

## **LAKE TAHOE AIRPORT FENCE LONG-TERM LICENSE AGREEMENT**

**Recommended Action:** Adopt Resolution 20-09-03 (Attachment 1) authorizing staff to execute a long-term license agreement (Agreement) allowing the City of South Lake Tahoe (City) to access and maintain existing wildlife-exclusion fencing for the Lake Tahoe Airport (Airport) along the common boundaries between California Tahoe Conservancy (Conservancy) property (El Dorado County Assessment Numbers (ANs) 032-090-013 and 033-110-011) and City property.

**Executive Summary:** The recommended action will allow the City to access and maintain existing fencing along the common boundaries between Conservancy and City property. The fencing prevents wildlife from entering Airport grounds and is required as part of the Airport's Federal Aviation Administration (FAA) compliance. The Conservancy regularly provides license agreements for partners to access Conservancy land to help them implement their public works and public safety functions. The Airport is a key piece of the Lake Tahoe Basin's (Basin) fire and emergency response infrastructure, and the recommended action helps achieve the Conservancy's Strategic Plan Goal 1 of protecting Basin communities from wildfire. The current license expires on December 31, 2020. Staff anticipates executing the Agreement before this time.

**Location:** The fencing is located along the common boundaries between the City property and the Conservancy's property (ANs 032-090-013 and 033-110-011) (Attachment 2).

**Fiscal Summary:** No funding is required.

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### **Overview**

#### **History**

El Dorado County opened the Airport in August 1959, and sold the Airport to the City in 1983. The Airport remains one of the only airports in the Sierra Nevada that can support not only private aircraft, but military and firefighting aircraft and scheduled air carriers. In 1999 the City requested a license to modify existing fencing, located along 1.4 miles of mutual boundaries between City and Conservancy property, to prevent wildlife from entering the Airport grounds. California Department of Fish and Wildlife provided guidance for the fence design, which includes a three-foot extension of chain-link fencing laid along the ground surface to prevent wildlife from burrowing underneath it. On October 20, 1999, Conservancy staff executed a short-term license agreement to

allow the City to install and maintain the modified fencing. This agreement expired December 31, 1999. On December 10, 1999, the Conservancy Board approved, and staff executed, a long-term license agreement to extend the City's license through December 31, 2020.

### **Detailed Description of Recommended Action**

#### **1. Major Elements and/or Steps of the Recommended Action**

Execution of this Agreement will allow the City to access and maintain the wildlife-exclusion fencing. Staff recommends a 20-year Agreement term, which is consistent with the term of the prior license. The City requested this duration based on its anticipated needs. The City does not anticipate making changes to the fencing alignment during this period. The 20-year term would provide certainty for the City over this period.

#### **2. Overall Context and Benefits**

The Airport supports emergency response, wildfire suppression, and community resilience services in the Basin. The Airport functions as the City's Emergency Operations Center, the summer site for the USDA Forest Service, Lake Tahoe Basin Management Unit aerial firefighting, and a designated public refuge site during emergencies. Furthermore, the Airport serves as a staging and training site for the El Dorado County Sheriff's Office, the City Police and Fire Departments, and the Lake Tahoe Community College's Fire Science Academy.

#### **3. Schedule for the Recommended Action**

Staff anticipates executing the Agreement by the end of 2020.

### **Financing**

No funding is required for this action. Processing the Agreement requires incidental staff cost.

### **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 lease, rent, or otherwise transfer any real property interest to fulfill the purposes of its enabling legislation and to promote the State's planning priorities. 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.

#### **Consistency with the Conservancy's Strategic Plan**

The recommended action is consistent with Strategic Plan Goal 1, Strategy E: Implement and develop innovative financial partnerships and interagency agreements that increase the Conservancy and the Basin's ability and capacity to manage and restore its lands, maintain its recreational facilities, treat forest fuels, suppress wildfire,

and beneficially use prescribed fire. The Airport is a key piece of wildfire suppression and emergency response infrastructure.

**Consistency with the Conservancy’s Program Guidelines**

The recommended action is consistent with the Conservancy’s Special Use Guidelines because the fencing is consistent with the existing use of Conservancy land.

**Consistency with External Authorities**

The fence is a component of the FAA-required Airport Wildlife Hazard Management Plan.

**Compliance with the California Environmental Quality Act**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 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. (Cal. Code Regs., tit. 14, § 12100 et seq.) Staff evaluated the City’s proposed activities under the license agreement and found them to be exempt under CEQA. The activities qualify for a categorical exemption under CEQA Guidelines, sections 15301 (Existing Facilities), as well as the Conservancy’s CEQA regulations, section 12102.1, because they involve the ability to access and maintain existing fencing, involving no expansion of use. Staff prepared a notice of exemption (NOE) (Attachment 3). If the Board approves the license agreement, staff will file the NOE with the State Clearinghouse pursuant to CEQA Guidelines, section 15062.

## **List of Attachments**

Attachment 1 – Resolution 20-09-03

Attachment 2 – Location Map

Attachment 3 – Notice of Exemption

## **Conservancy Staff Contact**

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