



COMMUNITY DEVELOPMENT AGENCY

TRANSPORTATION DIVISION

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July 31, 2014

Marlo Tinney
California Department of Transportation
District 3 – Sacramento Area Office
Office of Transportation Planning - East
2379 Gateway Oaks Drive, MS19
Sacramento, CA 95833

Subject: Tahoe Hills Erosion Control Project – Initial Study / Mitigated Negative Declaration (IS/MND), response to comments

Dear Ms. Tinney,

Thank you for your response letter dated July 14, 2014, regarding the County of El Dorado (County), Community Development Agency - Transportation Division (CDA-TD) Tahoe Hills Erosion Control Project (Project) – Initial Study/Mitigated Negative Declaration (IS/MND). We appreciate your office taking the time to review and provide comments on the document. Our responses to the comments submitted are as follows:

1. Because the Project location is near a state highway facility, Caltrans would like to be informed of certain aspects of the Project. Caltrans would appreciate copies of monitoring data and any drainage report for the Project. In addition, Caltrans would like to receive the calculations used in sizing the sediment trap. This information can be provided to Gurdeep Bhattal, D3 Hydraulics, at gurdeep.bhattal@dot.ca.gov

The County will continue to inform Caltrans of the progress of the Project through the Project Delivery Team meetings. With respect to the drainage report, the Feasibility Report submitted to Caltrans on September 25, 2013 contains an initial hydrologic analysis of the Project area. The County will provide a copy of the final design report based on the planned improvements once complete. The calculations used to determine the treatment volume capacity and inlet/outlet capacity of the sediment trap will be provided under separate cover.

2. Caltrans notes that Alternative 1 is most effective. Please there may issues with infiltration of storm water on the California Tahoe Conservancy parcel adjacent to Meeks Bay Ave and under Meeks Bay Ave itself. The Lake level is likely subsurface water surface elevation so infiltration may not have enough separation from historic high

ground water. We note that Alternative 2 & 3 may not be sufficient to effectively treat the Meeks Bay outfall location.

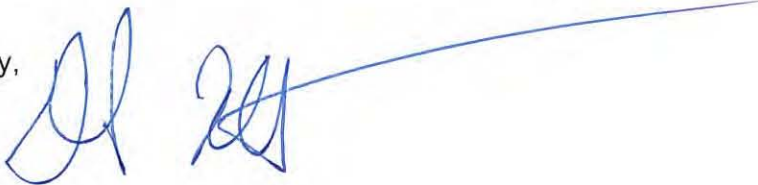
The difference in elevation from the low point of Meeks Bay Avenue (near 8261 Meeks Bay Ave) to the high water mark of Lake Tahoe (6265.12 to 6227.61 NGVD29, respectively) is approximately 37 feet. In front of the California Tahoe Conservancy parcel, near 8274 Meeks Bay Ave, the difference in elevation (6268.23 to 6227.61 NGVD29, respectively) is even greater at approximately 40 feet. These elevation differences will provide enough separation for infiltration. The County is moving forward with the implementation of Alternative 1.

3. Significant efforts have focused on reducing the migration of pollutants to Lake Tahoe. This Project and others have as their goal the removal of pollutants from runoff. This Project proposes the construction of sand traps or infiltrating inlets or pipes. These improvements usually only infiltrate a small percentage of the runoff, especially if the bottom of the inlet becomes plugged. The removal of fine sediment (the primary pollutant of concern to water clarity) is difficult to accomplish through these treatment devices unless a significant amount of the runoff is captured and infiltrated. We suggest more source control, infiltration basins, infiltration trenches, and media filters, which are often more effective means of removing fine sediment. Rock-lined ditches also provide some treatment through reduced erosion and infiltration.

The County agrees with the difficulty in the removal of fine sediment. The focus of the proposed Project has been to utilize opportunities to achieve this through source control (rock slope protection, rock / armored channels, revised sanding material specification) as well as through treatment (infiltration basin, underground infiltration systems, and rock / armor lined channels). The County has opted to not pursue the use of media filters due to the high cost associated with construction and maintenance of these facilities in order for them to remain effective.

We thank you for your comments regarding the Tahoe Hills Erosion Control Project. Through the construction of this project and Caltrans 1A844 Water Quality Project both agencies will reduce the delivery of fine sediment and pollutants to Lake Tahoe. We will keep you informed of the progress of this Project as it moves forward through the Project Delivery Process.

Sincerely,



Daniel Kikkert, PE
Senior Civil Engineer

Cc: Amy Dillon, CDA-TD
John Kahling, CDA-TD



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July 31, 2014

Cy R. Oggins
California State Lands Commission
100 Howe Avenue, Suite 100 – South
Sacramento, CA 95825-8202

Subject: Tahoe Hills Erosion Control Project – Initial Study / Mitigated Negative Declaration (IS/MND), response to comments

Dear Mr. Oggins,

Thank you for your response letter dated July 14, 2014, regarding the County of El Dorado (County), Community Development Agency - Transportation Division (CDA-TD) Tahoe Hills Erosion Control Project (Project) – Initial Study/Mitigated Negative Declaration (IS/MND). We appreciate your office taking the time to review and provide comments on the document. Our responses to the comments submitted are as follows:

Project Description

1. Resealing Pipe Joints: Pages 3 and 7 of the MND explain that a reinforced concrete pipe section near the lakeshore is exposed and shows signs of separation between the pipe joints; the MND states it is essential that these pipe joints be fixed because this pipeline collects storm water before it drains through an outfall into Lake Tahoe. The proposed Project" ... will involve resealing the pipe joints and stabilizing the existing system. Rock rip-rap will be placed on top of the pipe to protect the pipe as well as blend it in with the natural surroundings." However, specifics of how these joints will be resealed, equipment that will be used, the location where resealing will take place, and possible chemicals that will be used to carry out these proposed Project-related activities are not identified. As a result, some potentially significant impacts may be overlooked. The CSLC staff requests that detailed information be included in the Project description to facilitate staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

A 10 foot drainage easement exists from Meeks Bay Ave to Lake Tahoe. The existing Reinforced Concrete Pipe (RCP) traverses down the center of this easement. The County is proposing that a contractor would access the area in question from Meeks Bay Ave via this existing drainage easement. Due to the

limited width and height restrictions based on the existing homes abutting the easement, it is anticipated that a compact excavator (i.e., Bobcat) would be used to deliver material via the easement as well as using the equipment to assist with winching the sections of pipe back into place and installing rock rip rap to cover. The joints would be sealed on site with no anticipated removal of the RCP to occur. The joint sealer will be suitable for use with RCP and may also include a band to ensure a tight seal. Once sealed, tie-downs would be installed on each segment of pipe to keep them in place.

It is anticipated that the tie-downs would require only minor excavations of approximately $\frac{1}{4}$ cubic yard per installation in the previously disturbed areas adjacent to the RCP. There are 4 segments of pipe currently exposed, therefore it can be anticipated that 1 cubic yard of material will be excavated. No excavating will be performed below the high water mark as a result of the proposed resealing and anchoring of the RCP.

2. Excavation below High Water Line: Although there is little information provided regarding the amount of excavation that will take place, the topography of the Project site, stated in the MND (page 8) as being from 6,230 to 6,740 feet above mean sea level, suggests that CSLC's jurisdiction might be crossed. The MND also states that the terrain ranges in slope from 12 to 35% slope with some areas exceeding 46%. This information and associated potential impacts are important to the CSLC because the MND on page 7 states that if resealing the pipe joints (see Comment #1 above) is not sufficient, the pipeline segments will be removed and replaced with rock-lined channel. Replacing the pipeline will require "... excavation below the high water line ... in order to ensure adequate size and depth of rock is installed for the anticipated velocities." However, the MND neglects to provide logical, fact-based analysis of the potential impacts of these activities. The CSLC staff requests the County add more detail related to the exact locations of excavations, how much will be excavated, what equipment will be used, where will the excavated material be disposed, and duration and season of excavation. If additional impacts could result from excavation, staff requests that appropriate mitigation measures be proposed and logically explained as to how they will reduced potential impacts to less than significant.

CSLC's jurisdiction would be entered if the County were to excavate at or below the high water mark (6228.75 LTD, 6227.61 NGVD29). Based on the feedback received, the County will no longer be pursuing the option of removing RCP segments and replacing with a constructed rock-lined channel. Therefore the only excavation occurring near this boundary will be for the installation of the pipe tie-downs. It is anticipated that this would be accomplished through the use a post-hole digger or gas powered auger. The excavation depth is estimated at approximately 2 feet below ground surface, with no excavations exceeding 6230.00 feet NGVD29.. All excess excavated material will be taken back to Meeks Bay Ave via the drainage easement for off hauling by the Contractor. The construction of this project will be during the Tahoe Regional Planning Agency approved grading season, May 1st to October 15th. Please note that, where applicable, the mitigation measures have been called out in order to ensure the environmental issues will have a less than significant impact.

3. CSLC Jurisdiction: As stated in the "CSLC Jurisdiction and Public Trust Lands" section, a Public Trust easement exists within Lake Tahoe lying at and below elevation 6,228.75 feet, Lake Tahoe Datum (High Water Mark). Even though the proposed Project topography is from 6,230 to 6,740 feet above mean sea level (MND, page 8), there is a

possibility that excavation-related activities (see Comment #2 above) may obstruct public access. If any portions of the Project will occur at or below the High Water Mark, CSLC staff requests that the MND require that any proposed improvements be designed and constructed to provide legal public access either over or around the proposed improvements in order to preserve and maintain legal public access.

As noted in the response to comment #2, the option of constructing a rock-lined channel is no longer planned. The excavation depths for the tie-downs will be above the high water mark and as such will not restrict public access. All work will be completed within the existing drainage easement and above the high water mark, which is outside of the public access limits identified by CSLC.

4. CEQA Checklist: Appendix A, containing the CEQA Checklist, is not paged. The Final MND should include proper pagination to facilitate reference to sections within the CEQA Checklist.

Comment noted. This change has been made.

Biological Resources

5. Database Query: The MND suggests that queries have been conducted of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. However, it is not clear if staff from these agencies have been consulted. CSLC recommends early consultation with CDFW and USFWS regarding the proposed mitigation measures, and their feasibility in reducing possible impacts to less than significant.

In addition to the database searches, formal information request letters were submitted to the Tahoe Regional Planning Agency (local) and United States Forest Service (federal) by our environmental consultant. By sending the request to a federal agency with local data, they often get more detailed information than what is provided by the USFWS. The mitigation measures cited are included to mitigate environmental issues that may occur relative to new special status species, discovery of groundwater, or newly identified noxious weeds that could be identified prior to or during construction.

6. Underwater Noise: The "Biological Resources" section of the MND does not evaluate noise and vibration impacts on fish and birds from excavation-related activities, should they occur. Because excavation is introduced in the MND as a possible alternative means of carrying out the Project, its impacts must be fully analyzed in the MND. If impacts are expected, then proposed mitigation measures such as, but not limited to, species-specific work windows defined by CDFW, and USFWS should be incorporated. Again, CSLC staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species. This discussion should also be referenced in the "Noise" section.

As noted in the response to Comment #2, the option of constructing a rock-lined channel is no longer planned. As a result there will be no excavations at or below the high water mark.

Quality/Climate Change

7. Air Resources: The MND states that "[c]onstruction activities may impact air quality, but the impacts will be well below established levels since the activity is temporary and there will not be any long-term impacts." Such discussions in MND can be improved by including (or referencing) information that further explain to the "layman" reader these values and how they will remain below established thresholds.

Comment noted. Language has been added to the MND referring the reader to the El Dorado County Air Pollution Control District Guide to Air Quality Assessment regarding the established thresholds.

8. Greenhouse Gases (GHGs): The GHG emissions analysis should include the number of vehicle trips of construction equipment being brought to and taken away from the Project site, and vehicle trips related to possible disposal of material from excavation. CSLC also requests that these values be included in the final GHG calculations.

There are currently no federal, state, or local regulatory guidance for determining whether a project has a significant effect on California's GHG emissions reduction goal. In adding the vehicle trips for material and equipment to the analysis previously completed in **Item VII. Greenhouse Gas Emissions**, the estimated total rises to 58 metric tons which is still well under the San Luis Obispo Air Pollution Control District's defined significance threshold of 1,150 metric tons.

Recreation

9. The MND does not discuss potential recreational impacts to the public. As explained above in comments # 2 and # 3, a Public Trust easement exists between the low and high water marks at Lake Tahoe. An evaluation of any temporary or permanent loss of access, recreation and other public trust uses (e.g., fishing, bird watching, boating, swimming, kayaking, etc.) in the area from carrying out proposed Project-related activities should be evaluated and included in the MND. If potential impacts are identified, CSLC staff recommends appropriate mitigation measures be proposed. Possible mitigation measures could be posting signs (in advance) in and around the proposed Project area with information regarding the duration of impeded public access to Lake Tahoe and possible alternate routes.

The Project will pose no impact to the recreational access via the Public Trust easement. The County will provide public notice of the Project prior to construction through mailers to affected property owners. The Contractor will be required to submit and adhere to a Traffic Control Plan which follows the current California Manual on Uniform Traffic Control Devices which will include signage for construction work. With no work planned below the high water mark, it will not be necessary to post notices regarding work at or below the high water mark.

Traffic

10. The MND should provide a discussion of the possible increase in vessel traffic on Lake Tahoe from barges used to carry equipment for excavation and grading. Disclosing this information is important because it is also needed when assessing possible recreational impacts from proposed Project-related activities. CSLC also requests that this information be included in the "Recreation" section of the MND (see Comment # 9 above).

As noted in the response to Comment #2, the option of constructing a rock-lined channel is no longer planned. All access will be through the existing drainage easement from Meeks Bay Ave. No access via a barge or boat from Lake Tahoe will be necessary for this Project.

Cultural Resources

11. Submerged Resources: Although unlikely, there is a small possibility of submerged cultural resources at the outfall location. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. Because of this possibility, please add a mitigation measure requiring that in the event cultural resources are discovered during Project construction, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.

As noted in the response to Comment #2, the option of constructing a rock-lined channel is no longer planned and as noted in Comment #10, no vessel traffic is planned for this Project. With that noted, in section **V. Cultural Resources** of the document currently includes language that "... in the event that cultural resources are discovered during Project implementation, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action."

12. Title to Resources: The MND should also mention that the title to all submerged archaeological sites and submerged historic resources (including, but not limited to, vessels, shipwrecks, and Native American sites), on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the County consult with Senior Staff Counsel Pam Griggs (see contact information below) should any cultural resources on state lands (below elevation 6,228.75 feet, Lake Tahoe Datum, High Water Mark) be discovered during construction of the proposed Project.

As noted in the response to Comment #2, the option of constructing a rock-lined channel is no longer planned and as noted in Comment #10, no vessel traffic is planned for this Project. The Transportation Division will keep Pam Griggs contact information on file for future reference.

We thank you for your comments regarding the Tahoe Hills Erosion Control Project. The information included in our comments above will be incorporated into the final document, as necessary. Through the construction of this project the County will reduce the delivery of fine sediment and pollutants to Lake Tahoe. We will keep you informed of the progress of this Project as it moves forward through the Project Delivery Process.

Sincerely,



Daniel Kikkert, PE
Senior Civil Engineer

Cc: Amy Dillon, CDA-TD
John Kahling, CDA-TD