

F4 OTHER COMMENTS RECEIVED DURING THE PUBLIC REVIEW PERIOD

Feedback on the Draft Program EIR was received from the following agencies and organization, whose comments are presented in the order shown below:

- U.S. Department of Agriculture Forest Service, Lake Tahoe Basin Management Unit (LTBMU)
- California Department of Parks and Recreation, Sierra District (State Parks)
- California Regional Water Quality Control Board, Lahontan Region (Lahontan RWQCB)
- Tahoe Regional Planning Agency (TRPA)
- City of South Lake Tahoe Community Development Department (SLT)
- Lake Tahoe Bicycle Coalition

Comments and Responses on the Draft Program EIR

Comment: Terri Marceron, U.S. Department of Agriculture Forest Service, Lake Tahoe Basin Management Unit



United States
Department of
Agriculture

Forest
Service

Lake Tahoe Basin Management
Unit

35 College Drive
South Lake Tahoe, CA 96150
(530) 543-2600

File Code: 1900

Date: July 20, 2007

Jody L. Brown
Branch Chief, Environmental Services
Tahoe Team, Caltrans, Sacramento
2800 Gateway Oaks Dr
Sacramento, CA 95833

Dear Ms. Brown:

The Forest Service has reviewed the Draft Program Environmental Impact Report (Draft Program EIR) for the proposed water quality improvement projects along State Route 89 and U.S. Highway 50 in El Dorado County, California. It is our understanding that the purpose of this Program EIR is to implement requirements of your National Pollution Discharge Elimination System (NPDES) permit. The following are our comments on this document:

- 1 • Section 2.3.1 “California Environmental Quality Act and National Environmental Policy Act”: The statement “If federal approval or involvement is necessary (such as federal funding allocated through the Federal Highway Administration [FHWA]), the segments may require environmental review consistent with the National Environmental Policy Act (NEPA)...” should be clarified to reflect that any project that affects National Forest System lands must meet NEPA regardless of the funding source.
- 2 • Section 2.3.2 Permits and Approvals: The Forest Service does not issue encroachment permits. Depending on the situation, an easement and/or Special Use Permit may be required.
- 3 • Section 3.1.2 Regulatory Setting: While Forest Service recreation facilities are briefly mentioned in section 3.1.1.7, there is no discussion of the Federal Regulatory Setting relating to land use and planning. The Forest Service manages a vast array of recreational facilities and activities on National Forest System lands along State Highway 89 from the City of South Lake Tahoe to Emerald Bay. The management of this area is guided by the Lake Tahoe Basin Management Unit, Land and Resource Management Plan (LRMP). The EIR should include direction from the LRMP in the Regulatory Setting.
- 4 • Section 3.3.2 Regulatory Setting: There is no mention of the LTBMU Land and Resource Management Plan’s visual quality objectives that apply to any activities on National Forest System lands.
- 5 • Section 3.6 Cultural Resources: There is no mention of the National Historic Preservation Act, Section 106 compliance for any activity on National Forest System lands.

The Forest Service is dedicated to working with Caltrans on this draft Program E.I.R. Highway 89 from the South Lake Tahoe City limits to Meeks Bay Resort is one of our major developed



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Comments and Responses on the Draft Program EIR

Jody Brown, Caltrans

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recreation areas. We look forward to working with Caltrans on your project level compliance. If you have any questions, please call Anjanette Hoefer at (530) 543-2822.

Sincerely,



TERRI MARCERON
Forest Supervisor

cc: Mike LeFevre, Robert M Rodman Jr, Anjanette Hoefer, John Maher

Responses: Terri Marceron, U.S. Department of Agriculture Forest Service, Lake Tahoe Basin Management Unit

LTBMU-1

The text of Section 2.3.1 has been revised as suggested.

LTMBU-2

The text of Section 2.3.2 has been revised as suggested.

LTMBU-3

A new Section 3.1.2.1 has been added to the Final Program EIR to include the recommended text.

LTMBU-4

Sections 3.3.2 and 3.3.3 of the Final Program EIR have been revised to include the visual quality objectives of the LBTMU *Land and Resource Management Plan* (Forest Service 1988).

LTMBU-5

The text of Section 3.6.2 has been revised to include Section 106 of the National Historic Preservation Act. Caltrans complies with Section 106 requirements in accordance with its Programmatic Agreement with FHWA, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation.

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Comments and Responses on the Draft Program EIR

Comment: Ken Anderson, California Department of Parks and Recreation, Sierra District



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

July 24, 2007

Christopher Carlton
Department of Transportation, District 3
2800 Gateway Oaks Drive
Sacramento, CA 95833

Subject: El Dorado 50 and 89 Water Quality Improvement Projects
SCH#: 2006102021

Dear Christopher Carlton:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 23, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Comments and Responses on the Draft Program EIR

Document Details Report
State Clearinghouse Data Base

SCH# 2006102021
Project Title El Dorado 50 and 89 Water Quality Improvement Projects
Lead Agency Caltrans #3

Type EIR Draft EIR
Description The project would implement water quality improvement measures along segments of U.S. Highway 50 and State Route 89 in El Dorado County to comply with National Pollutant Discharge Elimination System permit requirements and implement elements of the Lake Tahoe Basin Environmental Improvement Program.

Lead Agency Contact

Name Christopher Carlton
Agency Department of Transportation, District 3
Phone (916) 274-5863 **Fax**
email
Address 2800 Gateway Oaks Drive
City Sacramento **State** CA **Zip** 95833

Project Location

County El Dorado
City South Lake Tahoe
Region
Cross Streets On U.S. Hwy 50 between Old Meyers Rd. & Nevada Stateline & SR 89 between Alpine&Placer Co.
Parcel No. lines
Township

Range	Section	Base
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Proximity to:

Highways SR 89 and US 50
Airports South Lake Tahoe
Railways
Waterways Upper Truckee River, Grass Lake/Creek, various creeks and drainages
Schools Lake Tahoe and Truckee District
Land Use Existing state highway right-of-way

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 2; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3; Department of Health Services; State Water Resources Control Board, Clean Water Program; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Department of Toxic Substances Control; Native American Heritage Commission; Tahoe Regional Planning Agency

Date Received 06/07/2007 **Start of Review** 06/07/2007 **End of Review** 07/23/2007

Note: Blanks in data fields result from insufficient information provided by lead agency.

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Comments and Responses on the Draft Program EIR

07/16/2007 06:33 5305253380 SIERRA DISTRICT HQ PAGE 01



State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION

Ruth Coleman, Director

Sierra District
PO Box 266
Tahoma, CA 96142

July 16, 2007

Jody Brown, Environmental Branch Chief
Caltrans
2800 Gateway Oaks Drive
Sacramento, CA 95833
Attention: Christopher Carlton

RECEIVED
JUL 16 2007
STATE CLEARING HOUSE

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7/23/07
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Re: Program DEIR - El Dorado 50 and 89 Water Quality Improvement Projects
Comments from California State Parks - Sierra District - scd - 200610202

The Sierra District has reviewed the Draft Program Environmental Impact Report (DEIR) for the proposed El Dorado 50 and 89 Water Quality Improvement Projects and offers the following comments.

We are encouraged to see Caltrans participating in the efforts to protect Lake Tahoe water quality by minimizing transportation impacts on basin's state highways. This project should greatly assist those efforts.

1 We note from a review of the document that many, if not most, of the proposed facilities planned along Highway 50 and 89 are located on California State Park property. Specifically, facilities may be constructed on Washoe Meadows State Park, Emerald Bay State Park, DL Bliss State Park, and Sugar Pine Point State Park. This places most of the project's impacts on State Park property. However, our department is not mentioned among the agencies requiring mitigation for the project impacts. In addition to DFG, Lahontan RQCB, USFS and TRPA mitigation requirements, California State Parks will also require specific mitigation for the project impacts.

In order to develop those mitigation measures it would greatly assist our efforts if Caltrans would specifically detail the number of facilities proposed for State Park properties with the related impacted square footage for each site and a total area of impact expected from the thirty or more sites proposed on our parks. This could occur in this document or in subsequent project specific documents.

2 Since this is a program DEIR that states further environmental documents will be written for the project - we request the DEIR specifically state what types of documents will be written in the future.

Comments and Responses on the Draft Program EIR

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SIERRA DISTRICT HQ

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California State Parks Comments

DEIR - Highways 50/89 Water Quality Improvements

- 2, Cont. [If Categorical Exemptions are planned, then all the required mitigation by California State Parks will need to be incorporated into this document.
- 3 [Recent events, where Caltrans chose not to include mitigation measures proposed by local and state agencies on the Highway 28 Water Quality Improvement Project, necessitates our department require a Mitigation Plan be jointly developed and signed by both of our departments and included in the final environmental documents prior to implementation of the Highway 50/89 Water Quality Improvement Project on State Park property. Without such a jointly approved Mitigation Plan California State Parks can not permit the facilities proposed in this DEIR on State Park property.
- It is our understanding the proposed project stops at the El Dorado/Placer County line in Tahoma. Therefore, we will restrict our comments to facilities proposed in El Dorado County.
- 4 [A general premise throughout the document is that by implementing selected mitigation measures the impacts of the proposed facilities on state park properties will be fully mitigated. We do not agree with this premise. It is not possible to fully mitigate the loss of land and natural resources where a sediment basin is constructed or highway footprint expanded through the widening of shoulders or paving of turnouts. Therefore, for the facilities proposed on state park properties, in addition to the suggested mitigations in the document, we will also require off site mitigation.
- Given that approximately 31 structures are proposed on State Park property, affecting thousands of square feet of park properties, off-site mitigation may be substantial. We recommend, as part of the off-site mitigation, Caltrans construct a vegetative berm and water catchment facility in front of Tahoe State Recreation Area for the loss of visual quality and recreation opportunity we expect on park properties.
- Specific Comments:**
- 5 [Page S-2 - Visual Resources
Tree removal and planting is discussed - We will require prior approval for cutting of any state park trees and approval of the species list for planting. The visual impacts of this project will also require off-site mitigation as the facilities will be visible for years to come.
- 6 [Page S-5 - Mitigation Measures
We agree with the mitigation measures. However, state park natural resources will be lost in perpetuity in those locations where the 31 water quality facilities will be constructed. Therefore, off-site mitigation will be required.
- 7 [Page S-8 - Visual Impacts - S.4.2
The discussion does not address the visual impact of the structures themselves which can not be fully mitigated. This will require off-site mitigation.

Comments and Responses on the Draft Program EIR

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SIERRA DISTRICT HQ

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Page 3
California State Parks Comments
DEIR - Highways 50/89 Water Quality Improvements

- 8 Page S-10 - Required Approvals and Permits
In addition to the listed encroachment permit State Parks will require a jointly approved Mitigation Plan for all the facilities proposed on state park properties prior to any project construction on state park property.
- 9 Page 1-2 - Segments 1 and 2
It is not clear if facilities are proposed on state park properties along these segments in front of the Lake Tahoe Golf Course. Could you clarify this for us please?
- 10 Page 2-2 - Design, Right-of-Way Acquisition, and Construction
We require prior approval of removal of any trees on State Park property. Also, prior to issuing an Encroachment Permit we will require a jointly signed Mitigation Plan. To develop these documents we need to know exactly how many structures are planned on State Park property, design drawings of each one, and the total impacted square footage of each facility.
- 11 Page 2-4 - Utilities
Utilities may not be relocated further onto State Park property. If required, every single impact of the utility relocation needs to be disclosed in this DEIR and fully mitigated.
- 12 Page 2-5 - Permits and Approvals
In addition to the listed encroachment permit State Parks will require a jointly approved Mitigation Plan for all the facilities proposed on state park properties prior to any project construction on state park property.
- 13 Page 3.1-11 - Parks and Recreation
It is our understanding the project stops at the El Dorado County line and does not proceed into Placer County. This section lists the Lake Valley State Recreation Area so we assume facilities are proposed on the Lake Tahoe Golf Course. Be aware a bike path project (El Dorado County lead) and a utility line (SW Gas lead) are also proposed in this vicinity.
- 14 Page 3.1-14 - Parks and Recreation
California State Parks has its own goals and objectives that differ from the TRPA thresholds. As our Mission states "The mission of the California Department of Parks and Recreation is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation."

California State Parks is a steward to some of the most pristine ecosystems in the world. With the role of stewardship is the responsibility to preserve and protect these natural treasures in their most preferred states. Highway water quality treatment facilities encroach on our natural resources and do not enhance recreation. Therefore they are contrary to our mission and our goals. However, we are willing to participate

Comments and Responses on the Draft Program EIR

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SIERRA DISTRICT HQ

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Page 4
California State Parks Comments
DEIR - Highways 50/89 Water Quality Improvements

14, Cont. with the project as long as the onsite and off-site mitigation measures are agreed to through a jointly signed Mitigation Plan.

15 Page 3.1-15 - Impacts
The Impacts section fails to discuss the resources that will be lost forever where the proposed water quality treatment facilities will be constructed. With over thirty structures proposed on State Park property their will be a substantial loss of resources forever. In addition to on-site mitigation this will require off site mitigation.

Our proposed off-site mitigation is for Caltrans to build a vegetated berm in front of the Tahoe State Recreation Area to prevent direct sheet flow water and road sand from dumping onto the park and screening the campsites that lie less than fifty feet from the highway. This berm should be constructed in close coordination and cooperation with the Tahoe City PUD, the California Tahoe Conservancy and California State Parks.

16 Page 3.1-22 - Recreational Land use
The document fails to acknowledge that where the facilities are constructed there will be a total and permanent loss of recreational land use. This will require off-site mitigation.

17 Page 3.2-11 - Permit Requirements
The project will require from California State Parks an Encroachment Permit or easement. In addition a jointly approved Mitigation Plan will be required prior to commencement of the project on State Park property.

18 Page 3.2-15 - Construction Impacts
State Parks requests no staging of equipment and materials related to the project on State Park property.

19 Page 3.3-1 - Evaluation of Visual Quality
The discussion under this section does not acknowledge that there will be a total and permanent loss of visual quality in the locations where the water quality facilities will be constructed.

20 Page 3.3-2.5 - Widen Shoulders
Widening of the highway shoulders (and paving turnouts) will result in a total permanent loss of natural forest ground and push the dirt shoulders further onto State Park property. These impacts need to be evaluated. The total loss of natural forest ground along the road will require off-site mitigation.

21 Page 3.3-29 - General Design Recommendations
We are encouraged by the number of thoughtful mitigation measures proposed. Please add the following:

- A jointly signed Mitigation Plan will be developed for the facilities proposed on State Park property prior to any work commencing on park property.

Comments and Responses on the Draft Program EIR

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SIERRA DISTRICT HQ

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California State Parks Comments
DEIR - Highways 50/89 Water Quality Improvements

21,
Cont.

- The plant list for revegetation on State Park property will require prior approval by State Parks prior to any revegetation on park property.
- No stockpiling of material or staging of equipment will take place on State Park property.
- Leaving any existing narrow vegetative buffer strips will apply not just to commercial and residential property but also to State Park property.
- Any State Park signs impacted by the project will be replaced to the satisfaction of State Parks.

In addition, full and complete disclosure of impacts and the mitigation of those impacts from moving the bike trail must be analyzed in this document.

22

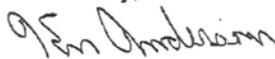
Page 3.7-7 Impacts Due to Proposed Paving of Pullout Areas
Please indicate on the maps where the pullout areas to be paved are located.

23

Appendix C - CEQA Checklist
We disagree with the choice of checked boxes for Aesthetics. Aesthetics B and C should be checked Potentially Significant. The proposed structures, despite the proposed mitigation measures, will substantially degrade the views and visual character of the state parks.

Thank you for allowing us to comment on this DEIR for Highways 50/89 Water Quality Improvements. We look forward to working with you in the development of a Joint Mitigation Plan, including off-site mitigation for the facilities proposed on State Park property. If you have any questions please feel free to call me at 530.525.9535 or email at kande@parks.ca.gov.

Sincerely,



Ken Anderson, District Services Manager
Sierra District, California State Parks

Responses: Ken Anderson, California Department of Parks and Recreation, Sierra District

State Parks-1

The facilities, primarily the infiltration basins, identified in the Program EIR are preliminary, and their locations and design will be refined as the design of each segment advances. Effort has been made to design the Program to have minimal impact to existing sensitive resources and land uses. Caltrans will detail the number of facilities proposed for State Park properties and the affected square footage in subsequent project-specific documents. The preliminary plans show approximately 31 basins that are adjacent to the existing Caltrans right-of-way and that would

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Comments and Responses on the Draft Program EIR

encroach into State Park boundaries. Construction of the basins and other facilities would require land acquisition or easements from State Parks. As for any landowner from whom property would need to be acquired, State Parks would be compensated for the value of the land, which would be determined during the right-of-way phase for the Program. In addition, as stated in Section 2.3.2, Caltrans would need to obtain an encroachment permit from State Parks.

Although State Parks land would be acquired, no developed State Park facilities would be affected by any proposed basins. Impacts would be limited to undeveloped lands adjacent to the highway. No campgrounds, structures, roads, or other existing facilities would be affected, except for right-of-way fencing. In general, the proposed elements of this Program will all be located within Caltrans right-of-way or on acquired, directly adjacent lands. Developed State Park facilities such as campgrounds and recreational facilities are generally set back from the highway. This Program would not relocate any travel lanes closer to any State Park facilities. Installation of infiltration basins will require removal of vegetation, including some trees, but impacts will be minimized during further development of the design for each project segment. Vegetation affected during construction will be replaced wherever feasible once the infiltration basins and drainage facilities are in place. Where vegetation replacement might be incompatible with the new drainage facilities, planting or enhancement of adjacent or nearby areas will be proposed as part of the Program.

State Parks-2

The Program EIR does not identify the types of environmental documents or approvals potentially required, as that will be determined for each segment based on the types and magnitudes of potential impacts and whether they can be avoided. For purposes of CEQA, Categorical Exemptions would be prepared where the project segments meet the definition of a Categorical Exemption and all significant impacts are avoided by the Program (without mitigation). If Categorical Exemptions are not appropriate, Initial Studies/Negative Declarations will be prepared. None of the segments are anticipated to require an EIR at this time. This has been added to new Section 2.3.3.

State Parks-3

Prior to the close of the public review period for the Draft Program EIR, the responsible agency (California State Parks) would be required to provide the Lead Agency (Caltrans) with detailed performance standards for mitigation measures subject to State Parks jurisdiction. The performance standards must be limited to those that mitigate impacts subject to the jurisdiction of the responsible agency (California Public Resources Code Section 21080.6(c)). The responsible agency may be required to prepare a monitoring program for the recommended mitigation measures that are adopted by the lead agency (CEQA Guidelines Section 15097(f)). Moreover, when a project is of statewide, regional, or areawide importance, any transportation information resulting from the monitoring or reporting program must be submitted to the transportation planning agency in the region where the project is located. The need for a joint mitigation plan would be determined at the time each segment is advanced for specific environmental review and would be subject to the conditions stated above.

State Parks-4

The Program EIR describes the potential for adverse or significant impacts from the proposed facilities, but any specific impacts would ultimately be identified at the time each project segment is advanced for further environmental review. Avoidance and minimization of significant impacts will be considered first, but if the impacts cannot be avoided, then mitigation will be considered and identified. Off-site mitigation will be considered if avoidance, minimization, and on-site mitigation are not possible.

The construction of 31 proposed facilities (primarily infiltration basins) on State Park property will require an encroachment permit and compensation for the fair market value of the property. There is a potential that construction of these basins may require removal of vegetation (including trees) or result in changes to the visual setting and drainage patterns. Impacts to specific resources at any of the locations proposed for Program facilities will be determined during final environmental review of each project segment. (Some environmental studies, including field surveys, have been completed and are documented in the Program EIR.) Every effort will be made to avoid impacts to identified sensitive resources and land uses by modifying the shape, size, or location of the proposed drainage facilities. It is anticipated that most, if not all, significant impacts can be avoided or minimized.

In general, the proposed infiltration basins will be allowed to revegetate to an extent that does not interfere with the performance of the basin. Plantings and revegetation will be provided, if appropriate, to screen the perimeter of the basins and/or to replace trees and vegetation removed for Program construction. The basins will be on the edge of the existing State Park lands, where they border the state highways, and are not expected to interfere with active recreational use of the State Park facilities.

State Parks-5

Caltrans will coordinate with State Parks concerning any tree removal and planting on State Parks property. As described in previous responses, Caltrans will minimize tree removal and loss of visual resources. Replacement planting will be provided for the trees that need to be removed. Visual impacts of Program facilities are discussed in Section 3.3.3. Visual impacts will also be evaluated and specific avoidance, minimization, and mitigation measures identified when each project segment is advanced for further design and environmental review.

State Parks-6

See the Response to Comment State Parks-4.

State Parks-7

Visual impacts of Program facilities are described in Section 3.3.3 of the Program EIR. More specific environmental review, including visual resources assessments, will be completed for each project segment. Off-site mitigation will be considered if avoidance, minimization, and on-site mitigation are not possible.

Representative views of typical drainage basin facilities have been added to the Final Program EIR as Figures 3.3-3G, 3.3-3H, 3.3-3I, and 3.3-3J.

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Comments and Responses on the Draft Program EIR

Caltrans roadway and drainage facilities will incorporate design elements or improvements that do not degrade current views. Scenic values will be enhanced to the extent possible given the scope of work. Infiltration basins and swales will be designed to blend with existing terrain, and sand vaults and traps will be minimally visible.

State Parks-8

Encroachment permits, land acquisition, and/or easements would have to be obtained and agreed upon between State Parks and Caltrans for construction of Program facilities on park lands. All specific mitigation, minimization, and avoidance measures will be defined and developed as required during each project's environmental approval process.

State Parks-9

The Lake Tahoe Golf Course is adjacent to US 50 Segment 1. No Program features are proposed within the golf course, and no significant impacts to the golf course are anticipated. Specific impacts, if any, would be determined during the design and environmental review for US 50 Segment 1.

State Parks-10

See the Responses to Comment State Parks-5 and State Parks-8.

State Parks-11

All utility locations in the immediate vicinity of construction will be determined during the final design for each project segment. Major relocations of utilities are not anticipated.

State Parks-12

See the Response to Comment State Parks-8.

State Parks-13

The Lake Valley State Recreation Area and Lake Tahoe Golf Course are identified in Section 3.1.1.7 as part of the description of the Program's environmental setting. No impacts to the recreation area or golf course are identified in the Program EIR. Also see the Response to Comment State Parks-9.

Specific impacts, if any, to the proposed bicycle path and utility line would be determined during the environmental review of each project segment.

State Parks-14

See the Response to Comment State Parks-8.

State Parks-15

See the Responses to Comments State Parks-4 and State Parks -5.

State Parks-16

As stated in the Response to Comment State Parks-4, the proposed facilities would be located adjacent to US 50 and SR 89 on lands not typically used for active recreation.

State Parks-17

Caltrans will obtain an encroachment permit or easement from State Parks. See Response to Comment State Parks-8 in regard to the need for a mitigation plan.

State Parks-18

Caltrans will work with property owners to determine the best locations for staging of Program equipment and materials during the design of individual segments.

State Parks-19

See the Response to Comment State Parks-7. Section 3.3.4 describes several measures that will avoid, minimize, or mitigate the visual impacts of Program facilities. There will not be a total and permanent loss of visual quality at the basin locations. Vegetation will have to be removed to construct the facilities, and trees that cannot be avoided will be removed. However, the excavated and shaped basins will be allowed to revegetate to an extent that does not interfere with the basins' function.

State Parks-20

The paving of existing roadside turnouts will improve water quality by minimizing further erosion. These existing turnouts are hardpacked earth along the edge of the constructed highways and are not considered natural forest ground. The edges of the roadway shoulders where new turnouts and pullouts would be constructed will be identified and described in the environmental documents for the individual project segments.

State Parks-21

Text has been added to the end of Section 3.3.4 to include the measures requested.

Regarding the comment on disclosure of impacts and mitigation from moving the bike trail, any potential changes to bicycle trails resulting from the proposed Program would be evaluated during the environmental review and design of individual segments.

State Parks-22

Areas where roadside pullouts and maintenance areas will be paved as part of the Program will be defined by project segment. Maps in the environmental documents for each segment will illustrate these and other Program features.

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Comments and Responses on the Draft Program EIR

State Parks-23

It is anticipated that visual impacts from the Program can be avoided or mitigated to levels that are less than significant, and therefore the CEQA checklist (Appendix C) was not changed. The environmental documents for the each project segment will address segment-specific impacts.

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Comments and Responses on the Draft Program EIR

Comment: Robert Erlich, California Regional Water Quality Control Board, Lahontan Region



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

July 27, 2007

Christopher Carlton
Department of Transportation, District 3
2800 Gateway Oaks Drive
Sacramento, CA 95833

Subject: El Dorado 50 and 89 Water Quality Improvement Projects
SCH#: 2006102021

Dear Christopher Carlton:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 23, 2007. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2006102021) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Comments and Responses on the Draft Program EIR



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
Lahontan Region

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(530) 542-5400 • Fax (530) 544-2271
<http://www.waterboards.ca.gov/lahontan>



Arnold Schwarzenegger
Governor

MEMORANDUM

TO: State Clearinghouse
Office of Planning and Research,
1400 Tenth Street P.O. Box 3044
Sacramento, CA 95667

FROM: Robert Erlich *Robert*
Environmental Scientist
North Basins Regulatory Unit

DATE: JUL 23 2007

SUBJECT: INITIAL COMMENTS REGARDING THE DRAFT PROGRAM
ENVIRONMENTAL IMPACT REPORT U.S. HIGHWAY 50 AND STATE ROUTE 89
WATER QUALITY IMPROVEMENT PROJECTS, EL DORADO COUNTY -
CLEARINGHOUSE NO. 2006102021



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The staff of the California Regional Water Quality Control Board, Lahontan Region (Water Board) has reviewed the Draft Program Environmental Impact Report (Draft Program EIR) for U.S. Highway (Hwy) 50 And State Route (SR) 89 Water Quality Improvement Projects, El Dorado County (Project) prepared pursuant to the California Environmental Quality Act (CEQA). Thank you for the opportunity to comment upon the Draft Program EIR.

PROJECT DESCRIPTION

The Project involves eight proposed Caltrans water quality improvement projects along segments of Hwy 50 and SR 89 in El Dorado County. These projects comprise water quality improvements for the entire length of SR 89 within the El Dorado County, and for more than half of Hwy 50 within the Tahoe Basin Hydrologic Unit in El Dorado County. The Draft Program EIR addresses the impacts of proposed stormwater control and treatment measures, but acknowledges that separate project level environmental documents will be completed to address more specific project elements, impacts and mitigations for each segment.

GENERAL COMMENTS

1

1. Only one program alternative. Other viable program alternatives should be evaluated. Though the preferred alternative would improve water quality, it may not comply with NPDES permit requirements, including numerical effluent limits

California Environmental Protection Agency



Comments and Responses on the Draft Program EIR

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Cont.

for stormwater discharges. If the Caltrans program does not provide adequate water quality improvement, Caltrans will violate NPDES permit requirements, requiring additional Caltrans water quality improvement projects, with new impacts on traffic, etc. Alternatives employing a wider range of BMPs and BAT (Best Available Technology) should be evaluated in the Draft Program EIR.

2

If new technology or treatment BMPs used elsewhere, but not approved by Caltrans, provide more water quality benefits, Caltrans should consider their use in scoping, designing, and evaluating environmental impacts of the individual projects. Caltrans should not use the Program EIR to exclude consideration of BAT technologies not mentioned in the Program EIR. The Draft Program EIR should specify that other alternatives that provide additional water quality benefits would be evaluated for the individual project environmental documents.

3

Additional alternatives to consider:

- a. An alternative which installs additional control and treatment Best Management Practices (BMPs) to provide additional water quality treatment. This alternative could include pilot treatment BMPs or other approved BMPs in locations where Caltrans Project Planning and Design Guide siting requirements currently restrict their use.
- b. Program alternatives which consider maintenance needs and costs. Caltrans may select treatment BMPs with minimal maintenance requirements, but which may not be as effective as treatment BMPs requiring more maintenance. With the program's large investment in treatment BMPs, one program alternative could evaluate program performance and impacts with don't require a large increase in maintenance. Another alternative could evaluate the performance and impacts of a program with more effective treatment BMPs which would require significantly more maintenance. The Caltrans Tahoe EIP program has been successful in securing funding for capital improvements, but it is not known whether there is a commitment for sufficient long-term funding for maintenance.
- c. Alternatives that would focus water quality improvements at locations with the greatest opportunity to reduce pollutant loading to Tahoe and tributaries. This alternative could use innovative pilots, etc. We support the concept that it is not feasible and warranted to construct expensive treatment BMPs for those sections of highway which have low potential to deliver pollutants to Lake Tahoe. However, a feasible alternative would add additional water quality treatment (using a series of treatment BMPs, pilots or other technologies not currently approved by Caltrans) at those locations which discharge large pollutant loads to surface waters.
- d. An alternative that would provide more water quality treatment by using other BAT measures. Innovative permanent treatment BMPs used by other agencies either in or outside of California have not been considered.

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In addition to structural treatment BMPs, this alternative could consider snow removal and de-icing practices used elsewhere to de-ice bridge decks or melt snow from pavement. Non-structural BMPs could reduce the Caltrans pollutant load by reducing the amount of deicers and abrasives used by Caltrans.

4

2. Other Areas of Potential Controversy or Known Controversy:

a. Caltrans has limited the program to only use Caltrans-approved BMPs. If program doesn't meet requirements in the Caltrans permit or the Water Quality Management Plan for the Lahontan Region (Basin Plan), additional projects, with additional impacts will be needed.

5

b. Vector Control Issues. Treatment BMPs that retain stagnant water during the summer months can provide habitat for development of adult mosquitoes which can carry diseases. Caltrans has and will continue to coordinate with Department of Health Services in design of treatment BMPs to minimize this risk, and could describe work with other local environmental management agencies to minimize risks associated with installed BMPs

6

c. Inadequate funding for maintenance or selection of BMPs based on the assumption that large increases in maintenance funding are not feasible. (See 1.b)

COMMENTS ON SPECIFIC ELEMENTS OF DRAFT PROGRAM EIR

SUMMARY

Table S-1 Summary of Impacts and Avoidance, Minimization, and Mitigation

7

Land Use and Community Impacts – Needs discussion of traffic impacts after construction for maintenance of installed improvements. Caltrans may be able to mitigate in some areas by creating maintenance turnouts.

8

Water Quality- Widening shoulders and expansion of cut slopes are proposed and may increase quantity of runoff. Exposure of, or excavation into, saturated soils increases the potential to discharge sediment. The avoidance column only mentions temporary construction BMPs for streambed protection. Other temporary BMPs should be mentioned, including BMPs needed for dewatering or diversion.

9

Wetlands and Natural Environment - Potential impacts to jurisdictional wetlands are limited to 10 acres, and potential impacts to other waters are limited to 1 acre. Potential impacts to Stream Environment Zones are limited to 20 acres. These numbers should be increased, in order to not preclude additional wetland impacts, if needed for water quality improvements. Impacts may be needed for improvements other than basins and

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9, Cont. pullout areas. The Draft Program EIR should allow for impacts for a wider range of improvements, including pilot treatment BMPs.

10 Geology – Only mentions retention basins. Other improvements such as large vaults, cut slopes, fill slopes, brow ditches, may also have geological impacts.

11 S.4.3 Wetland Impacts Some wetland impacts could be avoided if Caltrans uses pilot treatment BMPs or BAT technology used elsewhere, but not approved by Caltrans.

12 S.4.4 Natural Environment Impacts Mitigation for impacts to SEZs should consider Water Board, as well as TRPA policy.

SECTION ONE

13 Section 1.4.3 NPDES Requirements discusses Water Board requirements in the context of the Statewide Caltrans Permit (99-06-DWQ). This section should also mention the need to comply with requirements in the Tahoe Construction NPDES General Permit (Board Order No. R6T-2005-0007) or Waste Discharge Requirements for Construction of Small Projects Lake Tahoe Basin (Board Order No. 6-91-31) for projects less than one acre in size.

SECTION TWO

14 Section 2.1 Proposed Program does not mention new cut or fill slopes, and mentions retaining walls as the only improvement used to facilitate shoulder widening. Sheet flow should be used where feasible, not just where longitudinal basins are proposed or in SEZs. Maps of proposed study areas in Appendix A should include the potential sheet flow spreading areas on public lands, and possibly on some private lands.

15 Section should refer to the 2005, or most current version, of the Storm Water Quality Handbooks: Project Planning and Design Guide, not the 2003 version. The current version has several additional approved BMPs.

The proposed improvements listed on page 2-1 do not include all the approved treatment BMPs in the 2005 Project Planning and Design Guide. The proposed improvement list should also refer to stormwater pilots, such as media filters used successfully on the Hwy 50 Airport project.

SECTION THREE

16 Section 3.2.1.3 Water Quality-Surface Water Resources
 Discussion of impacts to 303(d) listed waters should mention Lake Tahoe as impaired by sediment and nutrients. Several highway sections discharge to Lake Tahoe, and road sand and highway runoff is recognized to be a source of pollutants, including

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- 16, Cont. [nitrogen and phosphorus, to Lake Tahoe. Caltrans is the largest user of road sand on the California side of the Tahoe Basin.
- 17 [Table 3.2-1 Beneficial Uses of Water
Eliminate reference to Willow Creek in the Herlong HA.
- 18 [Section 3.2.2.2 Regulatory Setting – State
Refer to Non-Degradation objective. Update reference to Lake Tahoe Hydrologic Unit General Construction Permit (now Board Order No. R6T-2005-0007), and add reference to Board Order No. 6-91-31. (See Section 1.4.3 above.)
- 19 [Section 3.5.4.6 Minimization and Mitigation Measures for Water Quality Impacts- Dewatering Activities
Differentiate between impacts from clear water diversions and impacts from dewatering in excavations. Clear water diversions or dewatering may not require disposal to a temporary sediment-settling basin. Discuss other temporary BMPs.
- 20 [Section 3.10.3.1 Erosion and Landslide Hazard-Groundwater Seepage
Field investigations noted that groundwater should not be a concern for widening of roadway shoulders, since seepage from groundwater drainage was not observed in the existing cut or fill slopes. Groundwater seepage does occur seasonally at existing roads cuts, and additional groundwater seepage, which could mobilize fine sediment, should be expected. As observed on SR 89 at Emerald Bay, diurnal and seasonal variations in flow in roadside ditches can carry sediment to surface waters.
- 21 [Appendix B – Initial Screening and Development of Water Quality Improvements
Field reviews were done in 2003. Caltrans is now considering other locations for BMPs, including spreading into public parcels which may contain wetlands or SEZs. If possible, update the Draft Program EIR to identify other locations for treatment BMPs.
- 22 [Appendix C – CEQA Checklist
Biological Resources - Potential significant impacts to wetlands and riparian communities are identified, but not mentioned in mandatory findings of significance.
- 23 [Hydrology and Water Quality – Project, during and after construction, may violate water quality standards if effective treatment BMPs are not installed and maintained.

If you have any questions or comments regarding this matter, please contact me at (530) 542-5433.

CC: e-mail - christopher_carlton@dot.ca.gov (July 20, 2007)

RE/didT: Caltrans 50, 89 Draft Program EIR comments.doc
[File: Caltrans District 3 Construction – El Dorado County]

Responses: Robert Erlich, California Regional Water Quality Control Board, Lahontan Region

LRWQCB-1

This is a Program EIR that addresses the environmental impacts from a group of water quality improvement projects to be undertaken along US 50 and SR 89. The individual projects comprising this Program consist of BMPs that will result in overall improvements to water quality, and each will be addressed in more detail in project segment-specific environmental documents. The improvement measures described in the Program EIR are considered practicable and effective based on previous pilot testing and research conducted by Caltrans.

This document describes the overall construction impacts from the Program and how they will be managed. Each project segment will require approval from the Lahontan RWQCB. If the individual projects require consideration of additional types of water quality improvements, Caltrans will revisit the BMPs and best available technologies (BATs) proposed if they are practicable and can provide enhanced water quality benefits.

LRWQCB-2

Caltrans has researched a range of technologies and treatment measures that could be implemented in the Tahoe Basin to comply with the NPDES requirements. Pilot treatment facilities have been constructed along Caltrans highways, including in the Tahoe Basin, and studies are continuing to determine the effectiveness of different BMPs. If these studies identify BMPs that provide greater water quality benefits and can be implemented in the time frame necessary for this Program, they will be considered. Current BMPs approved for the state highway system are identified in the *Storm Water Quality Handbooks: Project Planning and Design Guide* (Caltrans 2007a). New technologies or treatments can be proposed as pilot BMPs by Caltrans District 3, but they must be reviewed and approved by the Storm Water Advisory Teams and Caltrans Headquarter functional units. The purpose of proposing a pilot BMP would be to evaluate it under varying site conditions, but on a limited basis, with further deployment of the technology dependent on the outcome of the pilot program. Therefore, the Final Program EIR has been modified on pages 2-1 and 2-2 to state that the Program is not limited to the improvements listed, but new technologies would have to undergo evaluation consistent with Caltrans planning and design guidelines before being implemented on a wide-scale basis. This process would have to be accomplished within the time frame of the proposed Program in order for the new technologies to be included and constructed in the individual segments.

LRWQCB-3

The Responses to Comments LRWQCB-1 and LRWQCB-2 discuss Caltrans' selection of BMPs for this Program and the use of alternative, nonapproved BMPs (Comments 3a, 3d). The approval and implementation of this Program does not preclude future use of alternative BMPs, BATs, and/or nonstructural BMPs (e.g., de-icing or snow removal). However, nonapproved pilot projects are not considered as feasible alternatives as they cannot be implemented at this time. The specific locations of BMPs (Comment 3c) will be specifically addressed in each project segment's technical documentation. At the Program level, Caltrans has attempted to site BMPs at

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places where they will be effective and where their installation will minimize impacts on vegetation, soils, SEZs, or other sensitive areas.

Comment 3b concerns the selection of BMPs and questions the role of construction costs versus maintenance costs in their selection. Caltrans has researched a range of technologies and treatment measures that could be implemented in the Tahoe Basin to comply with the NPDES requirements. Both construction and long-term maintenance costs are developed by the Caltrans functional units and considered during the project development and selection process.

LRWQCB-4

See the Responses to Comments LRWQCB-1 and LRWQCB -2.

LRWQCB-5

A discussion of vector control has been added to the Final Program EIR in new Section 3.14.

LRWQCB-6

See the Response to Comment LRWQCB-3.

LRWQCB-7

Text was added to Table S-1 (Land Use) and page 2-1 to identify the potential for traffic impacts related to facility maintenance, but also notes that maintenance turnouts will be installed as part of the Program.

LRWQCB-8

Text was added to the Table S-1 (Water Quality) and Section 3.2.4 regarding use of temporary BMPs for dewatering or diversion of storm water flow during construction.

LRWQCB-9

Development of each project segment will emphasize avoidance of impacts to wetlands, other waters of the U.S., and SEZs. The Program EIR includes estimates of areas that could be affected based on preliminary plans. Each segment's environmental document will address the affected areas based on additional development of the project design.

LRWQCB-10

Table S-1 (Geology) was modified to include impacts from cut and fill slopes, brow ditches, and other drainage facilities. Large vaults are not proposed.

LRWQCB-11

Avoidance of wetland impacts will be a high priority when designing the individual project segments. This will include redesign or relocation of proposed treatment facilities to avoid wetlands. See the Response to Comment LRWQCB-2 regarding the use of nonapproved BMPs.

LRWQCB-12

The last sentence of Section S.4.4 was modified as suggested.

LRWQCB-13

Text discussing the requirements of the Tahoe Construction NPDES General Permit and Waste Discharge Requirements was added to Section 1.4.3.

LRWQCB-14

The bullet list in Section 2.1 has been revised to include new cut and fill slopes. The words “where feasible” have been added to the bullet describing sheet flow. The maps do not show sheet flow spreading areas as they were not specifically defined at the Program EIR stage of design.

LRWQCB-15

The text of Section 2.1 has been revised to refer to the May 2007 handbook and to discuss approved and pilot BMPs.

LRWQCB-16

The reference to Lake Tahoe as impaired by sediment and nutrients, and road sand as a recognized pollutant, was added to Section 3.2.1.3.

LRWQCB-17

Table 3.2-1 has been revised as suggested.

LRWQCB-18

References to the General Construction Permit, Board Order, and nondegradation objective were added to Section 3.2.2.2 as suggested.

LRWQCB-19

A sentence was added to the end of the discussion of dewatering activities in Section 3.5.4.6 to differentiate between clear water diversions and dewatering of construction areas.

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LRWQCB-20

The first two sentences of Section 3.10.3.1, “Groundwater Seepage,” have been deleted. The remaining text was revised to include seepage from road cuts.

LRWQCB-21

The locations of facilities in the Draft Program EIR are considered preliminary. They will be updated as the design for each project segment advances.

LRWQCB-22

The CEQA checklist has been revised to identify the biological resource items as “Less than significant impacts with mitigation” because the avoidance, minimization, and mitigation Caltrans would employ would minimize impacts on biological resources. A mandatory finding of significance was therefore not indicated.

LRWQCB-23

Treatment BMPs will be required of the Program and constructed, and the Program cannot be permitted without them. It was therefore assumed that treatment BMPs are an element of the Program and that water quality objectives would be met and maintained.

Comments and Responses on the Draft Program EIR

Comment: Tahoe Regional Planning Agency

TRPA Comments on PEIR

Caltrans DRAFT EIR Review for El Dorado 50 and 89
June 2007

- | | | |
|----|---|--|
| 1 | [| Pg S-1 Delete EIP # 794, it has been retired
Insert EIP #'s 9, 551.2, 608, 708, 749, 795, 809, 822, 874, 993, 995 1012
Add TRPA approval for water quality treatment |
| 2 | [| Pg S-2 S.2; Add bike lanes and scenic to your list of improvements |
| 3 | [| Pg S-6 Add any outstanding noise ordinance issues under the "Noise" section. CNEL noise levels attainment status |
| 4 | [| Pg S-7 S.4.1 Add potential for improving LOS through areas. |
| 5 | [| Pg S-8 S.4.2 Mitigation for all man made structures should incorporate Native rock...
Strike the words "If consistent with maintenance and drainage needs," |
| 6 | [| Pg 1-6 Delete EIP # 794, it has been retired
Insert EIP #'s
Does the language on water quality include the recently adopted BMPs? |
| 7 | [| Pg 2-1 Add install Class II and III bike lanes where feasible
Add correct previous project violations throughout project area.
Add Minimize all driveways |
| 8 | [| Pg 2-3 2.1.3 please make bike lanes are accounted for in the number of parcels needing ROW |
| 9 | [| Pg 3.1-10 Please double check future traffic estimates. Caltrans is indicating a traffic increase in 2008 and TRPA is indicating reductions. |
| 10 | [| Pg 3.1-11 Access/Circulation; Please add discussion how bike lane was converted to shoulder parking through Myers and water quality improvements were deleted and new coverage was added. |
| 11 | [| 3.1.1.7; Please add discussions of other bike lanes. For example, the Pat Low bike lane needs to be restored through portions of Myers. Highway 89 over Luther pass is heavily used by bicyclists. Bike lane on Hwy 50 from Myers to the Wye is needed for heavy bike traffic. |

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12	[Pg 3.1-15 CEQA Considerations; Please change the statement "... all segments along the tow highway affected by the program would be the <u>same as they were prior to construction in terms of flow and access to existing parcels.</u> " Improved bike lanes will provide added access along the highways.
13	[Pg 3.1-16 Community Cohesion; Please add statements that these projects will improve community cohesion by correcting current project violations and implementing EIP projects, which are included in community plans, in conjunction with the proposed projects.
14	[Pg 3.1-17 Property Acquisition; Please ensure that the property acquisitions address any necessary ROW for all water quality treatment, bike and pedestrian facilities.

Responses: Tahoe Regional Planning Agency

TRPA-1

The EIP numbers have been revised as suggested in Sections S.1 and 1.4.2. The following text was added to Section S.1: "TRPA approval is required for all water quality treatment projects."

TRPA-2

Neither bicycle lanes nor scenic improvements are part of this Program. The purpose of this Program is to improve the quality of storm water runoff from US 50 and SR 89 within the project segments.

TRPA-3

Construction noise will be associated with daytime and nighttime activities due to the need to address traffic management issues associated with lane closures during the day. Nighttime construction activities will be minimized to the extent possible. Based on a review of the proposed construction activities and schedules for the projects included in the Program EIR, it is not anticipated that construction activities will violate TRPA's CNELs or Caltrans' instantaneous noise limits.

TRPA-4

The purpose of the Program is to improve the quality of storm water runoff from US 50 and SR 89 in the project segments. In meeting this purpose, Caltrans will widen shoulders, pave turnouts, and incorporate other highway improvements within the Program limits where feasible. These improvements may result in incidental and minor indirect benefits to traffic flow, such as providing additional shoulder space to accommodate disabled vehicles that might otherwise block the roadway. The Program is not intended to increase capacity on US 50 or SR 89.

TRPA-5

Section S.4.2 has been modified as suggested.

TRPA-6

The EIP numbers listed in Section 1.4.2 have been revised as suggested. In Section 1.4.3, the reference to the *Storm Water Quality Handbooks: Project Planning and Design Guide* was updated to 2007.

TRPA-7

See the Response to Comment TRPA-2 in regard to bicycle facility improvements.

The proposed facilities will comply with current TRPA requirements. Where drainage facilities affect driveways, they will be restored to their pre-existing condition. This Program does not include changes to driveway access, as this can involve extensive reconstruction of roadway surfaces and even installation of frontage roads to consolidate driveway access to the state highways. This is not a purpose of the Program.

TRPA-8

Installation of bicycle lanes is not a part of this Program.

TRPA-9

The traffic data presented in Section 3.1.1.6 of the Draft Program EIR were based on the Project Study Reports for US 50 and SR 89 (Caltrans 2003c, 2003d; see Table 2, Traffic Projections, in both reports). Current published traffic volumes have been added to the text of the Final Program EIR.

TRPA-10

Any past projects within the limits of the proposed Program were subject to environmental review and approval during their design and implementation and are outside the scope of this Program EIR.

TRPA-11

Text was added to Section 3.1.1.7 regarding additional existing bicycle use and constraints on the highways within the Program limits. The need for bicycle lanes was not included as this is not a purpose of the Program.

TRPA-12

The text of Section 3.1.3.1 identified in the comment has been modified as follows:

“Therefore, all segments along the two highways affected by the Program would be the same as they were prior to construction in terms of motorized traffic flow and access to existing parcels.”

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The purpose of the Program is to improve the quality of storm water runoff. Bike lanes are not included in the Program's purpose and need; therefore the statement about improving bicycle lanes was not included.

TRPA-13

The following text has been added to Section 3.1.3.1, under Land Use Planning/Community Cohesion:

“The Program, in implementing elements of several EIP projects, installing BMPs, and improving runoff quality water from state highways, reflects the social value placed on protecting the natural resources of the Lake Tahoe Basin.”

Section 3.1.3.1, under “Long-Range Planning,” already states that the Program is consistent with planning in its purpose of improving water quality.

TRPA-14

The Program will not involve acquisition of right-of-way for bicycle or pedestrian facilities, and therefore the suggested change to Section 3.1.3.1 was not made.

Comments and Responses on the Draft Program EIR

Comment: Christian Svensk, City of South Lake Tahoe Community Development Department



City of South Lake Tahoe
"making a positive difference now"

July 23, 2007

Jody Brown
 Environmental Branch Chief
 Attn: Christopher Carlton
 Caltrans
 2800 Gateway Oaks Drive
 Sacramento, CA 95833

RE: Draft Program Environmental Impact Report (DPEIR) for Caltrans Hwy 50 & 89 Water Quality Improvement Projects, South Lake Tahoe, California

Dear Ms. Brown:

The City of South Lake Tahoe thanks you for the opportunity to comment on the DPEIR for this project. The City has the following comments:

- 1 [• Significant parts of the proposed project lie within the boundaries of the City of South Lake Tahoe and as a public agency with discretionary approval power over the project the City is a Responsible Agency as defined by CEQA Guidelines §15381.
- 2 [• The DPEIR has no discussion regarding consistency with the City's Redevelopment Policies and the City-specific/TRPA Community Plan Areas.
 - There are two (2) parcels identified that if used for this project would significantly impact the Redevelopment Agency/City in their effort to provide environmental, social and economic benefits to the community. In other words this Project would not provide as much environmental benefit that the Redevelopment Agency's proposed project would. All parcels should be evaluated based on future potential development and use.
- 3 [• Page 3. 1-17 "Property Acquisition": States that Caltrans has preliminarily identified up to 32 parcels along US 50 and 174 parcels along SR 89 that could be affected by the Program. The Document lacks adequate identification and location of these parcels. The Document should include Assessor's Parcel Numbers of all parcels with parcel maps. It appears that two (2) of these parcels along US 50 may be owned by the Agency. These parcels are located in the Triangle Project Area described below. These parcels are a key component to the success of the Redevelopment Agency and City. The Redevelopment Agency has been very successful at developing projects that reduce vehicle emissions, eliminate blight, create BMPs and provide pedestrian friendly development.
- 4 [• The DPEIR does not address the impact using the Triangle Project parcels or any of the 206 parcels that have been identified. As stated above, using the Triangle Project parcels as described in this DPEIR would not provide as much environmental benefit

Community Development Department · Planning Division · 1052 Tata Lane · South Lake Tahoe, CA 96150 · (530) 542-6020 · (530) 541-7524 FAX

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4, Cont.	<p>as could be provided if developed as outlined in the Five Year Implementation Plan for the South Tahoe Redevelopment Agency.</p>
5	<ul style="list-style-type: none">• Page 3.12-2: The Table does not include all of the South Tahoe Redevelopment Agency's (STRA) projects as outlined in its Five Year Implementation Plan Adopted February 15, 2005. The Projects that are in the Five Year Implementation Plan that are not included are:<ul style="list-style-type: none">• Southwest corner of Highway 50 and Ski Run Boulevard. The proposed development consists of 13,000 square feet of commercial space and 24 tourist accommodation units.• Fantasy Inn Project: Agency participation will be to incorporate Agency owned land with the adjacent parcel. The Agency will work with the property owner of the adjacent parcel to market the parcels for development.• Triangle Project: The Triangle Project Area is the triangle formed by Pioneer Trail, Highway 50, and Midway Road. It is approximately six acres. The Agency owns approximately 2 acres. This Project Area is the entry to the completed Heavenly Village Project and the proposed convention center project. The concept is to develop a coordinated land use plan for the entire six acres. The land use plan can include a combination of commercial, residential or hotels. Under this coordinated plan, the entire triangle would receive new lighting, curb, gutter, sidewalks and landscaping. No tentative schedule for this project has been developed.
6	<ul style="list-style-type: none">• In addition to the Visual Resource Mitigation measures outlined in Table S-1, project design and landscaping must be consistent with City adopted Design Standards. As required by City Code §5-17 the project will need Design Review approval from the City.
7	<ul style="list-style-type: none">• Encroachment Permits are required for work in the City's Right-of-Way.

Thank you once again for the opportunity to comment on the DPEIR. If you have any questions feel please contact me.

Sincerely,



Christian Svensk
(530) 542-6021
csvensk@cityofslt.us

Responses: Christian Svensk, City of South Lake Tahoe Community Development Department

SLT-1

Caltrans acknowledges the City of South Lake Tahoe as a responsible agency.

SLT-2

Section 3.1.2.4 of the Final Program EIR has been revised to discuss the *South Tahoe Redevelopment Implementation Plan (January 2005 through December 2009) for Project Area No. 1* (South Tahoe Redevelopment Agency 2005) and the Triangle Project. Section 3.1.3.1 has been amended to discuss the potential impact from a basin proposed as part of the Program that is adjacent to the South Tahoe Redevelopment Agency parcels identified in this comment.

The proposed Program is intended to satisfy water quality improvement requirements of the EIP, adopted as a result of Presidential Executive Order 13057; permit requirements of the NPDES; and effluent limitations of the LRWQCB's Basin Plan. Any redevelopment effort undertaken by the City of South Lake Tahoe or any other entity will be subject to similar water quality permit requirements, regardless of how the requirements affect the perceived efficacy of the redevelopment project.

At the time this Program EIR was being prepared, only conceptual, proposed facility locations had been identified. As stated in Section 1.1, the design and implementation of Program improvements will undergo further evaluation as field studies, design, and planning advance. The environmental documents for each project segment will contain more detailed information, including Assessor's Parcel Numbers (APNs), about where full or partial parcel acquisitions are needed. In addition, the environmental documents for each project segment will provide detailed information about the number, size, and configuration of drainage features. More detailed information will be provided in the environmental documents for the individual project segments.

The two parcels described in Comments SLT-2, SLT-3, and SLT-4 are in the Triangle Project Area, which is part of the South Tahoe Redevelopment Project No. 1 plan area. As described in the *South Tahoe Redevelopment Agency Implementation Plan*, the Triangle Project is a 6-acre area that would serve as the entry to the completed Heavenly Village Project and proposed convention center. The plan envisions a combination of commercial and residential development, including hotels, with new streetscape features such as lighting and landscaping. According to the plan, no tentative schedule for the project has been developed.

The two parcels in question (APNs 029-170-01 and 029-170-02) are avoided by the proposed basin shown in the maps in Appendix A of the Program EIR. The proposed basin is located on an adjacent parcel (APN 029-170-03) that is occupied by two commercial businesses. A large portion of this parcel is vacant. The proposed basin would have to be located in the vacant portion of the parcel and avoid the two existing commercial businesses to prevent land use conflicts. This information has been added to Section 3.1.3.1. The South Tahoe Redevelopment Agency would be consulted during further planning for the drainage facilities on this parcel.

SLT-3

See the Response to Comment SLT-2.

SLT-4

See the Response to Comment SLT-2.

SLT-5

The three projects described in the comment have been added to Table 3.12-1.

SLT-6

Sections S.5 and 2.3.2 have been revised to state that the City of South Lake Tahoe has some design and review authority over the Program.

SLT-7

The text of Sections S.5 and 2.3.2 have been revised to state that encroachment permits must be obtained from the City of South Lake Tahoe.

Comments and Responses on the Draft Program EIR

Comment: Ty Polastri, Lake Tahoe Bicycle Coalition

1. Bicycles are an increasingly important mode of transportation in America and Lake Tahoe.
2. Bicycle use is an increasingly important activity to offset the public health crises caused from a sedentary lifestyle.
3. Hwy 50 is the main transportation corridor and most efficient route for crossing our City -- providing access to schools, parks, businesses and recreational assets.
4. Safe bicycle lanes must be a part of Hwy 50 for the future sustainability of our tourist economy and the transportation needs of our community.
5. Now is the time, during this planned project, to provide Class Two Bike Lanes through the City. Not to do it during this project would be a significant lost to our community, detrimental to its future, and would take decades before another opportunity like this presents itself.
6. The public, during the P-7 Placed-based Workshops, in which over 300 community leaders, in three different locations, repeatedly declared that transportation is one of the top three needs to transform our communities to be more connected and people centric – NOT CAR CENTRIC.
7. Recently, CalTrans director Bill Kempton, during a bicycle advocacy meeting at the State Capital, stated the shift of the department's focus to the Complete Streets Initiative. And initiative in the state assembly and a national initiative to transform our communities to be more efficient, safer, and healthier at moving people. Communities must plan for and integrate a comprehensive solution for bicyclists, pedestrians, seniors, disable and children to move with transportation options that also include public transport.
8. The Governor has also directed attention to the obesity epidemic in our country, the need for Safe Routes To Schools, and the Complete Streets initiative to transform how we move people in our communities and help them be safe and healthy.
9. The City of South Lake Tahoe has been designated as a Bicycle Friendly Community
10. The number one priority for this community, as identified by the League of American Bicycles, is Highway 50.
11. If not this thoroughfare, which one?
12. This is the time, the project and the necessity to do it right for this community – a community centric thoroughfare.

Therefore, the Lake Tahoe Bicycle Coalition strongly insists that CalTrans fulfill its promise for Class II Bike Lanes on Hwy 50 and thereby supporting the needs for this community's social, economic and environmental health and sustainability.

Lake Tahoe Bicycle Coalition Ty Polastri
0785869566

Response: Ty Polastri, Lake Tahoe Bicycle Coalition

LTBC-1

The proposed Program's purpose is to implement permit requirements related to water quality improvements on segments of SR 89 and US 50. The Program does not include funding or scheduling to complete bicycle facilities. The proposed improvements would not preclude a future project from widening SR 89 or US 50. Widening the roadway would require significant roadwork, including relocation of drainage systems and other utilities and regrading of the road to support drainage. Relocation of sand traps, vaults, and drainage systems would be a small element of such a project and is unlikely to significantly affect its feasibility.