



Legislation Text

File #: 19-1728, **Version:** 1

Department of Transportation recommending the Board take the following actions related to the Country Club Heights Erosion Control Project - Phase 3, Capital Improvement Program Project 95191:

- 1) Adopt the California Environmental Quality Act Initial Study with Proposed Mitigated Negative Declaration; and
- 2) Approve the Country Club Heights Erosion Control Project - Phase 3 as described in the California Environmental Quality Act document.

FUNDING: United States Forest Service (51% - Federal), Tahoe Regional Planning Agency Water Quality/Stream Environment Zone Mitigation (6% - Local), and California Tahoe Conservancy (43% - State).

DISCUSSION / BACKGROUND

The El Dorado County (County) Department of Transportation (Transportation) proposes to construct water quality and recreational / access improvements in an area of the Country Club Heights subdivision located in the Lake Tahoe basin. The County proposes to plan, design, and implement a project that will improve water quality, restore an impacted stream environment zone (SEZ), and achieve recreation and natural resource objectives within the northwest corner of the Country Club Heights Erosion Control Project - Phase 3 (Project) area in El Dorado County, California.

Transportation is the California Environmental Quality Act (CEQA) lead agency for the County and prepared the Mitigated Negative Declaration (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 the 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 2019 CIP adopted by the Board on December 17, 2019 (Item 54).

Agency and Public Notification: In 2019, Transportation held a public meeting, a series of Technical Advisory Committee meetings, and launched a Project website to inform the public about the need for the Project, the Project alternatives, and the Project impacts. The public is in general support of the Project.

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/government/dot/pages/CEQA.aspx>. Hard copies were also available at the Transportation office located at 924 B 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 January 16 and ended on February 14, 2020.

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 bound by Elks Club Drive / Waverly Drive to the south, Hwy 50 / SR 89 to the west, Boca Raton Drive to the east, and the Upper Truckee River to the west-northwest. (Attachment F). The purpose of the Project is to address erosion and water quality issues within the Project area by restoring SEZ habitat and flood plain function and to enhance recreation and access opportunities at the site through reconstruction of the existing parking lot and construction of permanent access trails. The improvements constructed as part of the Project will reduce the discharge of sediment and pollutants to Lake Tahoe from County administered rights-of-way within the Country Club Heights Project area and enhance recreational opportunities in the 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 (Conservancy) will be needed for two parcels within the Project area. Portions of these parcels will be used to convey and/or treat storm water runoff.

Construction: Construction would be scheduled once a funding commitment has been made, all approvals and permits have been obtained and improvement plans completed. 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. Transportation anticipates securing the additional funding in 2020 with Project construction occurring in the summer of 2021.

Mitigation Measures: Mitigation measures are added to the Project to reduce potential impacts to a level of insignificance. Avoidance, minimization, and/or mitigation measures are established in the Mitigation Monitoring and Reporting Plan (Section 5 of the MND).

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

The United States Department of Agriculture (USDA) Forest Service (FS) requested minor revisions to Appendix C, Biological Assessment, of the IS/MND to comply with USDA-FS Reporting requirements. The edits are listed in the Errata.

Errata Sheet: An Errata Sheet to the MND for the Project has been prepared (Attachment C), which sets forth the minor revisions to the Biological Assessment requested by the USDA-FS. These changes are minor in nature and include updating the federally listed special status species within 90 days of USDA-FS review. 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 IS/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 could 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.

PRIOR BOARD ACTION

See Discussion / Background Section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel reviewed and approved the IS/MND.

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

This Project is included in the 2019 CIP adopted by the Board on December 17, 2019 (Item 54), with funding provided by USFS, Conservancy, 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

Rafael Martinez, Director
Department of Transportation