



## Legislation Details (With Text)

**File #:** 18-1761      **Version:** 1

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

**File created:** 11/1/2018      **In control:** Board of Supervisors

**On agenda:** 2/26/2019      **Final action:** 2/26/2019

**Title:** Department of Transportation recommending the Board take the following actions related to the Oflyng Water Quality Project, CIP 95177/36107016:  
 1) Adopt the California Environmental Quality Act (CEQA) Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan; and  
 2) Approve the project as described in the CEQA Initial Study / Mitigated Negative Declaration.

**FUNDING:** California Tahoe Conservancy Site Improvement Grant (67%), Tahoe Regional Planning Agency/Water Quality (16%), and State Water Resources Control Board (17%).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - CEQA IS-MND, 2. B - CVWQCB Comment, 3. C - Response to Comments, 4. D - Vicinity Map

Date	Ver.	Action By	Action	Result
2/26/2019	1	Board of Supervisors	Approved	Pass

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**DISCUSSION / BACKGROUND**

Department of Transportation (Transportation) proposes to construct water quality improvements in the Tahoe Paradise area as part of the Oflyng Water Quality Project (Project). The Project proposes to replace, install, and upgrade drainage structures within the existing stormwater conveyance system in order to increase the quality of stormwater runoff.

Transportation recommends the Board adopt the California Environmental Quality Act (CEQA) Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and approve the Project as described in the CEQA Initial Study / Mitigated Negative Declaration (IS/MND).

The recommended Board actions are based on the following findings:

- A) The CEQA IS/MND, on file with the Clerk of the Board and on Transportation’s website, <https://www.edcgov.us/Government/dot/Pages/ceqa.aspx>, was prepared pursuant to Public Resources Code §21000 et seq., and State CEQA Guidelines.
- B) There is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment.

C) The IS/MND for the Project reflects Transportation's independent judgment and analysis, as lead agency for the County.

Project Description: The Project site is within an existing residential development within Tahoe Paradise subdivisions located in eastern El Dorado County, within the Lake Tahoe Basin, south of the City of South Lake Tahoe. The Project is roughly bounded by Highway 50 to the west, Southern Pines Drive, Crystal Air Drive, and Skyline Drive to the north, Elks Club Drive to the east, and Pioneer Trail to the south (Attachment D). The intent of the Project is to address erosion and water quality issues within the Project area by stabilizing eroding slopes with rock slope protection, and modifying the existing storm drain systems through culvert replacement and structure installation for the capture of stormwater runoff and road abrasives, and construction of an infiltration basin. These improvements will reduce the discharge of sediment and pollutants to Lake Tahoe from County administered rights-of-way within the Project area. The Project will not change the use of the site or surrounding area.

For a more detailed Project description, please refer to the MND available on the County website at <http://www.edcgov.us/Government/DOT/CEQA.aspx>, or Attachment A of this Legistar item.

Project Need: The Project is identified in the TRPA's Environmental Improvement Program (EIP) for the Lake Tahoe Region (EIP 01.01.01.0074) and is considered an overall benefit to the Lake Tahoe environment by assisting in attaining environmental thresholds for water quality and soil conservation. The Project further assists Transportation in complying with the National Pollutant Discharge Elimination System Municipal Permit and the adopted 2013 Storm Water Management Plan. The Project was also included in the 2018 Capital Improvement Program (CIP) adopted by the Board on June 24, 2018 (Item 61).

County staff presented the Project for water quality improvements at a community public meeting held on October 9, 2018 at the County Tahoe Engineering Office in South Lake Tahoe.

Right-of-Way: A license agreement from the California Tahoe Conservancy (CTC) will be needed for five (5) parcels and a special use permit from the United State Forest Service (USFS) will be needed for two (2) parcels within the Project area. Portions of these parcels will be used to convey and/or treat stormwater runoff or to enable temporary access to existing County maintained drainage easements.

Construction: The construction contract for the Project will be publicly bid and Transportation will 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. It is anticipated that the Project construction will occur in the summer of 2020.

CEQA: Transportation is the CEQA lead agency and prepared the IS/MND to consider the significance of potential impacts resulting from the Project in accordance with CEQA Guidelines (14 CA Administrative Code, §14000 et seq.). Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan would complete the CEQA portion of the environmental phase toward ultimate delivery of the Project. Because this Project utilizes federally owned land, the USFS will act as the lead agency to administer the National Environmental Policy Act (NEPA) Categorical Exclusion, utilizing the required studies completed by Transportation as lead agency for the County. At this time, NEPA is not yet approved. Request for approval of NEPA follows CEQA.

**Mitigation Measures:** Mitigation measures have been added to the Project to reduce potential impacts to a less-than-significant level. The Mitigation Monitoring and Reporting Plan is provided as Section 6 of the IS/MND. Implementation of the mitigation measures will reduce potentially significant impacts to a less-than-significant level. A more general listing of mitigation measures that will be implemented on the Project is as follows:

Avoid and protect riparian habitat and waters of the United States, and native trees during construction activities and comply with permit conditions;  
Protection of unknown cultural resources, if discovered; and  
Ensure long-term soil stabilization and protect water quality during construction.

**Agency and Public Notification:** Transportation held a public meeting, Technical Advisory Committee meetings, and launched a Project website in 2016 to inform the public about the need for the Project, different alternatives, and Project impacts. Over 300 mailers were sent out to property owners for the last public meeting. As part of that notice the County included the web address to the Project website where a link was provided to download this and other Project related documents.

The Notice of Intent to Adopt a MND was advertised in the Lake Tahoe Tribune on November 30, 2018, and the entire IS/MND document was posted on Transportation's website at <https://www.edcgov.us/Government/dot/Pages/ceqa.aspx>. Hard copies were made available at the Transportation office located at 924B Emerald Bay Road, South Lake Tahoe and the El Dorado County Library in South Lake Tahoe. The public review period ended on December 31, 2018.

**Public Comments and Responses:** During the thirty-day (30-day) public comment period one comment letter was received from the Central Valley Regional Water Quality Control Board (Attachment B). Transportation responded to the comment (Attachment C) and no changes were necessary for incorporation into the document.

## **ALTERNATIVES**

- 1) The Board could choose not to adopt the CEQA MND and the Mitigation Monitoring and Reporting Plan. Transportation would make adjustments as directed by the Board and bring this item back to the Board at a later date. This could increase Project cost and delay delivery.
- 2) The Board could cancel the Project. Transportation would be required to return all state funds spent thus far.

## **PRIOR BOARD ACTION**

See Discussion / Background Section above.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Prior to construction, resource agency permits and approvals may be required as follows:

- 1) U.S. Army Corps of Engineers - Section 404 Clean Water Act Nationwide Permit
- 2) Lahontan Regional Water Quality Control Board - Section 401 Water Quality Certification
- 3) TRPA Permit
- 4) CTC License Agreement
- 4) U.S. Forest Service Special Use Permit

County Counsel has reviewed and approved the CEQA IS/MND.

**CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT**

This item will not result in any change to net County cost. The Project is included in Transportation's adopted 2018 CIP, which was approved by the Board on June 26, 2018 (Item 61).

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**TRANSPORTATION FOLLOW UP ACTIONS**

- 1) File a Notice of Determination with the office of the County Recorder/Clerk.
- 2) Proceed with the Project through the NEPA clearance process, final design and construction.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

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