



Legislation Text

File #: 09-0628, **Version:** 1

Transportation Department recommending the Board take the following actions pertaining to the Echo View Estates 2 Erosion Control Project (JN 95169):

- (1) Adopt the Mitigated Negative Declaration (MND) for the project;
- (2) Adopt the Mitigation Monitoring and Reporting Program (Appendix A of the Initial Study/Mitigated Negative Declaration Document);
- (3) Approve the Echo View Estates 2 Erosion Control Project as described in the California Environmental Quality Act (CEQA/ MND) Document;
- (4) Authorize Department staff to seek appraisals and title reports for the following Assessors Parcel Numbers which are within the Project area; 033-020-12 (Lampson), 033-332-18 (Heinzerling) and 033-322-16 (Skipworth); and
- (5) Authorize the Director of Transportation or his designee to sign the Notice of Determination.

FUNDING: Tahoe Regional Planning Agency, California Tahoe Conservancy, and United States Forest Service Lake Tahoe Basin Management Unit grant funds.

Fiscal Impact/Change to Net County Cost:

The Department has secured \$430,000 in Planning, Design and Right-of-Way funding from the Tahoe Regional Planning Agency (TRPA) Water Quality (WQ) Mitigation Funds, the California Tahoe Conservancy (CTC) (CTA 04026) funds, and the United States Forest Service (USFS) Lake Tahoe Basin Management Unit - Erosion Control Grant Program (08-DG-11051900-030). The Project construction cost is estimated at \$380,000 with proposed funding coming from the TRPA WQ Mitigation Funds and USFS Erosion Control Grant Program. The Department will apply for the site improvement funds during the next two grant cycles (FY 09/10 and FY 10/11) in order to secure the funding needed to construct the Project pursuant to the 5-Year Environmental Improvement Program (EIP) budget and schedule adopted at the May 5, 2009 Board of Supervisors meeting.

Approval of this Mitigated Negative Declaration will not result in any fiscal impact to the General Fund. The Project is included in the 5-Year EIP. There is no net cost to the County General Fund associated with this agenda item.

Recommended Findings:

The Department is requesting that the CEQA document be adopted based upon the following findings:

- A. The CEQA document was prepared in accordance with CEQA, Public Resources Code Sections 21000 et seq., and the CEQA Guidelines.
- B. There is no substantial evidence that raises a fair argument that the project, as mitigated, will have a significant effect on the environment.
- C. The Mitigated Negative Declaration for the Echo View Estates 2 Erosion Control Project reflects the lead agency's independent judgment and analysis.

Reason for Recommendation:

Project Location: The Project area is located in eastern El Dorado County,

California within the Lake Tahoe Basin. The site is located in South Lake Tahoe just west of Highway 50, off of Sawmill Road. The Project area encompasses the entire Echo View subdivision north of Sawmill Road, including the following streets: Echo View Drive, Mountain Canary Drive, East Court, Lamor Court, and Summit Drive. (See Figure A within the CEQA/MND document for further detail)

Purpose of Project: The Echo View Estates 2 Erosion Control Project is identified in the Tahoe Regional Planning Agency's "Environmental Improvement Program for the Lake Tahoe Region" (EIP #706) and is considered an overall benefit to the Lake Tahoe environment by assisting in attaining environmental thresholds for water quality and soil conservation. Also, the proposed Project further assists the Department in compliance with the National Pollution Discharge Elimination System (NPDES) General Permit and adopted 2007 Storm Water Management Plan, Section 9 requirements.

Project Description: The Project site is an existing residential development bounded by Sawmill Road to the south (Figure A). The overall goal of the Project is to design and implement erosion control and water quality improvement measures that will reduce the discharge of sediment and pollutants from County administered rights of way in the Echo View Estates area to Angora Creek, a main tributary into the Upper Truckee River, which is the main surface water input to Lake Tahoe. The proposed Project will not change the use of the site or surrounding area. The Project will provide benefits to the natural environment through the improvements proposed as part of the Project. After the Project construction is complete and the area is stabilized, the Department has estimated a sediment reduction that will enter Angora Creek from the Project area, thereby improving water quality in the Upper Truckee River and Lake Tahoe. Many of the proposed solutions are enhancements of the facilities installed as part of the 1987 Erosion Control Project that was constructed within the subdivision. Some, but not all, of the proposed improvements include: armored channels, sediment basins, and slope revegetation. For further information regarding the proposed improvements see the Proposed Project section within the IS/MND document.

Project Construction: The Department shall retain a construction contractor who will be responsible for compliance with all applicable rules, regulations, and ordinances associated with construction activities and for implementation of the adopted construction-related mitigation measures. Construction is proposed to commence in May of 2011 (depending upon funding availability as proposed within the 5-Year EIP) and would require approximately three (3) months to complete. A traffic management plan will be required that will include construction staging and traffic control measures to maintain and minimize impacts to traffic during construction. All mitigation measures as stated within the Initial Study/Mitigated Negative Declaration 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 IS/MND document.

Agency and Public Notification: The IS/MND was circulated on May 15, 2009 for a thirty (30) day public comment period. The Notice of Intent to Adopt a Mitigated Negative Declaration was advertised in the Tahoe Daily Tribune, the entire document was posted on the Department website, and hard copies were available at the Department offices and the 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. While a lead agency has no affirmative duty to formally respond to

comments under the CEQA Guidelines as part of the preparation of a MND, Department staff responded to all comments received during the review period. Comments and responses are summarized below. County Counsel also reviewed the document and their one comment has been incorporated.

Comments Received: Three comments were received with concerns and questions for clarification on cultural resources and storm water flows. One comment was a standardized letter from the Native American Heritage Commission and two comments were from CA State Parks. No new significant effects were identified and no new mitigation measures were identified to address previously identified significant impacts. Therefore, no changes to the IS/MND were needed in response to the comments received. These comments and Department staff responses are summarized below.

Comment #1 - Native American Heritage Commission: A standard letter was sent outlining the process to ensure that cultural and historical resources are not affected by the proposed Project. Recommended actions are advised.

Response: A thorough cultural and historic resource records search, site survey and subsequent analysis were performed by trained professionals for this Project. No cultural or historical resources are known to exist within the Project area.

Comment #2 - CA State Parks: Please clarify whether CA State Parks property is being considered to be the recipient of surface water discharge from this Project.

Response: Runoff currently flows from the subdivision and the mountain side toward CA State Parks property. The intent of the proposed Project is to implement erosion control and treatment measures to detain storm water and allow for infiltration, prior to it flowing down to CA State Parks property; thereby lessening storm water flows and cleaning runoff through treatment prior to it entering CA State Parks property. Therefore, the proposed Project will reduce storm water surface flows to CA State Parks Property.

Comment #3 - CA State Parks: If CA State Parks is being considered as the recipient for the surface water runoff of the proposed Project, CA State Parks requests additional information regarding Project details, drawings, or plans to be included in the MND to provide adequate information for us to properly evaluate the Project and potential impacts to State Park property.

Response: Please see comment above for clarification on storm water runoff. EDOT is more than happy to discuss the Project in more detail with CA State Parks to demonstrate how storm water runoff to CA State Parks property will be reduced from existing storm water surface flows by the implementation of the proposed Project.

Action to be taken by the Department following Board approval:

- 1) The Director of Transportation or his designee will sign the Notice of Determination;
- 2) The Department will record the Notice of Determination with the County Recorder/Clerk and the State Clearinghouse and pay the appropriate California Department of Fish and Game fees;
- 3) The Department will submit a certified copy of the filed Notice of Determination to the California Tahoe Conservancy, the Lahontan Regional Water Quality Control Board, and the Tahoe Regional Planning Agency; and
- 4) The Department will begin the right-of-way acquisition process for ordering title reports and appraisals for 033-020-12 (Lampson), 033-332-18 (Heinzerling) & 033-322-16 (Skipworth).

Contact:

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Director of Transportation

Concurrences: County Counsel