



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

July 15, 2014

RECEIVED BY
EDOT-LAKE TAHOE ENGINEERING
JUL 17 2014

Daniel Kikkert
El Dorado County - Transportation Division
924 B Emerald Bay Road
South Lake Tahoe, CA 96150

Subject: Tahoe Hills Erosion Control Project
SCH#: 2014062044

Dear Daniel Kikkert:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 14, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

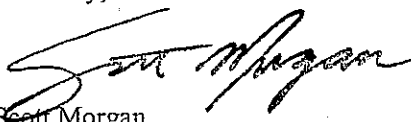
Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,


Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2014062044
Project Title Tahoe Hills Erosion Control Project
Lead Agency El Dorado County

Type MND Mitigated Negative Declaration

Description The Project site is an existing residential development on the west shore of Lake Tahoe bordered by SR 89 on the north, Lake Tahoe on the east, and Lakeview Drive on the South. The overall goal of the Project is to design and implement erosion control and water quality improvements measures that will reduce the discharge of sediment and pollutants to Lake Tahoe from County administered rights-of-way (ROW). The Project will not change the use of the site or surrounding area. The Project will benefit the natural environment with the implementation of the proposed improvements. After Project completion, less sediment will enter Lake Tahoe from the Project area, improving water quality in Lake Tahoe.

Lead Agency Contact

Name Daniel Kikkert
Agency El Dorado County - Transportation Division
Phone 530 573 7914 **Fax**
email
Address 924 B Emerald Bay Road
City South Lake Tahoe **State** CA **Zip** 96150

Project Location

County El Dorado
City
Region
Lat / Long 39° 1' 55.9" N / 120° 7' 7.3" W
Cross Streets Meeks Bay Ave, Sweetwater Dr. Bay View Drive, Lake View Drive, Lakeridge Ct.
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 89
Airports
Railways
Waterways Lake Tahoe
Schools
Land Use Residential, Conservation

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Noise; Public Services; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Other Issues

Reviewing Agencies Resources Agency; Department of Boating and Waterways; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 S; Air Resources Board; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Native American Heritage Commission; State Lands Commission; Tahoe Regional Planning Agency

Date Received 06/13/2014 **Start of Review** 06/13/2014 **End of Review** 07/14/2014

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

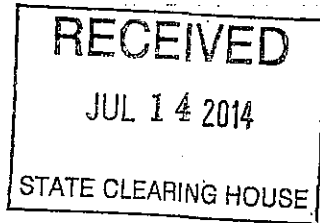


Established in 1938

July 14, 2014

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

CEQA
7/14/14
e
Contact Phone: (916) 574-1890
Contact FAX: (916) 574-1885



File Ref: SCH #2014062044

County of El Dorado Transportation Division
CEQA Compliance
Attention: Mr. Daniel Kikkert
924 B Emerald Bay Road
South Lake Tahoe, CA 96150

**Subject: Draft Initial Study/ Mitigated Negative Declaration (MND) for Tahoe Hills
Erosion Control Project**

Dear Mr. Kikkert:

The California State Lands Commission (CSLC) staff has reviewed the subject MND for the Tahoe Hills Erosion Control Project (Project) prepared by the County of El Dorado Transportation Division (County). The County, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On navigable non-tidal waterways, including lakes, the

State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

A Public Trust easement exists within Lake Tahoe lying at and below elevation 6,228.75 feet, Lake Tahoe Datum (High Water Mark). That easement may be limited to the extent necessary to protect sensitive species, identified cultural or historic resources, or safety of the general public provided that the interference with public access is limited to the minimum extent and time necessary to accomplish the public purpose. If any portions of the Project will occur at or below the High Water Mark, the CSLC will 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 the legal public access.

Project Description

The Project site is located in the vicinity of approximately 65 acres of existing residential development on the West shore of Lake Tahoe bordered by State Route (SR) 89 on the North, Lake Tahoe on the East, and Lakeview Drive on the South. The Project area contains an existing storm drain system, which collects and conveys storm water through a series of basins, corrugated metal pipe risers, drainage inlets, and reinforcement concrete pipe to an existing outfall that drains into Lake Tahoe. Pursuant to the requirements of Section 208 of the Clean Water Act, the Tahoe Regional Planning Agency (TRPA) prepared a Water Quality Management Plan for the Lake Tahoe Basin (Plan). The Plan identified erosion, runoff and disturbance resulting from developments, such as subdivision roads, in the Lake Tahoe Basin as major causes of the decline of Lake Tahoe's water quality and clarity. The Plan mandates that capital improvement projects such as the proposed Project be implemented to bring all County roads into compliance with Best Management Practice (BMP) requirements. The Project is designed and constructed with financial assistance from the State of California, the U.S. Forest Service – Lake Tahoe Basin Management Unit, and TRPA mitigation funds.

The proposed Project will restore degraded channels and bare soil areas; eroding shoulders and eroding slopes will need rock protection and revegetation within the County rights-of way (ROW) and specified parcels. The overall goal of the Project is to design and implement erosion control and water quality improvement measures that will reduce the discharge of sediment and pollutants to Lake Tahoe from the County administered ROW. As CSLC staff understands it, the proposed Project includes the following components:

- SR 89 improvements – because County roads are generally not centered within the ROW, these improvements include a 24-foot-wide paved road within an 80-foot-wide ROW, dike, overhead and underground utilities, and drainage improvements conveying runoff under SR 89 at a number of locations,
- West and South of SR 89 improvements – approximately 28-foot-wide paved County roads within 50-foot-wide ROW,

- Meeks Bay Vista subdivision improvements – approximately 16-foot-wide paved County roads within 20-foot-wide ROW, and
- Other improvements – such as unpaved roads, rock slope protection, timber retaining walls, curb and gutter, dike, storm drain systems, sediment basins, channels, and overhead and underground utilities.

Environmental Review

CSLC staff requests that County consider the following comments on the Project's MND.

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.
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.

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.
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.

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.
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.

Air 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.

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.

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.

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).

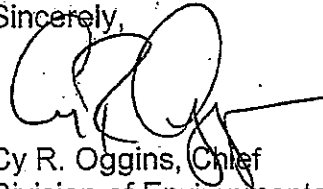
Cultural Resources

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.
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.

Thank you for the opportunity to comment on the MND for the Project. As a trustee and potentially responsible agency, the CSLC will need to rely on the MND for the issuance of any amended/new lease as specified above and, therefore, we request that you consider our comments prior to its adoption.

Please send copies of future Project-related documents, including electronic copies of the Final MND, Mitigation Monitoring and Reporting Program (MMRP), and Notice of Determination (NOD), when they become available, and refer questions concerning environmental review to Afifa Awan, Environmental Scientist, at (916) 574-1891, or via email at Afifa.Awan@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Marlene Schroeder, Public Land Specialist, at (916) 574-2320, or via email at Marlene.Schroeder@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Afifa Awan, DEPM, CSLC
Warren Crunk, Legal, CSLC
Jennifer DeLeon, DEPM, CSLC
Pamela Griggs, Legal, CSLC
Marlene Schroeder, LMD, CSLC

DEPARTMENT OF TRANSPORTATION

DISTRICT 3—SACRAMENTO AREA OFFICE

2379 GATEWAY OAKS DRIVE, SUITE 150

SACRAMENTO, CA 95833

PHONE (916) 274-0638

FAX (916) 274-0602

TTY 711

www.dot.ca.gov

CLEAR
7/14/14
ε*Flex your power!
Be energy efficient!*

July 14, 2014

RECEIVED

JUL 11 2014

STATE CLEARING HOUSE

032014-ELD-0020
03-ELD-89/ PM 24.223-24.465
SCH#2014062044

Mr. Daniel Kikkert
El Dorado County
Department of Transportation
924 B Emerald Bay Road
South Lake Tahoe, CA 96150

Dear Mr. Kikkert:

Thank you for the opportunity to provide comments regarding the Tahoe Hills Erosion Control Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND). The Project is located in Meeks Bay in the Lake Tahoe Basin and consists of the design and implementation of erosion control and water quality improvement measures that reduce sediment and pollutants discharge to Lake Tahoe from El Dorado County right-of-way (ROW). The Project will not change site use or surrounding area land uses. After completion, less sediment will enter Lake Tahoe from the Project area, thereby improving water quality in Lake Tahoe. This review of the IS/MND is Caltrans' second comment letter on this project, after the first letter on October 18, 2013. We look forward to continuing to work with the El Dorado County community and all stakeholders in the refinement and implementation of the Project.

Our comments are as follows:

- 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 the 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 directly to Gurdeep Bhattal, D3 Hydraulics, at gurdeep.bhattal@dot.ca.gov.
- Caltrans notes that Alternative 1 is most effective. Please note there may be 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 Alternatives 2 & 3 may not be sufficient to effectively treat the Meeks Bay Ave outfall location.
- 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 other infiltrating inlets or pipes. These improvements usually

Mr. Kikkert
City of South Lake Tahoe
July 14, 2014
Page 2

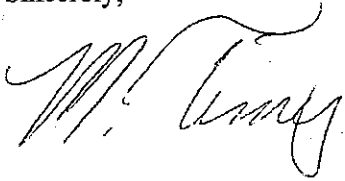
only infiltrate a small percentage of the runoff, especially if the bottom of the inlet becomes plugged. The removal of fine sediment (the primary pollutant of concern to water clarity) is difficult to accomplish through these treatment devices unless a significant amount of the runoff is captured and infiltrated. We suggest 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.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this project.

If you have any questions regarding these comments or require additional information, please contact Jeffrey Morneau, Intergovernmental Review Coordinator, at (916) 274-0679 or by email at: jeffrey.morneau@dot.ca.gov.

Please contact me at (916) 274-0638 if you have any questions.

Sincerely,



MARLO TINNEY
Chief, Office of Transportation Planning – East

Cc: Scott Morgan, OPR