



Legislation Text

File #: 14-0601, **Version:** 1

Community Development Agency, Transportation Division, recommending the Board take the following actions pertaining to the Tahoe Hills Erosion Control Project (CIP 95171):

- 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 Tahoe Hills Erosion Control Project as described in the California Environmental Quality Act document.

FUNDING: The Tahoe Hills Erosion Control Project is included in the 5-Year Capital Improvement Program/Environmental Improvement Program and is funded through secured funding from the United States Forest Service Lake Tahoe Basin Management Unit - Erosion Control Grant Program and the Tahoe Regional Planning Agency Water Quality Mitigation Funds.

Fiscal Impact/Change to Net County Cost

Adoption of this Mitigated Negative Declaration (MND) and approval of this Project will not result in any fiscal impact to the County General Fund.

Background

Purpose of Project: The Tahoe Hills Erosion Control Project (Project) is identified in the Tahoe Regional Planning Agency's (TRPA) Environmental Improvement Program (EIP) for the Lake Tahoe Region (EIP #01.01.01.30) 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 the Transportation Division (Transportation) in complying with the National Pollutant Discharge Elimination System Municipal Permit and the adopted 2013 Storm Water Management Plan, Section 5 requirements.

Project Location: The Project area is located in eastern El Dorado County, California within the Lake Tahoe Basin, near the west shore of Lake Tahoe. The Project is located in the southwestern section of the Lake Tahoe Basin in Section 29, Township 14 North, Range 17 East, Mount Diablo Meridian. The Project is bounded by State Route 89 to the north, Lake Tahoe to the east, and Lakeview Drive to the South. The Project area encompasses El Dorado County road rights-of-way within portions of the Tahoe Hills and Meeks Bay subdivisions. (See Figure 1 within the California Environmental Quality Act (CEQA) MND for further detail).

Project Description: The Project site is an existing residential development on the west shore of Lake Tahoe bordered by State Route 89 to the north, Lake Tahoe to the east, and Lakeview Drive to the south (Attachment E). The proposed Project includes the construction of improvements to address erosion and water quality issues within the Project site. The work will include the addition of rock slope protection and the modification of an existing storm drain system through the construction of an infiltration basin, armored channels, and below surface infiltration systems.

These improvements will reduce the discharge of sediment and pollutants to Lake Tahoe from County administered rights-of-way in the Tahoe Hills project area. 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, thereby improving water quality in Lake Tahoe.

A detailed Project description can be found in the MND available on the County website at <http://www.edcgov.us/Government/DOT/CEQA.aspx>, or Attachment B of this Legistar item. A hard copy can be obtained at the Transportation offices at 924B Emerald Bay Road, South Lake Tahoe.

Construction: Transportation shall publicly bid the construction phase and 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 2015 (construction funding has 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 Initial Study (IS)/MND.

Agency and Public Notification: The IS/MND was circulated beginning June 13, 2014 for a thirty (30) day public comment period. The Notice of Intent to Adopt a MND was advertised in the Tahoe Daily Tribune and Tahoe World 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 MND that was circulated.

Comments Received: During the thirty (30) day public comment period, the State Clearinghouse received comments from the California State Lands Commission and California Department of Transportation (Attachment C). Transportation has responded to the comments (Attachment D) and incorporated minor text changes, as necessary, into the IS/MND. None of these changes substantially modify the analysis or conclusions of the document, but instead simply clarify aspects of the previously circulated document.

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. The lead agency is required to file a Notice of Determination within 5 working days once the lead agency has approved the Project (State CEQA Guidelines §15075(d)). Because the Project has federal funding from the USFS, clearance under the National Environmental Policy Act 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 Capital Improvement Program/EIP goals.

The recommended Board action is based on the following findings:

- A) The 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) Transportation will record the Notice of Determination with the office of the County Recorder/Clerk and the State Clearinghouse and pay the appropriate California Department of Fish and Game fees; and,
- 2) Transportation will submit a certified copy of the filed Notice of Determination to the Lahontan Regional Water Quality Control Board and the TRPA.

Contact

Bard R. Lower, Transportation Division Director
Community Development Agency

Concurrences

County Counsel