

**TAHOE CITY PUBLIC UTILITY DISTRICT WATER MAIN EXTENSION PROJECT
SHORT-TERM LICENSE AGREEMENT AND PERMANENT EASEMENTS**

Recommended Action: Adopt Resolution 25-03-04 (Attachment 1) authorizing staff to:

- 1) execute a short-term license agreement with the Tahoe City Public Utility District (TCPUD) allowing access to a portion of a California Tahoe Conservancy (Conservancy) property (El Dorado County Assessment Number (AN) 016-062-006) (Parcel) to construct a water main; and
- 2) grant a permanent easement on the Parcel with the TCPUD centered on the alignment of the water main; and
- 3) grant a permanent easement with El Dorado County (County) on a portion of the Parcel where existing stormwater infrastructure is located.

Executive Summary: The recommended action will allow the TCPUD to construct and maintain an approximately 200-foot-long by 8-inch-wide water main on a portion of the Parcel. The Parcel is a Conservancy property in Meeks Bay, California. Once installed and operational, the water main will increase water system capacity and is expected to improve firefighters' ability to respond to structural and wildland fires in the Meeks Bay Vista Subdivision and surrounding areas.

A short-term license agreement is required for the TCPUD to access the Parcel and construct the water main. Once construction is complete, a permanent easement will allow the TCPUD to access and maintain the water main in perpetuity.

The TCPUD may need to reconstruct County stormwater infrastructure that intersects with the proposed water main. The County has an existing long-term license agreement with the Conservancy that allows for maintenance and access to the stormwater infrastructure. The existing license agreement is inadequate for addressing the reconstruction of the County stormwater infrastructure by the TCPUD. To best address the needs of all three parties the Conservancy will grant a permanent easement to the County along with the easement granted to the TCPUD. The grant of two easements benefits the Conservancy by allowing for

direct coordination between the TCPUD and the County regarding their respective infrastructure and thus indemnifying the Conservancy. The recommended action helps achieve the Conservancy's Strategic Plan Goal to Safeguard the Basin's Environmental, Cultural, Tribal, and Recreational Attributes for Future Generations.

Location: The Parcel is located on Meeks Bay Avenue in the County, approximately 0.5 miles southeast of Meeks Bay Resort in Meeks Bay, California (Attachment 2). Roads on two sides and houses on the other two surround the Parcel.

Fiscal Summary: The Conservancy will receive fair market value for the easements. Conservancy staff will prepare, review, and record documents as part of its regular workload.

Overview

History

The Conservancy acquired the Parcel in 1986 with Lake Tahoe Acquisition Bond Act funding. The Parcel is in an upland ecological setting with a Tahoe Regional Planning Agency (TRPA) Bailey Land Capability classification of 1a due to its soil type and slope. This severely limits building structures or adding impermeable surfaces to the Parcel.

In 2014, the TCPUD installed a casing (blank pipe) in coordination with the Caltrans Highway 89 Improvement Project under State Route 89 in Meeks Bay in anticipation of receiving future Conservancy approval to install a water main on the Parcel. On April 12, 2024, the TCPUD submitted a Special Use Application to the Conservancy requesting authorization to construct the water main and to receive a permanent easement on the Parcel. Based on information provided by the TCPUD, no other viable parcels in the vicinity can provide an opportunity for water main installation.

The Conservancy executed a long-term license agreement to the County for access to the Parcel on February 5, 2015. The long-term license agreement, which expires in 2035, authorized access, construction, and long-term maintenance activities of stormwater infrastructure.

Detailed Description of Recommended Action

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

Staff recommends issuing a short-term license agreement to the TCPUD, granting a permanent easement to the TCPUD, and granting a permanent easement to the County. The short-term license agreement allows the TCPUD to access and construct the water main on the Parcel. The TCPUD is the project lead and is responsible for all activities

related to the project's construction, including reconstructing the existing County stormwater infrastructure at the water main intersection, if needed. The stormwater infrastructure consists of a system that treats sediment-laden stormwater coming onto the property from adjacent County roads, by infiltrating it onsite into the soil through buried perforated pipes. The infrastructure has no powered mechanical components and requires only occasional maintenance.

Staff will monitor the project for adherence to the license agreement. The proposed permanent easement with the TCPUD allows the TCPUD to access, inspect, and maintain the water main on the Parcel in perpetuity.

The proposed permanent easement with the County allows access, inspection, and maintenance of stormwater infrastructure on the Parcel in perpetuity. Conservancy staff expects access to the Parcel for maintenance and inspection to be infrequent. The easements will include maintenance and notification obligations associated with the TCPUD and County use of the Parcel, consistent with easements provided to other government organizations to access permanent infrastructure.

2. Overall Context and Benefits

The proposed TCPUD water main will create a loop in a portion of the Meeks Bay Vista Subdivision water system to improve operational flexibility, increase flow rates at hydrants, support improved firefighting efforts, and improve water system operations.

The water main will intersect the County's permanent stormwater infrastructure. To complete the installation, the TCPUD's contractor has the discretion to build the water main under the County infrastructure, which could include partial or complete reconstruction of the stormwater infrastructure, or could include horizontal boring, eliminating the need to reconstruct the infrastructure.

Construction will involve either excavation and backfilling of a trench approximately 200 feet long, 4 feet wide, and 7 feet deep using mechanical equipment, horizontal boring, or a combination of both. Horizontal boring may eliminate the need for reconstructing existing stormwater infrastructure. This work conforms to the TRPA's Land Classification coverage restrictions in place due to slope and soil type and will not add any buildings or impermeable surfaces to the parcel. While the TCPUD will not remove mature trees, its work will disturb native vegetation. The TCPUD will establish a temporary staging area near the center of the Parcel for construction equipment and materials. The TCPUD will minimize environmental impact by limiting excavation to a narrow trench, installing erosion control measures, and avoiding mature tree removal. The TCPUD will fully restore all temporary impacts to pre-project conditions once construction is complete.

The current water main is inadequate for maintaining the pressure needed for firefighting. The water main installation is identified in the TCPUD five-year Capital Plan and aligns with the TCPUD Water Systems Acquisition Policy to reconstruct and repair acquired water system infrastructure for improved public health and safety.

The County's stormwater infrastructure on the Parcel provides improved water quality by capturing and treating stormwater runoff, removing sediment and other pollutants before they reach Lake Tahoe. The Conservancy will convert the County's license agreement area for its existing permanent infrastructure to an easement. The use of the land will not change. The Conservancy views the proposed easement as an opportunity for the County to simplify land tenure on the Parcel and to streamline future interactions between the County and TCPUD.

3. Schedule for the Recommended Action

Conservancy staff will negotiate the short-term license agreement with the TCPUD for access and temporary construction activities and anticipates executing the license agreement upon Board approval of this staff recommendation. At the same time, staff will negotiate the easements with the TCPUD and the County. Staff anticipates executing all agreements and recording easements in spring 2025, before the start of construction.

Financing

The Conservancy will receive fair market value for the easements. Conservancy staff will prepare, review, and record documents as part of its regular workload.

Authority

Consistency with the Conservancy's Enabling Legislation

The recommended action is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.9 authorizes the Conservancy to initiate, negotiate, and participate in agreements for the management of land under its ownership or control with public entities.

Consistency with the Conservancy's Strategic Plan

The recommended action helps achieve the Conservancy's Strategic Plan Goal to Safeguard the Basin's Environmental, Cultural, Tribal, and Recreational Attributes for Future Generations. Specifically, the recommended action follows two strategies to attain this goal. The first strategy is to protect forests and reduce wildfire risks. The second strategy is to expand proactive measures to preserve natural, tribal, and cultural resources.

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 allowed uses of the subject Conservancy land.

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.) Conservancy staff evaluated the proposed activities of the TCPUD associated with the license agreement and easements and found them to be exempt under CEQA. The issuance of the easement and license agreement to the TCPUD for the construction of the water main qualifies for categorical exemption under CEQA Guidelines, sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land). The issuance of an easement to the County to allow for the reconstruction of stormwater infrastructure qualifies for a categorical exemption under CEQA Guidelines sections 15302 (Replacement or Reconstruction). Conservancy staff prepared a notice of exemption (NOE) (Attachment 4). If the Board approves the license agreement and easements, staff will file the NOE with the Office of Planning and Research pursuant to CEQA Guidelines, section 15062.

List of Attachments

Attachment 1 – Resolution 25-03-04

Attachment 2 – Location Map

Attachment 3 – Parcel Site Map

Attachment 4 – NOE

- Exhibit A – NOE Map

Conservancy Staff Contact

Adam Henriques, Associate Environmental Planner

adam.henriques@tahoe.ca.gov