

**COUNTY SERVICE AREA #5 EROSION CONTROL PROJECT – PHASE 3
LONG-TERM LICENSE AGREEMENT**

Recommended Action: Adopt Resolution 23-12-07 (Attachment 1) containing the appropriate California Environmental Quality Act (CEQA) determinations and authorizing staff to execute a long-term license agreement on one California Tahoe Conservancy (Conservancy) parcel, Placer County Assessment Number (AN) 098-166-006, with El Dorado County (County) to support the County Service Area #5 Erosion Control Project – Phase 3 (Phase 3).

Executive Summary: The recommended action authorizes staff to provide the County with rights to construct, access, and maintain a Phase 3 project component on one Conservancy property in the community of Tahoma. The County is comprehensively addressing water quality and drainage problems along the west shore of Lake Tahoe. Phase 3 will primarily occur within County right of way (ROW), but the County requires a long-term license agreement on one Conservancy property to construct a channel to treat storm water and improve drainage. Phase 3 will prevent pollutants from reaching Lake Tahoe and make the Lake Tahoe Basin (Basin) more resilient to climate change. The Conservancy regularly provides long-term license agreements on Conservancy lands to implement Lake Tahoe Environmental Improvement Program (EIP) projects, and the recommended action supports the Conservancy’s Strategic Plan.

Location: In the community of Tahoma, on a Conservancy parcel on Hilo Avenue in Placer County (Attachment 2). El Dorado County will obtain any required permissions from Placer County prior to constructing the storm water feature on Conservancy property.

Fiscal Summary: No funding is required. Conservancy staff will process the long-term license agreement as part of its regular workload.

Overview

History

The County has a long history of improving water quality along Lake Tahoe's west shore. In 2009, the County assessed all its maintained watershed outfalls within the Basin, as part of its Pollutant Load Reduction Strategy Report. This assessment determined that the watershed outfalls from the County Service Area #5 (CSA #5), in the community of Tahoma, drained storm water from the neighborhood directly into Lake Tahoe. The County initiated a planning effort to evaluate existing roadways and drainage systems in this area for problems related to water quality and soil erosion.

In December 2012, the Conservancy Board authorized a \$395,000 site improvement grant for the CSA #5 Project – Phase 1. Because of the limited funding available at the time, the County implemented this initial phase in only the highest priority areas that were close to Lake Tahoe and caused the most pollution. It modified the storm drain system in the ROW to reduce flows and treat dirty water by infiltrating it into the ground. The County completed the CSA #5 Project – Phase 1 in 2014.

In 2016, the County completed the CSA #5 Project – Phase 2. The Conservancy supported Phase 2 by providing long-term license agreements on three Conservancy parcels. Phase 2 included water quality and drainage improvements within the ROW and on adjacent public lands throughout the neighborhood. The County constructed a variety of storm water features, such as rock-lined ditches and bowls, and spread water to reduce pollution entering Lake Tahoe. While constructing Phase 2, the County identified additional water quality impairments in an adjacent area of the neighborhood.

The County is pursuing Phase 3 to address the issues they identified in 2016. Phase 3 includes similar components as the previous two phases, as the County will spread and treat storm water to improve water quality and street drainage. The County is now completing final designs and seeking licenses from the Conservancy and USDA Forest Service 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 long-term license agreements with partners to allow them to perform construction work and maintain improvements on Conservancy property. The long-term license agreement is necessary to allow the County to construct, access, and maintain a vegetated channel to spread and infiltrate storm water on the Conservancy parcel (Attachment 2). The license agreement will require the County to maintain the improvements for 20 years after construction.

2. Overall Context and Benefits

The County will provide water quality, drainage, and climate resilience benefits by implementing Phase 3. The County will construct vegetated channels, rock-lined

drainage inlets, rolled curb and gutter, and sediment traps, in the ROW and adjacent public lands. The primary objective is to improve water quality entering Lake Tahoe by stabilizing eroding soils, capturing fine sediment, and infiltrating storm water. The Phase 3 drainage improvements will reduce inundation at the site during significant precipitation events, improving the community's resilience to climate change. The Conservancy license agreement is necessary for the County to meet Phase 3 objectives.

The Lahontan Regional Water Quality Control Board and the Nevada Department of Environmental Protection developed the Lake Tahoe Total Maximum Daily Load (TMDL) to guide regional efforts to restore Lake Tahoe's famed clarity. By constructing Phase 3, El Dorado County will reduce pollutants from its jurisdiction to assist in attaining its objectives under the TMDL.

3. Schedule for the Recommended Action

Staff will prepare the long-term license agreement and anticipates execution in spring 2024, following review and approval by the County. The County anticipates constructing Phase 3 in summer 2024.

Financing

No Conservancy funding is required for this action. The County will pay all costs to record the license. Processing the long-term license agreement is factored into the Conservancy's regular workload.

The County has secured all necessary funding to construct Phase 3 in summer 2024. Project funding will come from the USDA Forest Service, Lake Tahoe Basin Management Unit (Lake Tahoe Restoration Act funds), County (CSA #5 Drainage Assessment funds), and the Tahoe Regional Planning Agency (mitigation funds).

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 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. In addition, the recommended action is consistent with Strategic Plan Goal 2, Strategy B: to advance multiple-benefit projects that creatively combine restoring and building the resilience of forests and watersheds with water quality protection, green infrastructure, recreation, and climate change mitigation and adaptation.

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's Special Use Guidelines. The proposed license agreement is consistent with the existing use of Conservancy land and program objectives because it enhances onsite resources. The County has also explored and rejected alternatives to using Conservancy property for Phase 3.

Consistency with External Authorities

The recommended action is consistent with the EIP because it supports EIP project #01.01.01.0202. In addition, it supports the State's Climate Action Plan.

Compliance with the California Environmental Quality Act

The County, acting as the lead agency, prepared an initial study (IS)/negative declaration (ND) for Phase 3 to comply with CEQA. The County adopted the ND and filed a notice of determination (NOD) on June 20, 2023.

A copy of the IS/ND (Attachment 3) 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 ND prepared by the County and reach its own conclusions on whether to approve Phase 3. Staff has reviewed the ND and believes that Phase 3 has been adequately analyzed. Staff has determined that Phase 3 would not cause a significant effect on the environment.

Staff recommends the Board review and consider the ND adopted by the County, 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 Phase 3; make the findings as set forth in the attached resolution; and authorize the long-term license agreement. If the Board considers and concurs with the ND and authorizes staff to enter into the license agreement, staff will file an NOD with the State Clearinghouse pursuant to CEQA guidelines, section 15096. Attachment 4 contains the Conservancy's proposed NOD.

List of Attachments

Attachment 1 – Resolution 23-12-07

Attachment 2 – Location Map

Attachment 3 – El Dorado County Initial Study/Negative Declaration

Attachment 4 – Conservancy's Notice of Determination

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

Conservancy Staff Contact

Mark Sedlock, Watershed Program Staff

mark.sedlock@tahoe.ca.gov