

California Tahoe Conservancy  
Agenda Item 5  
December 15, 2022

**California Department of Transportation South Lake Tahoe Safety Project Easements,  
Transfer of Jurisdiction, and Right of Entry Agreement**

**Recommended Action:** Adopt Resolutions 22-12-02 and 22-12-03 (Attachments 1 and 2) authorizing staff to:

- 1) execute a right of entry agreement with the California Department of Transportation (Caltrans) allowing temporary access to Conservancy-owned property (El Dorado County Assessment Numbers (AN) 023-241-022, 023-241-023, and 023-231-003) for the construction of lighting improvements and underground electrical conduit along U.S. Highway 50;
- 2) execute a transfer of jurisdiction (TOJ) agreement with Caltrans for 415 square feet of the Conservancy's Urgent Care parcel (AN 023-241-022) for Caltrans to maintain the underground electrical conduit in perpetuity;
- 3) execute permanent easements with the City of South Lake Tahoe (City) to maintain the lighting improvements on ANs 023-241-022, 023-241-023, and 023-231-003 in perpetuity; and
- 4) authorize the Tahoe Resource Conservation District (Tahoe RCD) to enter into an easement agreement on a portion of the Tahoe RCD-owned Johnson Meadow property (AN 031-020-050) pursuant to acquisition grant requirements.

**Executive Summary:** The recommended action facilitates implementation and maintenance of Caltrans' South Lake Tahoe Safety Project (Project), a road safety improvement project along U.S. Highway 50/Lake Tahoe Boulevard (Hwy. 50) from State Route 89 to Pioneer Trail. The Project will improve safety by adding street lighting, painted bike lanes, improved bicycle signage, and enhanced crosswalk visibility.

Small portions of three Conservancy properties are within the Project area: 2070 Lake Tahoe Boulevard (2070 LTB), 2122 Lake Tahoe Boulevard (Smoke Shop), and 2130 Lake Tahoe Boulevard (Urgent Care). For these parcels, Caltrans seeks a right of entry agreement to construct lighting improvements and install underground electrical conduit, and a TOJ to maintain the underground conduit into the future. Because the City will maintain the lighting improvements in the long term, easements with the City are also needed.

Additionally, Caltrans seeks similar rights on the Tahoe RCD-owned Johnson Meadow property, which Tahoe RCD acquired in 2016 partially with a Proposition 1 grant from the Conservancy. One of the terms of the grant agreement requires Tahoe RCD to seek Conservancy Board approval prior to transferring any interests in real property. Accordingly, the recommended action permits Tahoe RCD to grant easements to the City and/or Caltrans as necessary for the Project. The recommended action helps achieve the Conservancy's Strategic Plan Goal 1, which tasks the Conservancy to implement interagency agreements to manage its lands and protect communities.

**Location:** Three Conservancy-owned parcels (ANs 023-241-022, 023-241-023, and 023-231-003) and one Tahoe RCD-owned parcel (AN 031-020-050) along Hwy. 50 between State Route 89 and River Avenue in South Lake Tahoe (Attachment 3).

**Fiscal Summary:** Caltrans will compensate the Conservancy \$5,900 for the TOJ and easements on the Smoke Shop, Urgent Care, and 2070 LTB parcels. Conservancy staff will process the TOJ, easements, and right of entry agreement as part of its regular workload.

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## Overview

### History

The portions of the Conservancy properties that are included in the Project area all abut the Caltrans Hwy. 50 Right-of-Way. The Smoke Shop and Urgent Care parcels were previously developed with buildings, but these have been demolished and the sites stabilized. The 2070 LTB parcel is currently undeveloped and has been identified as a Conservancy Asset Land for future sustainable communities development (Attachment 4).

In spring 2022, Caltrans contacted the Conservancy requesting a right of entry agreement for construction access, a TOJ, and permanent easements on the three Conservancy properties. Caltrans is acting as the land agent to secure the land tenure rights for the Project and construct the improvements. The City will be responsible for maintaining all of the improvements except for the electrical conduit after they are constructed.

In addition to the Conservancy parcels, Caltrans has approached the Tahoe RCD to acquire similar rights for construction and maintenance of the Project along the Hwy. 50 frontage of AN 031-020-050 (Attachment 5). In 2016 the Conservancy entered into a Proposition 1 grant agreement with the Tahoe RCD to fund the purchase of this parcel along with several other parcels, which are jointly known as Johnson Meadow. One of the terms of the grant agreement is that:

“The Grantee shall not transfer any interest(s) in property acquired pursuant to this Agreement unless a new agreement sufficient to protect the interest of the people of the State of California has been entered into with the transferee and approved by the Conservancy’s board.”

Due to the language in the grant agreement above, the Conservancy Board will need to authorize Tahoe RCD to enter into an easement agreement with Caltrans or the City. Tahoe RCD also received a Proposition 1 grant from the California Department of Fish and Wildlife (CDFW) to purchase the Johnson Meadow parcels and has obtained the CDFW’s approval for the proposed transfer.

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

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

*Right of Entry.* Staff recommends entering into a right of entry agreement with Caltrans to allow for construction of the lighting improvements and installation of underground electrical conduit. The right of entry will provide temporary access to 86 square feet of the Urgent Care parcel, 27 square feet of the Smoke Shop parcel, and 54 square feet of the 2070 LTB parcel to construct the lighting improvements (the “Lighting Improvements Area”), as well as 415 square feet of the Urgent Care parcel to install underground electrical conduit (the “Electrical Conduit Area”). Caltrans will draft and negotiate the right of entry agreement with Conservancy staff.

*Transfer of Jurisdiction.* Staff recommends entering into a TOJ agreement with Caltrans to allow Caltrans to maintain the underground electric conduit in perpetuity. A TOJ is an appropriate instrument when property is being transferred between two state agencies. The TOJ would transfer the fee interest in the Electrical Conduit Area to Caltrans. Caltrans will draft and negotiate the TOJ agreement with Conservancy staff.

*Permanent Easements:* Staff recommends executing permanent easements for the Lighting Improvements Area to allow the City to maintain the lighting improvements in perpetuity. The Department of General Services (DGS) provides oversight and completes the easement process on behalf of Caltrans. The DGS will facilitate the easements with the City and will be in communication with the City and Conservancy after Caltrans provides the necessary documentation.

*Tahoe RCD Authorization.* Finally, staff recommends that the Board authorize Tahoe RCD to enter into an easement agreement to facilitate Project improvements on AN 031-020-050. Tahoe RCD will negotiate the agreement with Caltrans, the City, and DGS.

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

The purpose of the Project is to implement pedestrian and bicycle safety improvements along Hwy. 50. Caltrans proposes to accomplish this by improving roadway lighting, painting the bike lane green, improving bicycle signage, and enhancing crosswalk visibility. Staff has confirmed that the Project will not interfere with either the potential

future development of 2070 LTB or the City's Tahoe Valley Stormwater and Greenbelt Project.

### 3. Schedule for the Recommended Action

Staff will negotiate the right of entry agreement with Caltrans in spring 2023. Staff will negotiate the permanent easements and TOJ with Caltrans, DGS, and the City prior to completing the Project. Caltrans plans to certify the Project by June 2023 and then go through the bidding process. Construction could start as soon as 2024.

### **Financing**

Caltrans will compensate the Conservancy \$5,900 for the TOJ for the electrical conduit and the three easements on the Smoke Shop, Urgent Care, and 2070 LTB parcels. Caltrans determined these values via a waiver valuation in lieu of an appraisal due to the size of the property interests being transferred, consistent with the Caltrans Right-of-Way Manual. Conservancy staff will process the TOJ, easements, and right of entry agreement as part of its regular workload.

## **Authority**

### **Consistency with the Conservancy's Enabling Legislation**

The recommended actions are 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, state agencies, federal agencies, nonprofit organizations, individuals, corporate entities or partnerships, and to enter into any other agreements authorized by state or federal law. Section 66907.7 authorizes the Conservancy to award grants to local public agencies, state agencies, federal agencies, federally recognized Indian tribes, the Tahoe Transportation District, and nonprofit organizations for purposes consistent with its mission.

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

The recommended action helps achieve the Conservancy's Strategic Plan Goal 1, which tasks the Conservancy to implement and develop innovative financial partnerships and interagency agreements to manage its lands and protect communities.

### **Consistency with the Conservancy's Program Guidelines**

The recommended action is consistent with the Conservancy's Special Use Guidelines. The proposed agreements and easements align with the program goals of the Tahoe Livable Communities Program.

### **Consistency with External Authorities**

The recommended action is consistent with the Tahoe Regional Planning Agency's Lake Tahoe Sustainable Communities Strategy (SCS). The SCS seeks to create walkable and bike-able town centers and this Project seeks to improve pedestrian and bicycle safety. The Project was triggered by the 2018 Pilot Bicyclist Collision Monitoring Program and addresses Caltrans' 2015-2020 Strategic Management Plan Goal 1: Safety and Health.

### **Compliance with the California Environmental Quality Act**

Caltrans, acting as the lead agency, prepared an initial study and negative declaration (IS/ND) for the Project to comply with the California Environmental Quality Act (CEQA). Caltrans adopted the ND on May 6, 2021, and filed a notice of determination (NOD) on May 13, 2021.

A copy of the IS/ND (Attachment 6) is available for public review at the Caltrans [website](https://dot.ca.gov/-/media/dot-media/district-3/documents/environmental/south-lake-tahoe-mike.pdf) at <https://dot.ca.gov/-/media/dot-media/district-3/documents/environmental/south-lake-tahoe-mike.pdf>, and at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150.

As a responsible agency, the Conservancy must consider the IS/ND prepared by Caltrans and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the ND and believes that the Project has been adequately analyzed in this document. Staff has determined that the Project would not cause a significant effect on the environment.

Staff recommends the Board review and consider the IS/ND adopted by Caltrans 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 Project. If the Board considers and concurs with the IS/ND and authorizes the right of entry, TOJ, and easement agreements, staff will file an NOD with the State Clearinghouse pursuant to CEQA guidelines, section 15096. Attachment 7 contains the Conservancy's proposed NOD.

### **List of Attachments**

- Attachment 1 – Resolution 22-12-02 (Conservancy parcels)
- Attachment 2 – Resolution 22-12-03 (Tahoe RCD parcel)
- Attachment 3 – Location Map
- Attachment 4 – Project Map Conservancy Parcels
- Attachment 5 – Project Map Johnson Meadow
- Attachment 6 – Initial Study / Negative Declaration
- Attachment 7 – Conservancy Notice of Determination
  - Exhibit A - Location Map

## Conservancy Staff Contact

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