

SECOND STREET BASIN PROJECT LICENSE AGREEMENT

Recommended Action: Adopt Resolution 17-06-04 (Attachment 1) authorizing a long-term license agreement with the City of South Lake Tahoe (City) on three California Tahoe Conservancy (Conservancy) parcels in support of the Second Street Basin Project.

Location: Three Conservancy parcels (El Dorado County Assessor's Parcel Numbers: 023-251-14, 023-251-15, and 023-251-16) located on the east side of Second Street between Helen Avenue and Barton Avenue, near the "Y" intersection in the City (Attachment 2).

Fiscal Summary: The proposed authorization does not involve receipt of funds by the Conservancy, and will result in incidental staff costs related to the preparation and processing of the agreement.

Overview

Description of Recommended Action

Staff recommends the Board authorize a long-term license agreement with the City on three Conservancy parcels to facilitate implementation of the Second Street Basin Project (Project). The proposed license agreement will provide the City with rights to construct and maintain water quality improvements, including detention basins, berms, conveyance infrastructure, and a pre-treatment sediment trap.

The Project is relatively small and includes improvements only in this one specific portion of the neighborhood. The City will construct infiltration facilities and associated drainage infrastructure to capture fine sediment and nutrient loads. The Project will also improve public safety by reducing problematic ice and ponding of water on Second Street.

Upon Board approval, staff intends to enter into a license agreement with the City and take all necessary actions to implement the agreement in summer of 2017.

History

In July 1993, the Conservancy acquired these properties (El Dorado County Assessor's Parcel Numbers 023-251-14, 023-251-15, and 023-251-16) under the Environmentally Sensitive Lands Acquisition Program.

The parcels are located in an area that lacks adequate drainage infrastructure, resulting in a long history of water quality and public safety issues. During rain events and snow melt periods, runoff inundates Second Street and adjacent driveways, often to a depth of more than a foot. The unusual winter and heavy precipitation events of 2016-2017 emphasized the need for drainage improvements at this low point.

Approximately twenty years ago, the City funded and constructed an infiltration facility in the Second Street right-of-way to address these problems, including a drain inlet and a dry well, but the undersized well clogged with sediment, rendering it ineffective. The proposed improvements are expected to more effectively and comprehensively address flooding issues in the area.

The Project includes access provisions to facilitate maintenance activities, and does not require utility relocations or tree removal. The City anticipates constructing the Project in the summer of 2017.

Financing

The proposed authorization would result in incidental staff costs related to the preparation and processing of the agreement. Consistent with the Conservancy's Special Use Guidelines and Soil Erosion Control Program Guidelines, the City is not charged a fee for the use of Conservancy-owned property because the Project is associated with water quality improvement.

Authority

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, or otherwise transfer, including through license agreements, 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 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

This recommendation is consistent with the Strategic Plan because the use of Conservancy-owned land for water quality improvements facilitates the efficient management of Conservancy land (Strategy III) and the investment in 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 Conservancy's Special Use Guidelines and the Erosion Control Program Guidelines because the action furthers the Conservancy's overall agency purposes by allowing the City to construct and maintain storm water conveyance and treatment infrastructure to improve water quality for Lake Tahoe.

The license agreement will contain other standard language requiring contractor insurance and indemnification, as well as restoration of any damage to the Conservancy parcels. Furthermore, the City will be required to maintain the improvements for 20 years after installation.

Consistency with External Authorities

The recommended action is consistent with the EIP because it facilitates the implementation of EIP Action Priority 01.01.01, Reducing Storm Water Pollution from City Roads.

Compliance with the California Environmental Quality Act

Pursuant to the California Environmental Quality Act (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 of the California Natural Resources Agency 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. (See Cal. Code Regs., tit. 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 CEQA Guidelines, sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land), and the Conservancy's CEQA regulations, sections 12102.3 and 12102.4. Staff has drafted a notice of exemption (NOE) for the Project (Attachment 3). If the Board approves the Project, staff will file the NOE with the State Clearinghouse pursuant to CEQA Guidelines section 15062.

List of Attachments:

Attachment 1 – Resolution 17-06-04

Attachment 2 – Project Map

Attachment 3 – CEQA Notice of Exemption

Conservancy Staff Contact:

Scott Cecchi

scott.cecchi@tahoe.ca.gov