

ADDENDUM TO
MITIGATED NEGATIVE DECLARATION

For

APALACHEE EROSION CONTROL PROJECT
PHASE 3B

EL DORADO COUNTY
DEPARTMENT OF TRANSPORTATION

State Clearinghouse #99122015
October 2007

BACKGROUND/LOCATION

In 1999, the El Dorado County Department of Transportation (EDOT) prepared an Initial Environmental Study and a Mitigated Negative Declaration (IES/MND) for the Apalachee Erosion Control Project (Project) to satisfy requirements of the California Environmental Quality Act (CEQA) and the California Tahoe Conservancy (CTC) grant application process. The CTC grant would provide partial project funding. The Project is located in El Dorado County on the south shore of Lake Tahoe. It includes Tahoe Paradise Additions Unit Nos. 1, 2, 3, 4, 5, 6, 7, and 8 Subdivisions, as well as the Rolling Woods Heights Subdivision. Pioneer Trail lies to the south and east of the Project area with the Upper Truckee River to the west, Trout Creek to the east, and a tributary that runs into Trout Creek to the north (see Figure A). For funding and construction purposes, this Project area is divided into three phases, which are depicted on Figure A.

The objectives of this Project are to improve water quality by reducing erosion problems identified in the project area and by treating roadway run-off. This will be accomplished through source control measures, improved hydrologic design, and treatment measures and will include stabilizing existing sediment contributors, revegetating denuded and disturbed areas, capturing mobilized sediment and road sand and cinder, and conveying and treating storm water and snow melt runoff.

The IES/MND was circulated for public review between December 7, 1999 and January 5, 2000. Comments from the California Regional Water Quality Control Board-Lahontan Region (Lahontan) were received during the public review period. Responses to these comments were developed and sent to Lahontan. Following incorporation of the comments and associated responses into the IES/MND, the El Dorado County Board of Supervisors approved the IES/MND on February 8, 2000, and a Notice of Determination (NOD) was filed on February 11, 2000.

In February 2004, EDOT prepared an addendum (State Clearinghouse No. 99122015) to Phase 1 related to minor modifications to improvement designs. In February 2005, DOT prepared an addendum (State Clearinghouse No. 99122015) to Phase 2 related to minor modifications to improvement designs. Additionally, as phases 3A and 3B moved into the design phases, the County prepared additional addendums for these phases of the project due to design modifications and the addition of new public parcels which were approved by the El Dorado County Board of Supervisors on November 15, 2005.

As of October 1, 2007, EDOT has completed Phase 3A of the project; however, Phase 3B has yet to be complete and is scheduled for construction in the summer of 2008. Currently, EDOT is finalizing the plans for Phase 3B which includes minor modifications and the addition of new public parcels. This addendum for Phase 3B is intended to satisfy the requirements under CEQA and is required due to modifications that have been made to the Phase 3B improvement designs. The new parcels, modifications, and associated environmental effects are described below.

NEW PROJECT MODIFICATIONS

The original IES/MND and first addendum were prepared at the conceptual design stage to satisfy CEQA and the CTC grant requirements. Initial design modifications to Phase 3B improvements were made after the NOD was filed and additional modifications were made after the first addendum was prepared and approved. The newly proposed

modifications that warrant discussion are detailed below. The revised figures showing the modifications and additional parcels are shown in Figure C and Figure D, respectively. Figures A and B of the CEQA Initial Study depicting the project area and problem areas remain unchanged and are also included as part of this addendum.

DISCUSSION OF PROPOSED MODIFICATIONS

Originally, the Project was funded under the CTC guidelines that require projects to meet the sediment reduction efficiency criteria of 6.4 pounds / per dollar cost of improvement to qualify for funding. DOT and the CTC agreed to implement the preferred design approach required under newer CTC guidelines. To that end, a hybrid form of the Draft Formulating and Evaluating Alternatives (FEA) process developed through the Storm Water Quality Improvement Committee (SWQIC) is being implemented. The intention is that this process would allow funding, regulatory, and implementing agencies to reach consensus on the most effective alternatives for water quality and erosion control and result in enhanced projects. DOT began implementation of this process for Phase 1 in April 2003.

The hybrid FEA process has been implemented for Phase 3B of the Project. Proposed Phase 3B enhancements are similar to those developed for Phases 1, 2, 2A, and 3A in their types and intensity. Some proposed Phase 3B enhancements will be located on newly identified CTC parcels within the same study Project area boundary evaluated in the IES/MND. During Phase 3B planning, the enhancement types and locations were refined from the original conceptual designs. Proposed modifications are as follows:

In Phase 3B, ten (10) additional CTC parcels have been added. The Assessors Parcel Numbers (APN) and associated improvements are:

Owner	APN	Proposed Improvements
CTC	33-873-26	Install pipe, flared end section, grass lined swale, and rock bowl
CTC	33-873-31	Install grass lined swale
CTC	33-682-22	Install rock barrier
CTC	33-682-23	Add fill and reveg
CTC	33-682-24	Add fill and reveg
CTC	33-682-25	Add fill and reveg
CTC	33-682-26	Install large rock/boulder
CTC	80-071-26	Install flared end section, grass lined swale, rock lined channel, reveg
CTC	80-103-03	Install grass lined swale
CTC	80-103-02	Install grass lined swale

ENVIRONMENTAL ANALYSIS

Project Phase 3B modifications described above will not require any changes to the responses in the 1999 Initial Study Checklist, hence, no new significant effects are identified and mitigation measures are needed.

A follow-up willow flycatcher protocol survey was conducted based on the fact that identified potential habitat was determined to be present in the meadow north and east of the intersection of Jicarilla Drive and Susquehana Drive extending northeast to the Project boundary. Upon completion of the additional protocol surveys, no willow flycatchers were found to be present.

Known nest locations in the Project vicinity for northern goshawk were identified through a search of the California Natural Diversity Database. A survey was conducted in 2005. No northern goshawk activity was found near the Project area. A copy of the survey results is attached. EDOT will contact the USFS LTBMU raptor biologist two weeks prior to the commencement of construction related activities to verify that no new nests have been identified in the vicinity. If any active nests are known within the area, consultation with USFS would be undertaken regarding regulation and timing of construction activities.

Since the 1999 approval of the Project IES/MND, the El Dorado County General Plan was legally challenged and set aside by the Sacramento Superior Court. To address the Court's findings, the County prepared a new General Plan, which was adopted on July 19, 2004. The County could not implement a new General Plan until the Superior Court lifted the Writ of Mandate. The County anticipated that process to be complete by the end of 2004. However, subsequent to plan adoption, a referendum measure that would affect implementation of the plan was filed with the County. That referendum, which appeared on a March 8, 2005, ballot, asked County voters to either uphold or reject the Board's adoption of the new plan. As a result, the County voters approved the Board's adoption of the new General Plan.

As the following addendum to the CEQA Checklist explanation details, the Project is authorized and valid under the County General Plan and the Tahoe regional Planning Agency's Regional Plan for the Lake Tahoe Basin and will not result in the significant increase in traffic or water consumption.

I. Land Use and Planning

- a) The determination of no impact under Land Use/Planning remains the same. However the following explanation is added to the original CEQA Checklist under Land Use and Planning.

El Dorado County's General Plan contains goals, objectives, and policies that guide growth and development within areas under the County's jurisdiction, including the project area. The 1996 General Plan was set-aside in September 1999 as a result of a determination by the Sacramento County Superior Court that, in certain respects, the County had not fully complied with CEQA in preparing the EIR and findings

for the General Plan. A hearing was held on the form of the Writ to be issued, that included the scope of remedy to be imposed while the County worked to correct these CEQA violations. The court issued a Writ of Mandate that governed the County's land use decisions during the interim period between the issuance of the Writ and the completion of a new General Plan. With the adoption of the new General Plan, the Project is authorized in that it does not have the effect of allowing the commencement, expansion, or intensification of any new use on property; does not result in a significant increase in traffic or water consumption; and the Project approval and permitting falls within the purview of the Tahoe Regional Planning Agency.

VI. Transportation/Circulation

- b) The determination of "Potentially Significant Unless Mitigation Incorporation" for transportation/circulation from the Project IES/MND remains unchanged; however the following items satisfy requirements of the current CEQA Checklist for this topic:

In 1998, voters adopted Measure Y. Measure Y added several new policies in the Circulation Element of the General Plan. Specifically, traffic from residential development projects of five or more units must not result in level of service F or worse traffic congestion during weekday, peak-hour periods on any highway, road, interchange, or intersection in the unincorporated areas of the County. The Project is consistent with the provisions of Measure Y, since it is not a residential development project and will not permanently increase traffic congestion.

FINDINGS/CONCLUSIONS

Pursuant to CEQA Guidelines Section 15162, as applicable to an IES/MND, DOT draws the following conclusions regarding the proposed Phase 3B modifications:

- 1) The proposed Project will not result in substantial changes that would lead to the identification of new or previously unidentified significant environmental effects that require major revisions of the previous IES/MND.
- 2) There has been no substantial change with respect to the circumstances under which the Project is being undertaken that would require a major revision of the previous IES/MND due to the involvement of new significant environmental effects.
- 3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the

time the IES/MND was adopted, shows that the Project will have one or more significant effects not discussed in the previous IES/MND. Furthermore, the mitigation measures adopted in the IES/MND remain the same.

Based on these findings, DOT has concluded that preparation of a subsequent IES/MND for the Project is unnecessary and that preparation of an Addendum is appropriate in accordance with CEQA Guidelines Section 15164. DOT accordingly approves this Addendum and the associated Project modifications.

Date

Department of Transportation
Representative

Title