



## Legislation Details (With Text)

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**Title:** Community Development Agency, Transportation Division, recommending the Board consider the following actions pertaining to the Meyers Stream Environment Zone/Erosion Control Project, CIP 95179:

- 1) Adopt the California Environmental Quality Act Mitigated Negative Declaration;
- 2) Adopt the Mitigation Monitoring and Reporting Program (Appendix A of the Initial Study/Mitigation Negative Declaration); and
- 3) Approve the Meyers Stream Environment Zone/ Erosion Control Project as described in the California Environmental Quality Act document.

**FUNDING:** Project is funded by United States Forest Service (52%) (Federal Funds), State Water Resources Control Board (35%), Tahoe Regional Planning Agency Stream Environment Zone Mitigation (12%), and California Tahoe Conservancy (1%).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Approved CRS 7-19-16, 2. B - Final Meyers CEQA\_MND 7-19-16, 3. C - Final Errata Meyers CEQA\_MND Sheet 7-19-16, 4. D - CA DFW comment 7-19-16, 5. E - Response to CA DFW 7-19-16, 6. F - CA DOT comment 7-19-16, 7. G - Response to CA DOT 7-19-16, 8. H - Vicinity Map 7-19-16

Date	Ver.	Action By	Action	Result
7/19/2016	1	Board of Supervisors		

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### DEPARTMENT RECOMMENDATION

Community Development Agency, Transportation Division (Transportation), recommends the Board consider the following actions pertaining to the Meyers Stream Environment Zone/ Erosion Control Project (Project), CIP 95179:

- 1) Adopt the California Environmental Quality Act (CEQA) Mitigated Negative Declaration (MND);
- 2) Adopt the Mitigation Monitoring and Reporting Program (Appendix A of the Initial Study/MND); and
- 3) Approve the Project as described in the CEQA MND.

The recommended Board actions are based on the following findings:

- A) The CEQA document on file with the Clerk of the Board and on the Transportation website, <http://edcgov.us/DOT/CEQA.aspx>, was prepared pursuant to Public Resources Code §21000 et seq., and 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 (County's) independent judgment and analysis.

## **DISCUSSION / BACKGROUND**

Transportation proposes to construct water quality improvements in the Meyers area as part of the 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 is the CEQA lead agency and prepared the MND to consider the significance of potential Project impacts in accordance with CEQA Guidelines (14 CA Administrative Code, §14000 et seq.). Certification of this MND by the Board would complete the CEQA portion of the environmental phase toward ultimate delivery of this Project. Because the United States Forest Service (USFS) is providing funding for the Project, the USFS will be the lead agency to administer the National Environmental Policy Act (NEPA) Categorical Exclusion, utilizing the required studies completed by the County for CEQA. At this time, NEPA has not yet been approved.

Project Need: The Project is identified in Tahoe Regional Planning Agency's (TRPA) Environmental Improvement Program (EIP) for the Lake Tahoe Region (EIP 01.01.01.0025) 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 is also included in the 2016 Interim Capital Improvement Program (CIP) adopted by the Board on June 7, 2016 (Item 39).

Agency and Public Notification: Transportation held a public meeting, a Technical Advisory Committee meeting, and launched a Project website in 2015 to inform the public about the need for the Project, different alternatives, and Project impacts. The public expressed concern about lack of drainage infrastructure, ponding, and identified additional water quality problem areas within the Project not previously identified. The public comments resulted in modifications to Project alternatives to address these comments.

A Notice of Intent to Adopt a MND was advertised in the Tahoe Tribune and the entire document was posted on the County website at <http://www.edcgov.us/Government/DOT/CEQA.aspx>. Hard copies were also available at the Transportation office at 924B Emerald Bay Road, South Lake Tahoe and at the South Lake Tahoe Library. The public comment period included the submittal of the Initial Study (IS) and MND to the State Clearinghouse and to other appropriate resource agencies for review. The public review period began on March 30, 2016, and ended on April 30, 2016.

Project Description: The Project site is within an existing residential development located in the community of Meyers in South Lake Tahoe, bordered by the Upper Truckee River to the west, Lake Tahoe Golf Course to the northwest, U.S. Highway 50/State Route 89 to the south, and Pioneer Trail to the east (Attachment H). The intent of the Project is to improve water quality in the area by stabilizing bare soils with native vegetation, restoring and expanding stream environment zones,

enhancing drainage features, and by installing drainage infiltration systems to reduce stormwater runoff. These improvements will reduce the discharge of sediment and pollutants to Lake Tahoe from County administered rights-of-way in the Meyers 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 B of this Legistar item.

Right-of-Way: A license agreement from the California Tahoe Conservancy (CTC) will be needed for thirty-five (35) parcels and a special use permit from the USFS will be needed for thirty (30) parcels within the Project area. Portions of these parcels will be used to convey and/or treat stormwater runoff.

Construction: The construction phase of 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 summers of 2016 and 2017.

Mitigation Measures: Mitigation measures are added to the Project to reduce potential impacts to a level of insignificance. The Mitigation Monitoring and Reporting Plan (Appendix B of the IS/MND [Attachment B]) outlines each mitigation measure and implementation in detail. A more general listing of mitigation measures that will be implemented on the Project is as follows:

- Prevent the spread of invasive species;
- Avoid and protect riparian habitat and waters of the United States, and native trees during construction activities and comply with permit conditions;
- Avoid hazards and hazardous materials; and
- Ensure long-term soil stabilization and protect water quality during construction.

Comments: During the thirty-day (30-day) public comment period, two comments were received, one from the California Department of Fish and Wildlife (Attachment D) and the other from the California Department of Transportation (Attachment F). Transportation responded to the comments (Attachments E and G) and changes have been incorporated in the attached Errata (Attachment C). None of these changes substantially modify the analysis or conclusions of the document, but instead simply clarify aspects of the previously-circulated document.

Errata Sheet:

An Errata to the IS/MND for the Project has been prepared and is Attachment C to this agenda item. This Errata sets forth the changes within the IS/MND document in answer to California Department of Fish and Wildlife's concerns.

Action taken by the Board to certify the Project IS/MND includes the changes set forth in the Errata to the IS/MND. These changes are minor in nature and provide further clarification within the background section of the IS/MND. No changes to the "Project Description" are necessary. Additionally, no additional impacts will occur as a result of these changes and, therefore, no changes to the mitigation measures are necessary.

## ALTERNATIVES

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

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel reviewed and approved the MND.

#### **CAO RECOMMENDATION**

Chief Administrative Office concurs with staff's recommendation.

#### **FINANCIAL IMPACT**

This Project is budgeted in the 2016 Interim CIP adopted by the Board on June 7, 2016 (Item 39), and funded using USFS, State Water Resources Control Board, TRPA Stream Environment Zone Mitigation funds, and CTC funds. Currently, Transportation anticipates award of additional Proposition 1 water quality grant funds, which could reduce some or all of the identified funding sources. Upon confirmation of this award of funding, Transportation will return to the Board at a later date to update the Project budget and 2016 CIP.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

#### **STRATEGIC PLAN COMPONENT**

Infrastructure

#### **CONTACT**

John Kahling, Deputy Director, Engineering  
Community Development Agency, Transportation Division