



## Legislation Details (With Text)

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**Type:** Agenda Item      **Status:** Approved

**File created:** 1/25/2013      **In control:** Board of Supervisors

**On agenda:** 3/19/2013      **Final action:** 3/19/2013

**Title:** Transportation recommending the Board take the following actions pertaining to the Montgomery Estates Area 2 Erosion Control Project (CIP No. 95170):  
 1) Adopt the Mitigated Negative Declaration for the Montgomery Estates Area 2 Erosion Control Project;  
 2) Adopt the Mitigation Monitoring and Reporting Program (Appendix A of the Initial Study (IS)/MND);  
 3) Approve the Montgomery Estates Area 2 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, State of California, and Tahoe Regional Planning Agency grant funds.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS 3-19-13, 2. B - ME2 Final MND 3-19-13, 3. C - Vicinity Map 3-19-13

Date	Ver.	Action By	Action	Result
3/19/2013	1	Board of Supervisors	Approved	Pass

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

Transportation has secured \$250,000 in planning money and \$500,000 in site improvement from the United States Forest Service (USFS) Lake Tahoe Basin Management Unit - Erosion Control Grant Program, \$186,818 from the State of California, and \$57,000 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 Montgomery Estates Units 4, 5, & 9 subdivisions, south of Pioneer Trail. The Project area encompasses El Dorado County road rights-of-way within the afore mentioned subdivisions. (See Figure 1 within the CEQA MND for further detail).

Purpose of Project: The Montgomery Estates Area 2 Erosion Control Project is identified in the Tahoe Regional Planning Agency's EIP for the Lake Tahoe Region (EIP #701) 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 Transportation 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, south of Pioneer Trail, between Cold Creek and Trout Creek 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 Montgomery Estates Area 2 project 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 Trout Creek and Cold 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: Transportation 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 August 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 January 9, 2013 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 Transportation 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**

Transportation 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. Transportation 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 Transportation following Board approval**

- 1) The Interim Director of Transportation or her designee will sign the Notice of Determination;
- 2) Transportation 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) Transportation 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 of Transportation

**Concurrences**

County Counsel