

Appendix D
Title VI Policy Statement

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY (916) 653-4086



*Flex your power!
Be energy efficient!*

January 14, 2005

**TITLE VI
POLICY STATEMENT**

The California Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, and age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

A handwritten signature in black ink that reads "Will Kempton".

WILL KEMPTON
Director

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Appendix E
Notice of Preparation and Comments

A Notice of Preparation (NOP) was filed with the State Clearinghouse to announce the preparation of an Environmental Impact Report (EIR) for the proposed Program. The NOP was issued on October 5, 2006, and the 30-day response period ended on November 3, 2006. Two letters were received in response to the NOP, which are included following the NOP and summarized below.

Native American Heritage Commission

The Native American Heritage Commission requested that Caltrans complete the following actions for the Program:

- Conduct a records search at the appropriate Information Center
- Perform an archaeological survey
- Contact the Native American Heritage Commission for a file or records review and list of contacts
- Provide planning for the discovery and disposition of potential archaeological resources

All of these actions were performed and are summarized in Section 3.6. The detailed technical studies are documented in the Archaeological Survey Report (Condor Country Consulting 2006), Historical Resources Evaluation Report (JRP Historical Consulting 2006), and Historical Resources Compliance Report (URS 2006e) prepared for the Program.

California Department of Fish and Game

The California Department of Fish and Game recommended that the Draft Program EIR discuss and provide adequate mitigation for the Program's impacts on fish and wildlife and their habitat, wetlands and riparian habitat, and special-status species, as well as related cumulative impacts; alternatives to avoid impacts to fish, wildlife, water quality, and vegetative resources; and consistency with applicable plans. These issues are addressed in Sections 3.4 (Wetlands), 3.5 (Natural Environment), 3.1 (Land Use and Community Impacts), and 3.12 (Cumulative Impacts).

The California Department of Fish and Game also requested that the Draft Program EIR consider whether the proposed Program will result in impacts under the jurisdiction of Section 1600 of the California Fish and Game Code, when work is undertaken within a stream or water course. Portions of the project will cross water bodies that fall under these regulations, and permit authorizations will be requested as applicable when segments of the projects are advanced for further study and evaluation (after completion of this Program EIR).



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

Notice of Preparation

October 5, 2006

To: Reviewing Agencies
Re: El Dorado 50 and 89 EIP/Stormwater treatment Project
SCH# 2006102021

Attached for your review and comment is the Notice of Preparation (NOP) for the El Dorado 50 and 89 EIP/Stormwater treatment Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Jody Brown
Department of Transportation, District 3
2800 Gateway Oaks Drive
Sacramento, CA 95833

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,



Scott Morgan
Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

✓

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006102021
Project Title El Dorado 50 and 89 EIP/Stormwater treatment Project
Lead Agency Caltrans #3

Type NOP Notice of Preparation
Description Construct water conveyance and drainage systems to improve water quality runoff from segments of US 50 and SR 89 to comply with stormwater runoff permit requirements, and include roadway improvements to meet current highway design standard.

Lead Agency Contact

Name Jody Brown
Agency Department of Transportation, District 3
Phone (916) 274-5908 **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 SR89 Luther Pass-Tahoma, US50 Echo Summit-Stateline
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways Sr 89 and US 50
Airports South Lake Tahoe
Railways None
Waterways Various creeks and drainages
Schools Lake Tahoe and Tahoe Truckee District
Land Use State highway right-of-way. Some adjacent parcels may be affected, which include parkland, residential and commercial uses.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 2; Native American Heritage Commission; Tahoe Regional Planning Agency; Caltrans, Division of Aeronautics; California Highway Patrol; Air Resources Board, Transportation Projects; State Water Resources Control Board, Division of Loans and Grants; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe)

Date Received 10/05/2006 **Start of Review** 10/05/2006 **End of Review** 11/03/2006

NOP Distribution List

SCH# 2006102021

County: El Dorado

Resources Agency

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
David Johnson
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Gerald R. Zimmerman
- Dept. of Conservation
Roseanne Taylor
- California Energy Commission
Paul Richins
- Dept. of Forestry & Fire Protection
Allen Robertson
- Office of Historic Preservation
Wayne Donaldson
- Dept of Parks & Recreation
Environmental Stewardship Section
- Reclamation Board
DeeDee Jones
- S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- Dept. of Water Resources
Resources Agency
Nadell Gayou
- _____
Conservancy

Fish and Game

- Depart. of Fish & Game
Scott Flint
Environmental Services Division
- Fish & Game Region 1
Donald Koch
- Fish & Game Region 2
Banky Curtis

- Fish & Game Region 3
Robert Floerke
- Fish & Game Region 4
Julie Vance
- Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
- Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- Fish & Game Region 6 I/M
Tammy Allen
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

- Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture
- Depart. of General Services
Public School Construction
- Dept. of General Services
Robert Sleppy
Environmental Services Section
- Dept. of Health Services
Veronica Malloy
Dept. of Health/Drinking Water

Independent Commissions, Boards

- Delta Protection Commission
Debby Eddy
- Office of Emergency Services
Dennis Castrillo
- Governor's Office of Planning & Research
State Clearinghouse
- Native American Heritage Comm.
Debbie Treadway

- Public Utilities Commission
Ken Lewis
- State Lands Commission
Jean Sarino
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

- Caltrans - Division of Aeronautics
Sandy Hesnard
- Caltrans - Planning
Terri Pencovic
- California Highway Patrol
Shirley Kelly
Office of Special Projects
- Housing & Community Development
Lisa Nichols
Housing Policy Division

Dept. of Transportation

- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Jeff Pulverman
- Caltrans, District 4
Tim Sable
- Caltrans, District 5
David Murray
- Caltrans, District 6
Marc Birnbaum
- Caltrans, District 7
Cheryl J. Powell

- Caltrans, District 8
Dan Kopulsky
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Mario Orso
- Caltrans, District 12
Bob Joseph

Cal EPA

Air Resources Board

- Airport Projects
Jim Lerner
- Transportation Projects
Ravi Ramalingam
- Industrial Projects
Mike Tollstrup

- California Integrated Waste Management Board
Sue O'Leary

- State Water Resources Control Board
Jim Hockenberry
Division of Financial Assistance

- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

- State Water Resources Control Board
Steven Herrera
Division of Water Rights

- Dept. of Toxic Substances Control
CEQA Tracking Center

- Department of Pesticide Regulation

Regional Water Quality Control Board (RWQCB)

- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)
- Other _____

Form A

Notice of Completion & Environmental Document Transmittal

SCH #

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: El Dorado 50 and 89 EIP/Stormwater Treatment Project

Lead Agency: California Department of Transportation Contact Person: Jody Brown
Mailing Address: 2800 Gateway Oaks Drive Phone: (916) 274-5908
City: Sacramento, CA Zip: 95833 County: Sacramento

Project Location:

County: El Dorado City/Nearest Community: South Lake Tahoe, Meyers, Stateline, Tahoma
Cross Streets: SR89 Luther Pass-Tahoma, US50 Echo Summit-Stateline Zip Code: Total Acres:
Assessor's Parcel No. Section: Twp. Range: Base:
Within 2 Miles: State Hwy #: SR 89 and US 50 Waterways: Various creeks and drainages
Airports: South Lake Tahoe Railways: None Schools: Lake Tahoe & Tahoe Truckee Dist

Document Type:

CEQA: [X] NOP [] Supplement/Subsequent EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons (Prior SCH No.) [] EA [] Final Document
[] Neg Dec [] Other [] Draft EIS [] Other
[] Draft EIR [] FONSI

Local Action Type:

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [X] Other TRPA

Development Type:

[] Residential: Units Acres [] Water Facilities: Type MGD
[] Office: Sq.ft. Acres Employees [X] Transportation: Type State highway improvements
[] Commercial: Sq.ft. Acres Employees [] Mining: Mineral
[] Industrial: Sq.ft. Acres Employees [] Power: Type Watts
[] Educational [] Waste Treatment: Type
[] Recreational [] Hazardous Waste: Type
[] Other:

Funding (approx.): Federal \$ State \$ Total \$

Project Issues Discussed in Document:

[X] Aesthetic/Visual [X] Flood Plain/Flooding [] Schools/Universities [X] Water Quality
[] Agricultural Land [X] Forest Land/Fire Hazard [] Septic Systems [X] Water Supply/Groundwater
[X] Air Quality [] Geologic/Seismic [] Sewer Capacity [X] Wetland/Riparian
[X] Archeological/Historical [] Minerals [X] Soil Erosion/Compaction/Grading [X] Wildlife
[] Coastal Zone [X] Noise [] Solid Waste [] Growth Inducing
[X] Drainage/Absorption [] Population/Housing Balance [X] Toxic/Hazardous [] Landuse
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [] Cumulative Effects
[] Fiscal [X] Recreation/Parks [X] Vegetation [X] Other This is NOP only

Present Land Use/Zoning/General Plan Designation:

State highway right-of-way. Some adjacent parcels may be affected, which include parkland, residential, and commercial uses.

Project Description:

Construct water conveyance and drainage systems to improve water quality runoff from segments of US 50 and SR 89 to comply with stormwater runoff permit requirements, and include roadway improvements to meet current highway design standards. January 2004

Reviewing Agencies Checklist

Form A, continued

KEY

- S** = Document sent by lead agency
- X** = Document sent by SCH
- ✓ = Suggested distribution

Resources Agency

- Boating & Waterways
- Coastal Commission
- Coastal Conservancy
- Colorado River Board
- Conservation
- Fish & Game
- Forestry & Fire Protection
- Office of Historic Preservation
- Parks & Recreation
- Reclamation Board
- S.F. Bay Conservation & Development Commission
- Water Resources (DWR)

Business, Transportation & Housing

- Aeronautics
- California Highway Patrol
- CALTRANS District # _____
- Department of Transportation Planning (headquarters)
- Housing & Community Development

Food & Agriculture

Health & Welfare

- Health Services _____

State & Consumer Services

- General Services
- OLA (Schools)

Environmental Protection Agency

- Air Resources Board
- California Waste Management Board
- SWRCB: Clean Water Grants
- SWRCB: Delta Unit
- SWRCB: Water Quality
- SWRCB: Water Rights
- Regional WQCB # _____ (_____)

Youth & Adult Corrections

- Corrections

Independent Commissions & Offices

- Energy Commission
- Native American Heritage Commission
- Public Utilities Commission
- Santa Monica Mountains Conservancy
- State Lands Commission
- Tahoe Regional Planning Agency

Other _____

Public Review Period (to be filled in by lead agency)

Starting Date _____

Ending Date _____

Signature _____

Date _____

Lead Agency (Complete if applicable):

- Consulting Firm: _____
- Address: _____
- City/State/Zip: _____
- Contact: _____
- Phone: (____) _____

For SCH Use Only:

- Date Received at SCH _____
- Date Review Starts _____
- Date to Agencies _____
- Date to SCH _____
- Clearance Date _____

Notes:

Applicant:

- Address: _____
- City/State/Zip: _____
- Phone: (____) _____

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390



October 15, 2006

Jody Brown
Department of Transportation, District 3
2800 Gateway Oaks Drive
Sacramento, CA 95833

RE: SCH# 2006102021, El Dorado 50 and 89 EIP/Stormwater Treatment Project, El Dorado County

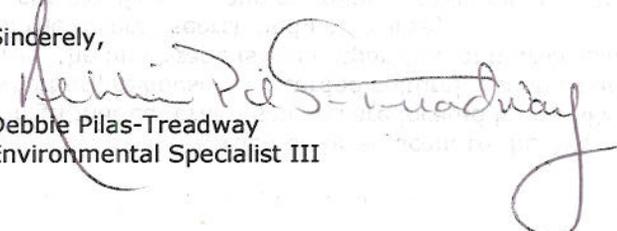
Dear Ms. Brown:

The Native American Heritage Commission has reviewed the above mentioned NOP. To adequately assess and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

1. Contact the appropriate Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
3. Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. Requests must be made in writing with the County, Quad map name, township, range and section.
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.
4. Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

If you have any questions, please contact me at (916) 653-4038.

Sincerely,


Debbie Pilas-Treadway
Environmental Specialist III

CC: State Clearinghouse



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Sacramento Valley - Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2900



November 1, 2006

Ms. Jody Brown
Department of Transportation, District 3
2800 Gateway Oaks Drive
Sacramento, CA 95833

Dear Ms. Brown:

The Department of Fish and Game (DFG) has reviewed the Notice of Preparation of a draft Environmental Impact Report (DEIR) for the "El Dorado 50 and 89 EIP/Stormwater Treatment" project (SCH # 2006102021). The project consists of a plan to construct water conveyance and drainage systems to improve runoff water quality along segments of US 50 and State Route 89. The project is located in South Lake Tahoe, El Dorado County.

Wildlife habitat resources consist of a variety of habitats including conifer forests, meadows, bogs, and streams. Significant natural resources of the project include habitat for sensitive species. We recommend that the DEIR discuss and provide adequate mitigation for the following concerns:

1. The project's impact upon fish and wildlife and their habitat.
2. The project's impact upon significant habitat such as wetlands including marsh riparian habitat. The project should be designed so that impacts to wetlands are avoided. Mitigation should be provided for unavoidable impacts based upon the concept of no net-loss of wetland habitat values or acreage.
3. The project's impact to special status species including species which are state and federal listed as threatened and endangered.
4. The project's growth inducing and cumulative impacts upon fish, wildlife, water quality, and vegetative resources.
5. The DEIR should provide an analysis of specific alternatives which reduce impacts to fish, wildlife, water quality, and vegetative resources.

6. The DEIR should contain an evaluation of the proposed project's consistency with the applicable land use plans, such as General Plans, Specific Plans, Watershed Master Plans, Habitat Conservation Plans, etc. for the area.

The DEIR should consider and analyze whether implementation of the proposed project will result in reasonably foreseeable potentially significant impacts subject to regulation by the DFG under section 1600 et seq. of the Fish and Game Code. In general, such impacts result whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams and water courses. Impacts triggering regulation by the DFG under these provisions of the Fish and Game Code typically result from activities that:

- Divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake;
- Use material from a streambed; or
- Result in the disposal or deposition of debris, waste, or other material where it may pass into any river, stream, or lake.

In the event implementation of the proposed project involves such activities, and those activities will result in reasonably foreseeable substantial adverse effects on fish or wildlife, a Lake or Streambed Alteration Agreement (LSAA) will be required by the DFG. Because issuance of a LSAA is subject to review under the California Environmental Quality Act (CEQA), the DEIR should analyze whether the potentially feasible mitigation measures set forth below will avoid or substantially reduce impacts requiring a LSAA from the DFG.

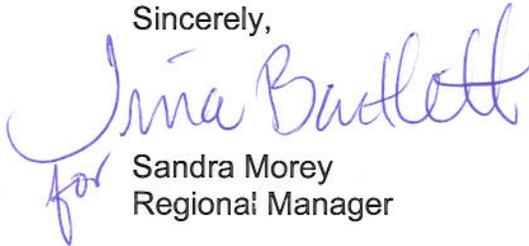
This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Ms. Brown
November 1, 2006
Page Two

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Mr. Dan Gifford, Senior Wildlife Biologist, at (209) 369-8851 or, Mr. Kent Smith, Acting Assistant Regional Manager, at (916) 358-2382.

Sincerely,



for Sandra Morey
Regional Manager

cc: Mr. Kent Smith
Mr. Dan Gifford
Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

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