



## Legislation Text

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**File #:** 17-0061, **Version:** 1

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Community Development Agency, Transportation Division, recommending the Board take the following actions pertaining to the Country Club Heights Erosion Control Project, Capital Improvement Program Project 95191:

- 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 Country Club Heights Erosion Control Project as described in the California Environmental Quality Act document.

**FUNDING:** United States Forest Service (85% - Federal), Tahoe Regional Planning Water Quality Mitigation (9% - Local), and California Tahoe Conservancy (6% - State).

### **DEPARTMENT RECOMMENDATION**

Community Development Agency, Transportation Division (Transportation), recommends the Board take the following actions pertaining to the Country Club Heights Erosion Control Project (Project), Capital Improvement Program Project (CIP) 95191:

- 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 Transportation's 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 Transportation's independent judgment and analysis, as lead agency for the County.

### **DISCUSSION / BACKGROUND**

Transportation proposes to construct water quality improvements in the Country Club Heights area of Lake Tahoe as part of the Project. The Project proposes to replace, install, and upgrade drainage structures within the existing storm water conveyance system in order to increase the quality of storm water runoff.

Transportation is the CEQA lead agency for the County 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 Transportation for CEQA as lead agency for the County. 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 01.01.01.0021), 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 included in the 2016 CIP adopted by the Board on December 6, 2016 (Item 46).

**Agency and Public Notification:** In 2016, Transportation held a public meeting, a Technical Advisory Committee meeting, and launched a Project website to inform the public about the need for the Project, the Project alternatives, and the Project impacts. The public expressed concern about lack of drainage infrastructure, failed slope protection, and identified additional water quality problem areas within the Project. 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 Transportation's website at <http://www.edcgov.us/DOT/CEQA.aspx>. Hard copies were also available at the Transportation office located 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 and MND to the State Clearinghouse and to other appropriate resource agencies for review. The public review period began on February 6 and ended on March 7, 2017.

**Project Description:** The Project site is within an existing residential development located in eastern El Dorado County, within the Lake Tahoe Basin, south of the City of South Lake Tahoe. The Project is bounded by U.S. Highway 50 to the west, Southern Pines Drive, Crystal Air Drive, and Skyline Drive to the south, Crystal Air Drive and Elks Club Drive to the east, and the subdivision boundaries to the north (Attachment F). The intent of the Project is to address erosion and water quality issues within the Project area by restoring stream environment zones through spreading of storm water flows, stabilizing eroding slopes with rock slope protection, and modifying the existing storm drain systems through culvert replacement and structure installation for the capture of storm water runoff and road abrasives. These improvements will reduce the discharge of sediment and pollutants to Lake Tahoe from County administered rights-of-way within the Country Club Heights Project area. The Project will not change the use of the site or surrounding area.

A more detailed Project description can be found in the MND (Attachment B) or on Transportation's website at <http://www.edcgov.us/DOT/CEQA.aspx>.

**Right-of-Way:** A license agreement from the California Tahoe Conservancy (CTC) will be needed for thirteen parcels within the Project area. Portions of these parcels will be used to convey and/or treat storm water 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 summer of 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 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:

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

Comments: During the thirty-day public comment period one comment letter was received from the California Department of Transportation (Caltrans)(Attachment D). Transportation responded to the comments (Attachments E) and changes have been incorporated in the attached Errata Sheet (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 Sheet to the MND for the Project has been prepared (Attachment C), which sets forth the changes to the MND in answer to Caltrans concerns. These changes are minor in nature and provide clarification to the background section of the MND. No changes to the "Project Description" are necessary. No additional impacts will occur as a result of these changes and, therefore, no changes to the mitigation measures are necessary.

Action taken by the Board to certify the Project MND includes the changes set forth in the Errata Sheet to the MND.

## **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**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

This Project is included in the 2016 CIP adopted by the Board on December 6, 2016 (Item 46), with funding provided by USFS, CTC, and TRPA Water Quality Mitigation funds. There is no change to Net County Cost as a result of this item.

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

N/A

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

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