



Legislation Text

File #: 09-1290, **Version:** 1

Transportation Department recommending the Board take the following actions pertaining to the Rubicon 5 Erosion Control Project (JN 95178):

- 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 Rubicon 5 Erosion Control Project as described in the California Environmental Quality Act (CEQA/ MND) Document; and
- 4) Authorize the Director of Transportation or his designee to sign the Notice of Determination.

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

Fiscal Impact/Change to Net County Cost:

The Department has secured \$209,623 from the United States Forest Service (USFS) Lake Tahoe Basin Management Unit - Erosion Control Grant Program, \$295,000 from the California Tahoe Conservancy (CTC) and \$50,000 from the Tahoe Regional Planning Agency (TRPA) Water Quality (WQ) Mitigation Funds in Planning and Design funding. Also, the Department has secured \$460,000 in construction money from the USFS Erosion Control Grant Program.

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 Rubicon 5 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 Project area is located on the west shore of Lake Tahoe. More specifically, the area includes Rubicon Drive which is a loop street bounded by Lake Tahoe to the east, State Route 89 to the west, and Lonely Gulch to the north. (See Figure A within the CEQA/MND document for further detail).

Purpose of Project: The Rubicon 5 Erosion Control Project is identified in the Tahoe Regional

Planning Agency's Environmental Improvement Program for the Lake Tahoe Region (EIP #713) 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 on the west shore of Lake Tahoe (Figure A). The overall goal of the Proposed Project is to design and implement erosion control and water quality improvement measures that will reduce the discharge of sediment and pollutants to Lake Tahoe from County administered rights of way in the Rubicon Estates area. The Proposed Project will not change the use of the site or surrounding area. The Proposed Project will provide benefits to the natural environment through the improvements proposed as part of the Project. After Project completion, less sediment will enter Lake Tahoe from the Project area, thereby improving water quality in Lake Tahoe. Some, but not all, of the proposed improvements include: sub-surface detention facilities, bio-retention basins, drop inlets 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 August of 2010 (construction funding has already been secured) and would require approximately two (2) 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 December 30, 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 and hard copies were available at the Department office 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. County Counsel also reviewed the document and had no comments on the document.

Comments Received: During the 30 day public comment period, no comments were received.

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; and
- 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.

Contact:
James W. Ware, P.E.
Director of Transportation

Concurrences: County Counsel