



Legislation Details (With Text)

**File #:** 12-1369      **Version:** 1  
**Type:** Agenda Item      **Status:** Approved  
**File created:** 10/25/2012      **In control:** Board of Supervisors  
**On agenda:** 1/29/2013      **Final action:** 1/29/2013

**Title:** Department of Transportation recommending the Board take the following actions pertaining to the Boulder Mountain Erosion Control Project (CIP No. 95153):  
1) Adopt the Mitigated Negative Declaration for the Boulder Mountain Erosion Control Project;  
2) Adopt the Mitigation Monitoring and Reporting Program (Appendix A of the Initial Study (IS)/MND);  
3) Approve the Boulder Mountain Erosion Control Project as described in the California Environmental Quality Act Mitigated Negative Declaration; and  
4) Authorize the Interim Director Department of Transportation or designee to sign the Notice of Determination.

**FUNDING:** United States Forest Service Lake Tahoe Basin Management Unit and Tahoe Regional Planning Agency grant funds.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS 1-29-13, 2. B - BM Final CEQA MND 1-29-13.pdf, 3. C - Vicinity Map 1-29-13

Date	Ver.	Action By	Action	Result
1/29/2013	1	Board of Supervisors	Approved	Pass

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**Fiscal Impact/Change to Net County Cost**

The Department of Transportation (Department) has secured \$467,000 in planning money and \$450,000 in site improvement from the United States Forest Service (USFS) Lake Tahoe Basin Management Unit - Erosion Control Grant Program and \$11,000 from the Tahoe Regional Planning Agency (TRPA) Water Quality Mitigation Funds. Approval of this Mitigated Negative Declaration (MND) will not result in any fiscal impact to the General Fund. The Project is included in the 5-Year Capital Improvement Program (CIP)/Environmental Improvement Program (EIP). There is no net cost to the County General Fund associated with this agenda item.

**Background**

Project Location: The Project area is located in eastern El Dorado County, California within the Lake

Tahoe Basin. The Project is located in South Lake Tahoe, in the North Upper Truckee Subdivision, west of Lake Tahoe Boulevard. The Project falls entirely within El Dorado County road rights-of-way. (See Figure 1 within the CEQA MND for further detail).

Purpose of Project: The Boulder Mountain Erosion Control Project is identified in the Tahoe Regional Planning Agency's EIP for the Lake Tahoe Region (EIP #705.1) and is considered an overall benefit to the Lake Tahoe environment by assisting in attaining environmental thresholds for water quality and soil conservation. Also, the Proposed Project further assists the Department in complying with the National Pollution Discharge Elimination System (NPDES) Municipal Permit and the adopted 2007 Storm Water Management Plan, Section 9 requirements.

Project Description: The Project site is an existing residential development, north of Lake Tahoe Boulevard and west of Tahoe Mountain Road in South Lake Tahoe, CA (Figure 1). 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 County administered rights-of-way in the Boulder Mountain area. The Proposed 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 Angora Creek from the Project area, thereby improving water quality in Lake Tahoe. For further information regarding the proposed improvements see the Proposed Project section within the IS/MND document.

Project Construction: The Department shall retain a construction contractor who will be responsible for complying with all applicable rules, regulations, and ordinances associated with construction activities and for implementing the adopted construction-related mitigation measures. Construction is proposed to commence in July of 2013 (construction funding has already been secured) and will require approximately two (2) months to complete. All mitigation measures as stated within the IS/MND will be included within the Construction Contract Documents.

Mitigation Measures: Mitigation measures are added to the Project to reduce potential impacts to a level of insignificance. The Mitigation Monitoring and Reporting Plan, which lists each mitigation measure as well as who is responsible for implementation, can be found in Appendix B of the IS/MND.

Agency and Public Notification: The IS/MND was circulated on October 26, 2012 for a thirty (30) day public comment period. The Notice of Intent to Adopt a Mitigated Negative Declaration was advertised in the Tahoe Daily Tribune and hard copies were available at the Department office and at the South Lake Tahoe Library. The public comment period included the submittal of the IS and MND to the State Clearinghouse and to other appropriate resource agencies for review. County Counsel also reviewed the document and their comments were included in the Draft Mitigated Negative Declaration that was circulated.

Comments Received: During the 30-day public comment period, no comments were received.

### **Reason for Recommendation**

The Department is the local lead agency and prepared the MND to consider the significance of potential impacts in accordance with the State CEQA Guidelines (14 CA Administrative Code, §14000 et seq.).

Certification of the MND completes the CEQA portion of the environmental phase for the Project.

Because the Project has federal funding from the USFS, clearance under the National Environmental Policy Act (NEPA) is also required. The Department is currently working with the USFS on that approval. The environmental phase is a critical step in the ultimate delivery of the Project for the County to meet its CIP/EIP goals.

The recommended Board action is based on the following findings:

- A) The California Environmental Quality Act (CEQA) document on file with the Clerk of the Board was prepared pursuant to Public Resources Code §21000 et seq. and the State CEQA Guidelines.
- B) There is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment.
- C) The MND for the Project reflects the lead agency's independent judgment and analysis.

**Action(s) to be taken by the Department following Board approval**

- 1) The Interim Director of Transportation or her designee will sign the Notice of Determination;
- 2) The Department will record the Notice of Determination with the County Recorder/Clerk and the State Clearinghouse and pay the appropriate California Department of Fish and Game fees; and
- 3) The Department will submit a certified copy of the filed Notice of Determination to the Lahontan Regional Water Quality Control Board and the Tahoe Regional Planning Agency.

**Contact**

Kim Kerr, Interim Director  
Department of Transportation

**Concurrences**

County Counsel