properties (Placer County APNs 085-210-001 and 085-360-003) (Attachment 1).

Fiscal Summary: Minor incidental staff costs related to the preparation and processing of the agreement.

Recommended Action: Adopt Resolution 15-09-02 (Attachment 3).

Background

California Department of Water Resources began stream monitoring on Blackwood Creek in 1958 by installing a gaging station to measure stream flow. In 1963, the United States Geological Survey (USGS) took over management of the station and has been operating it ever since. The USGS monitors stream flow, water quality, and temperature in Blackwood Creek, along with several other tributaries in the Tahoe basin, as part of the Lake Tahoe Interagency Monitoring Program. The monitoring data collected over the past several decades informs scientists and land managers about the sources and trends of water quality impairment. The long record of data at Blackwood Creek demonstrate that it is one of the most highly degraded watersheds in the basin due to its delivery of very high loads of fine sediment which affect Lake Clarity.

The gaging facility was originally located on private property along the southern bank of Blackwood Creek, about 300 feet upstream of the State Route 89 bridge. In 2000 the Conservancy purchased this 1.3 acre property, Placer County APN 085-210-001, for the protection of wildlife and stream environment zones (Attachment 1). As part of that

acquisition, the Conservancy assumed a pre-existing unrecorded agreement for installation and maintenance of the gaging station. The agreement provided access rights to USGS for stream measurements and maintenance.

The Conservancy acquired the 53 acre Eagle Rock parcel on the north side of Blackwood Creek, Placer County APN 085-360-003, in 1987 (Attachment 1). The Eagle Rock property includes a recently improved trail network accessing this popular destination. In 2012, the Conservancy began construction of the Lower Blackwood Creek Restoration Project. As part of the restoration, the Blackwood Creek channel was realigned at the location of the gaging station, requiring equipment relocation to the Eagle Rock side of the stream bank, on APN 085-360-003. Consequently, the Conservancy granted a short-term 3-year license agreement for access and ongoing monitoring activities during and after project implementation. The USGS successfully relocated the gaging station without a gap in the data collection.

Project Description

Staff recommends authorization to enter into a long-term license agreement to provide the USGS with rights to continue the operation and maintenance of the existing stream gaging facility for up to 20 years. The license agreement allows the USGS to continue to collect essential data and display it in real time via the internet, aiding in the monitoring and assessment of the Lower Blackwood Creek Restoration Project along with upstream projects recently completed by the U.S. Forest Service, Lake Tahoe Basin Management Unit. Science, education, public awareness, and public safety will also benefit from the collection of this data. As technology evolves, it is possible the station may be used for additional equipment and/or appropriate activities. Any added equipment or uses of the property must be consistent with the recommended license agreement and coordinated with Conservancy staff.

The existing stream gaging facility includes a small steel box approximately 2' x 2' x 3' in size (Attachment 2). The structure is elevated on four corner posts about 3' above the ground, and two 1" conduits which connect to monitoring sensors within the creek extending from the box containing simple electronics self-powered by a small solar array and on-site battery. An approximately 2' long Geostationary Operational Environmental Satellite (GOES) antenna is located on the outside of the structure.

Within the stream itself, a small concrete block and staff plate provide visual stage readings of the creek, while a water quality sonde records water temperature, turbidity, and specific conductance (Attachment 2). The sonde is secured to the streambed with a fencepost, 2 feet off of the left bank, and 20 feet upstream of the outside staff plate.

The USGS installed a bank-operated cableway in February 2015 to effectively and safely measure high water. It is fashioned from small diameter steel cabling (<1/8") with vinyl coating and is attached to large pine trees on either side of the creek. The placement of these structures and equipment does not disturb, alter, or interfere with flood flows or the functions of the structures in place as a part of the Lower Blackwood Creek Restoration Project.

Access to the equipment for water monitoring and maintenance occurs primarily via foot access. Occasional vehicular access is allowed, but it must be limited to existing roads or trails, as weather permits, and must be coordinated with Conservancy staff.

Project Implementation

If the Board approves this recommendation, staff intends to enter into the license agreement referenced above and take all necessary actions to implement the agreement. Consistent with the Board's direction under the Conservancy's Special Use Program, USGS will not be charged a fee because the Conservancy uses and benefits from the data collected. The license agreement includes provisions relating to permitting, environmental protection, insurance, and indemnification.

Project Evaluation

The requested special use meets the minimum requirements and is consistent with the Conservancy's adopted Special Use Guidelines (updated March 21, 2013). The long-term value and beneficial uses of the Conservancy property will not be adversely impacted. The environment, including soil, wildlife, stream environment zones, and/or native vegetation, will not be unduly disturbed. The use complies with all environmental and applicable regulatory regulations.

Consistency with the Conservancy's Enabling Legislation

The recommended license 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)

Pursuant to State CEQA Guidelines (Cal. Code Regs., title 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 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 this project, and has found it to be exempt under CEQA. This project qualifies for a categorical exemption under State CEQA Guidelines, section 15306 (information collection), and the Conservancy's CEQA regulations, section 12102.6. A Notice of Exemption (NOE) has been drafted for the project (Attachment 4). If the Board approves the project, staff will file a Notice of Exemption (NOE) with the State Clearinghouse pursuant to State CEQA Guidelines, section 15062.

List of Attachments:

Attachment 1 – Location Map
Attachment 2 – Site Photographs
Attachment 3 – Resolution 15-09-02
Attachment 4 – Notice of Exemption

Conservancy Staff Contacts:

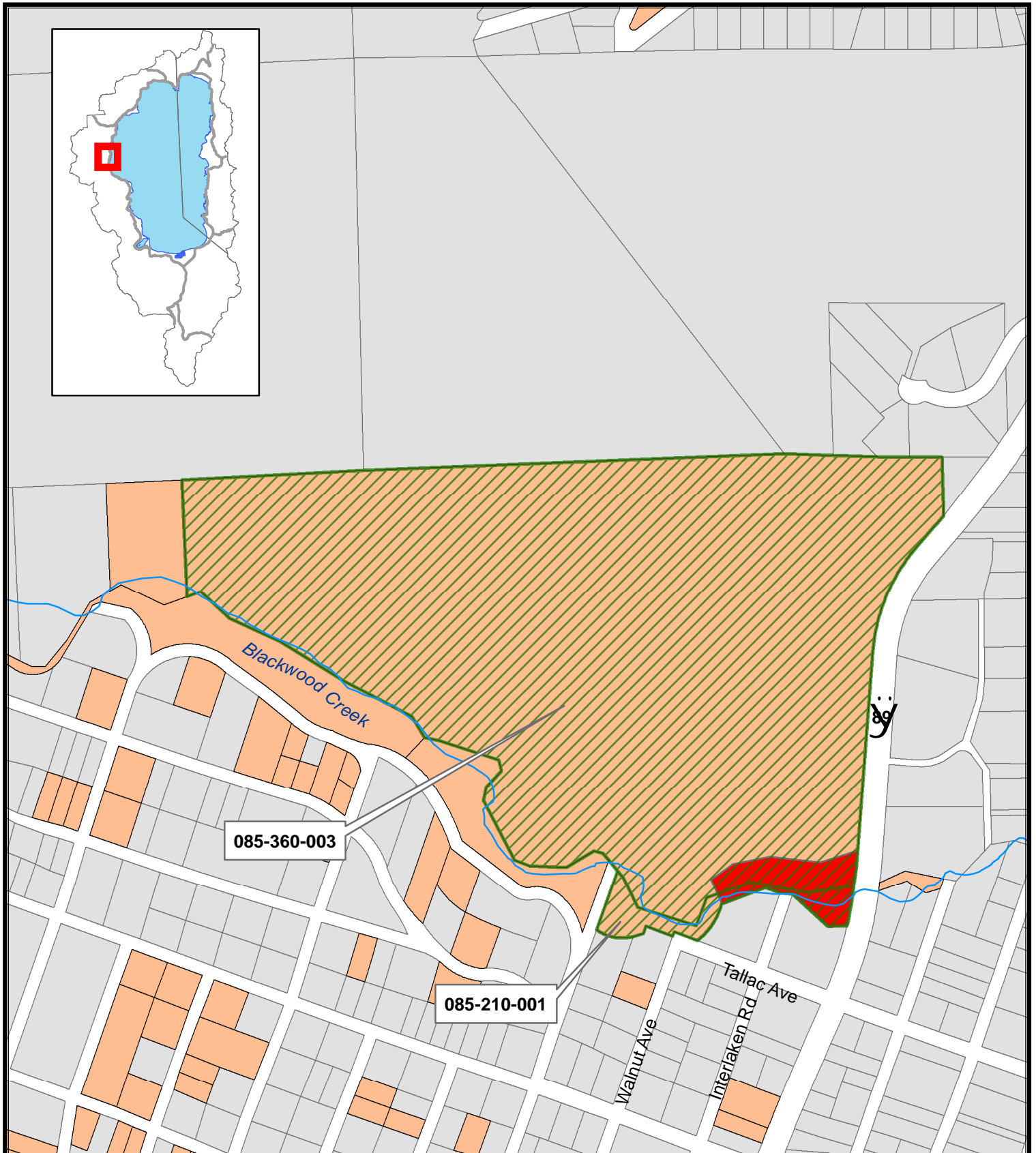
Jen Greenberg




Phone: (530) 543-6060
jen.greenberg@tahoe.ca.gov

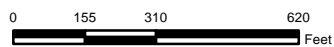
Stuart Roll

Phone: (530) 543-6031
stuart.roll@tahoe.ca.gov

ATTACHMENT 1
Blackwood Creek USGS License Agreement Area



-  License Agreement Parcels
-  Conservancy-owned Parcels
-  License Agreement Area



California Tahoe Conservancy
September 2015
Map for reference purposes only.
Sources: Placer County



California Tahoe Conservancy
Agenda Item 7
September 17, 2015

ATTACHMENT 2

LICENSE AGREEMENT BLACKWOOD CREEK MONITORING



Stream gaging structure



Monitoring equipment in the Blackwood Creek channel

California Tahoe Conservancy
Resolution
15-09-02
Adopted: September 17, 2015

ATTACHMENT 3

LICENSE AGREEMENT BLACKWOOD CREEK MONITORING

Staff 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 long-term license agreement with the United States Geological Survey over Placer County Assessor Parcel Numbers 085-210-001 and 085-360-003 in support of continuing their monitoring activities and existing gaging station facility on Blackwood Creek, 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 17th day of September 2015.

In WITNESS THEREOF, I have hereunto set my hand this 17th day of September 2015.

Patrick Wright
Executive Director

ATTACHMENT 4

NOTICE OF EXEMPTION

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

Project Title:

Blackwood Creek Monitoring License Agreement

Project Location – Specific:

Placer County APNs: 085-210-001 and 085-360-003, Tahoe Pines neighborhood

Project Location – City:

Unincorporated

Project Location – County:

Placer

Description of Nature, Purpose, and Beneficiaries of Project:

This project will provide the United States Geological Survey with access rights to continue operation and maintenance of a pre-existing monitoring station to collect essential hydrologic data.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 9/17/2015) (Agenda Item 7)

Name of Person or Agency Carrying Out Project:

California Tahoe Conservancy

Exempt Status:

- Ministerial (§ 21080 (b)(1); § 15268)
- Declared Emergency (§ 21080 (b)(3); § 15269 (a))
- Emergency Project (§ 21080 (b)(4); § 15269 (b)(c))
- Categorical Exemption Class 6, § 15306, “Information Collection” (See also Cal. Code Regs., title 14, § 12102.6)

Reasons Why Project is Exempt:

This project consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Contact Person:

Jen Greenberg

Telephone Number:

(530) 543-6060

Date Received for Filing:

Patrick Wright
Executive Director

