

**PIONEER TRAIL/U.S. HIGHWAY 50 INTERSECTION SAFETY IMPROVEMENT PROJECT  
SHORT TERM LICENSE AGREEMENT AND PERMANENT EASEMENTS**

**Recommended Action:** Adopt Resolution 22-12-04 (Attachment 1) containing the appropriate California Environmental Quality Act (CEQA) determinations and authorizing staff to execute the following with El Dorado County (County) to facilitate the Pioneer Trail/US Highway 50 Intersection Safety Improvement Project (Project):

- 1) A short-term license agreement allowing construction activities and removal and restoration of an existing bike trail on California Tahoe Conservancy (Conservancy) property (Assessment Numbers (ANs) 034-270-041, 034-270-055, and 034-270-056).
- 2) Two permanent easements allowing the construction, operation, and maintenance of permanent Project elements on Conservancy property (ANs 034-270-041 and 034-270-055).

**Executive Summary:** The recommended action authorizes staff to provide the County with rights to construct, access, and maintain Project features on three Conservancy properties in the community of Meyers. The County, in partnership with the California Department of Transportation (Caltrans), will replace a signaled intersection with a modern roundabout to improve public safety, transportation, air quality, and non-motorized trail connections. The Project will primarily occur within Caltrans and County right of way (ROW), but the County needs permanent easements on Conservancy property to complete all water quality, recreation, and transportation Project elements. The County also requires a short-term license agreement for temporary access to perform Project construction activities and to remove and revegetate a section of the Pat Lowe Memorial Bike Trail to natural conditions. The Conservancy regularly provides short-term license agreements and permanent easements on Conservancy lands to implement public works and Lake Tahoe Environmental Improvement Program (EIP) projects.

The recommended action supports the Conservancy's Strategic Plan and several state and regional plans and priorities. It helps achieve the Conservancy's Strategic Plan Goal 1, Strategy E, which tasks the Conservancy with implementing and developing innovative financial partnerships and interagency agreements to manage its lands and protect communities. It also advances Goal 3, as it supports outdoor recreation and public access for all communities.

The Project furthers the State’s Climate Action Plan and Access for All priorities, and advances the EIP, the Regional Transportation Plan, and the 2016 Linking Tahoe: Active Transportation Plan.

**Location:** In the community of Meyers at the intersection of U.S. Highway 50 and Pioneer Trail (Attachment 2).

**Fiscal Summary:** No funding is required. Conservancy staff will process the short-term license agreement and permanent easements as part of its regular workload. The County will cover closing costs and will compensate the Conservancy for the fair market value of the easements.

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## Overview

### History

The Conservancy acquired the subject properties in 2000 as part of a larger, U.S. Highway 50 right-of-way land transfer between the Conservancy and Caltrans. The Conservancy properties are a mix of sensitive land and non-sensitive land (Bailey classes 1B and 5). The two Conservancy properties to the south of Pioneer Trail include an existing section of the Pat Lowe Memorial Bike Trail, which the County constructed in the 1990s. The Conservancy property to the north of Pioneer Trail is mostly sensitive land and has existing water quality improvements that the County constructed in several phases starting as early as the 1980s.

The intersection of U.S. Highway 50 at Pioneer Trail has a long history of safety and congestion issues, and it does not adequately support non-motorized travel. The County identified it as a high-collision location in its 2011 Annual Accident Location Survey. The intersection also does not meet acceptable standards for traffic flow during periods of high use. This causes delays in traffic and impacts to air quality and noise. Finally, the intersection only has one cross walk with all other pedestrian crossings prohibited. It therefore lacks connectivity and accessibility for pedestrians and cyclists.

The County, in coordination with Caltrans, is pursuing the Project to achieve multiple benefits. To comply with CEQA, the County Board of Supervisors adopted a mitigated negative declaration (MND) and mitigation monitoring and reporting plan (MMRP) for the Project. The County is now completing final designs, securing funding, and acquiring land tenure to move the Project forward.

### Detailed Description of Recommended Action

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

The Conservancy often enters into short-term license agreements with partners to allow them to temporarily access or perform construction work on Conservancy property. The Conservancy also regularly grants permanent easements when an entity installs

permanent improvements on Conservancy property, to ensure that the improvements are maintained long-term. In the case of the Project, staff recommends executing both a short-term license agreement and two permanent easements with the County to facilitate Project implementation and maintenance. Executing the license agreement and easements at the same time will assist the County in securing Project funding and any remaining permits and approvals.

The short-term license agreement provides the County with temporary rights to use Conservancy property for Project construction activities such as access and material staging. The short-term license covers a total of 0.20 acres of Conservancy land (Attachment 3).

The two easements are necessary to allow the County to construct, access, and maintain the Project's permanent improvements to the drainage and transportation network, including the bike trail, water quality, and drainage facilities. The easements, which affect a total of 0.25 acres of Conservancy land (Attachment 3), require the County to maintain the improvements within each easement area in perpetuity.

## 2. Overall Context and Benefits

The County will provide multiple benefits by implementing the Project. The primary objective is to improve safety for all forms of transportation. The Project improves vehicular safety because the roundabout will slow traffic and provide better road conditions during winter. The County expects to increase traffic flow during non-gridlock conditions, reducing idling times and causing less air pollution and noise. The Project closes a major gap in the active transportation network, as the new pathways and crosswalks improve connectivity, safety, and accessibility for pedestrians and cyclists. Finally, the County will improve water quality with new drainage and stormwater treatment facilities.

The Conservancy license agreement and easements are necessary for the County to meet Project objectives. The easements allow the County to complete the new bike trail alignments and connections as part of the roundabout and ensure that the County can provide adequate drainage and water quality treatment. The Project also benefits Conservancy lands because the County will remove and revegetate a section of the existing paved Pat Lowe Memorial Bike Trail, resulting in less asphalt and disturbance on state land. The County will relocate the trail along the new roundabout and link it to new road crossings to improve non-motorized trail connectivity.

## 3. Schedule for the Recommended Action

Staff will negotiate the short-term license agreement and easements and anticipates execution in spring or summer 2023, following authorization by the El Dorado County Board of Supervisors. The County anticipates constructing the Project in 2024, pending availability of funding.

## **Financing**

No Conservancy funding is required for this action. The County will pay for all recording costs and will compensate the Conservancy for the fair market value of the easements. Processing the short-term license agreement and permanent easements is factored into the Conservancy's regular workload.

## **Authority**

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

The recommended license and easements 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.

### **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. It also supports Goal 3, as it will support outdoor recreation and public access for all communities.

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

The recommended action is consistent with the Conservancy's Special Use Guidelines. The proposed license agreement and easements are consistent with the existing use of Conservancy land.

### **Consistency with External Authorities**

The recommended action is consistent with the EIP because it completes EIP project 01.01.01.0205. It supports the State's Access for All initiative and Climate Action Plan and advances several objectives in regional transportation plans.

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

The County, acting as the lead agency, prepared an initial study (IS)/MND for the Project to comply with CEQA. The County adopted the MND and filed a notice of determination (NOD) on January 4, 2022.

A copy of the IS/MND (Attachment 4) is available for public review on [the County's website](https://www.edcgov.us/Government/dot/pages/ceqa.aspx) at <https://www.edcgov.us/Government/dot/pages/ceqa.aspx>, and at the

County Department of Transportation office, 924B Emerald Bay Road, South Lake Tahoe, CA 96150.

As a responsible agency, the Conservancy must consider the MND prepared by the County and reach its own conclusions on whether to approve the Project. Staff has reviewed the MND and believes that the Project has been adequately analyzed. Staff has determined that the Project, as mitigated, would not cause a significant effect on the environment. The mitigation measures can be found in the Mitigation Monitoring and Reporting Plan (MMRP) set forth on pages 165-170 of the County's IS/MND (Attachment 4).

Staff recommends the Board review and consider the MND adopted by the 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 potential environmental effects of the Project; make the findings as set forth in the attached resolution; adopt the County's MMRP; and authorize the short-term license agreement and permanent easements. If the Board considers and concurs with the MND and authorizes staff to enter into the license and easements, staff will file an NOD with the State Clearinghouse pursuant to CEQA guidelines, section 15096. Attachment 5 contains the Conservancy's proposed NOD.

### **List of Attachments**

Attachment 1 – Resolution 22-12-04

Attachment 2 – Location Map

Attachment 3 – Project Map

Attachment 4 – El Dorado County Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan

Attachment 5 – Conservancy's Notice of Determination

- Exhibit A - Location Map
- Exhibit B - California Department of Fish and Wildlife Filing Fee Receipt

### **Conservancy Staff Contact**

Stuart Roll, Acting Director of the Natural Resources Division  
[stuart.roll@tahoe.ca.gov](mailto:stuart.roll@tahoe.ca.gov)