



Legislation Text

File #: 23-1057, **Version:** 1

Department of Transportation recommending the Board take the following actions related to the CSA 5 Erosion Control Project - Phase 3, CIP 36107003:

- 1) Adopt the California Environmental Quality Act Negative Declaration; and
- 2) Approve the project as described in the California Environmental Quality Act Initial Study / Negative Declaration.

FUNDING: United States Forest Service (67%), Community Service Area 5 Funds (21%), South Tahoe Public Utility District (4%), and Tahoe Regional Planning Agency/Water Quality (5%), To Be Determined (3%).

DISCUSSION / BACKGROUND

Department of Transportation (Transportation) proposes to construct water quality improvements in the Tahoma area as part of the CSA#5 Erosion Control - Phase 3 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) Negative Declaration and approve the Project as described in the CEQA Initial Study / Negative Declaration (IS/ND).

The recommended Board actions are based on the following findings:

- A) The CEQA IS/ND, on file with the Clerk of the Board and on Transportation's website at <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 will have a significant effect on the environment.
- C) The IS/ND 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 in Tahoma, located on the west shore of Lake Tahoe (see Attachment C). 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 inlet protection, modifications of the existing storm drain system to allow for infiltration of stormwater runoff, and concrete rolled curb and gutter. These improvements will reduce the discharge of sediment and pollutants to Lake Tahoe from County administered rights-of-way in the 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.

For a more detailed Project description, please refer to the IS/ND available on Transportation's website at <https://www.edcgov.us/Government/dot/Pages/ceqa.aspx>, or Attachment B of this Legistar item.

Project Need: The Project is identified in the Tahoe Regional Planning Agency's Environmental

Improvement Program (EIP) for the Lake Tahoe Region (EIP 01.01.01.010202) 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. The Project is included in the 2022 Capital Improvement Program (CIP) adopted by the Board on June 14, 2022 (Legistar 22-0521, Item 48).

County staff presented the Project for water quality improvements at a community public meeting held on September 10, 2020, via Zoom from 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 one (1) parcel and a Special Use Permit from the United State Forest Service (USFS) will also be needed for one (1) parcel 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. Two (2) private parcels will need a drainage easement to better convey existing stormwater runoff.

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. The Project construction is anticipated to occur in the summer of 2024.

CEQA: Transportation is the CEQA lead agency and prepared the IS/ND 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 Negative Declaration 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.

Agency and Public Notification: Transportation held a public meeting, Technical Advisory Committee meetings, and launched a Project website in 2020 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 ND was advertised in the Sierra Sun on April 14, 2023, and the entire IS/ND 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 May 10, 2023.

Public Comments and Responses: During the thirty-day (30-day) public comment period, no comments were received.

ALTERNATIVES

- 1) The Board could choose not to adopt the CEQA ND. 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 costs 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) Lahontan Regional Water Quality Control Board - Section 401 Water Quality Certification
- 2) Tahoe Regional Planning Agency Permit
- 3) CTC License Agreement
- 4) U.S. Forest Service Special Use Permit

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

CAO RECOMMENDATION / COMMENTS

Approve staff recommendation.

FINANCIAL IMPACT

The proposed adoption of the CEQA documents would have no impact to Net County Cost.

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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