

Section 1

Introduction

This Placer County Initial Study (IS) and Tahoe Regional Planning Agency (TRPA) Initial Environmental Checklist (IEC) evaluates the environmental effects of the proposed Lake Forest Erosion Control Project - Area B (Lake Forest ECP) and Stream Environment Zone (SEZ) Restoration. A copy of the completed Placer County CEQA Checklist is included in Appendix A. Based on this IS Placer County intends to seek a Mitigated Negative Declaration (MND) for this project.



Figure 1-1
Lake Forest Creek Culvert Pipe at Caltrans/TCPUD Bike Trail Bridge

The project area includes two creeks that pass through and eventually discharge to Lake Tahoe. These creeks are Lake Forest Creek and Polaris Creek. As the project area was developed over the years, modifications to the land and drainage ways have added impervious surfaces that carry sediment and nutrients to the lake and have reduced floodplain, SEZ and wetland areas where natural treatment of stormwater once took place.

Upstream of State Route (SR) 28, Lake Forest Creek is incised with manmade structures and placed fill that encroach on the channel and SEZ. The reach just upstream of the SR 28 crossing has been relocated and channelized. Just downstream

of the highway crossing, Lake Forest Creek is completely buried in a storm drain until approximately 1,000 feet upstream of its relocated point of discharge outlet to Lake Tahoe. The piped stream flow has eliminated floodplain function and wet meadow hydrology, resulting in a desiccated meadow and lack of proper ecological function. This has also created a history of flooding within the project area during heavy storm events, downstream of the Lake Forest Glen Condominiums at the storm drain outlet. Downstream of the storm drain outlet, the riparian area of Lake Forest Creek has been degraded through channelization and urbanization. Most of the channel has been straightened or otherwise altered. The wetlands at the mouth of the creek at Lake Tahoe are also degraded and mostly non-functional.

The Polaris Creek watershed is relatively undeveloped. The section of Polaris Creek upstream of SR 28 has been channelized and disconnected from its surrounding meadow. In addition, fill has been placed within the meadow, destroying critical habitat. Downstream of SR 28, construction of Pomin Park and other development at the lakeshore disrupted the natural flow of water and



Figure 1-2
Existing Restroom at Pomin Park during Spring Flood Condition

environment at the mouth of Polaris Creek and the wetland complex just upstream of the mouth within and adjacent to Pomin Park. Existing wetlands have been degraded by overgrowth of vegetation and placement of fill. The creek reaches that drain the wetland have been channelized and disconnected from their floodplain meadows. During construction of improvements in the Pomin Park area, fill was placed in the Polaris Creek SEZ.

Subdivision development surrounding Lake Forest and Polaris Creek from the 1960's to present has contributed to an increase in runoff. Existing drainage infrastructure within the project area is minimal and there are numerous water quality problems including:

- Soil erosion from compacted shoulders and roadside parking areas;
- Undersized culverts;

- Undersized or nonexistent roadside ditches; and
- Insufficient channel or slope.

1.1 Purpose and Need

The purpose of the project is to improve the water quality of stormwater leaving the project area and to improve the SEZ for a more natural functioning hydrologic environment for Polaris and Lake Forest Creeks. This will ultimately improve the biological habitat within the project area for wildlife and vegetation.



Figure 1-3
Village Road in Highlands Subdivision

This IS and TRPA IEC is intended to fulfill

Placer County's obligation to comply with the CEQA as the project is in California and will be receiving funding from the California Tahoe Conservancy and CEQA must be completed for permitting purposes. In general, public agencies in California must comply with CEQA whenever they propose to approve or carry out a discretionary project that may have a potentially significant adverse impact on the environment. Where approval of such a project may result in such an impact, CEQA generally requires the lead public agency to prepare an Environmental Impact Report (EIR). In contrast, where no potentially significant impacts could result with project approval, a lead agency may prepare what is commonly known as a mitigated negative declaration (MND). Because the lead agency must subject the MND to public review and comment, and because the agency must respond in writing to any public comments raising significant environmental issues, compliance with CEQA serves to protect the environment and to foster informed public decision-making.

1.2 Lead Agencies and Funding Sources

Placer County (County) is the Project Proponent and CEQA lead agency for the IS, as well as a permitting agency for the project. The County is also the grantee of funding from the California Tahoe Conservancy, U.S. Bureau of Reclamation and TRPA for planning and construction. The U.S. Forest Service (USFS) Lake Tahoe Basin Management Unit (LTBMU) will also be providing funding from Southern Nevada

Public Land Management Act (SNPLMA) for construction. The County may also receive grant funding from the U.S. Bureau of Reclamation Public Law 108-7 Consolidated Appropriations Resolution, 2003 Title II Water and Related Resources and Public Law 109-103, Energy and Water Development Appropriations Act 2006 for construction. Construction funding is also being pursued from the U.S. Army Corps of Engineers (USACOE) for construction. The County is also a land owner for this project area.

In addition to Placer County, other CEQA responsible agencies include: Lahontan Regional Water Quality Control Board (Lahontan), California Department of Fish and Game (CDFG), California Tahoe Conservancy, California Department of Parks and Recreation (DPR), Caltrans and California Wildlife Conservation Board (WCB). The responsibilities of each of these agencies in relation to this project are described in Section 1.4 below.

The TRPA is the administering agency for the Environmental Improvement Program (EIP). The EIP is a cooperative program administered by the TRPA that relies on a partnership of private, local, state, and Federal entities to implement its goals of preserving, restoring and enhancing the environment of the Lake Tahoe Region. The focus of the EIP is to identify restoration and research needs and funding that will meet environmental goals and/or thresholds adopted by TRPA. Table 1-1 describes all of the EIP projects being addressed by implementation of this project. The TRPA, as EIP Administrator and a permitting agency, provides a representative to the Technical Advisory Committee (TAC) for the project. The TAC is comprised of representatives from interested federal, state and local agencies who review the project design at key milestones, offer input and make decisions to ensure the goals and objectives of the project are ultimately met.

EIP Number	Project Name
10061	Lake Forest Erosion Control Project
649	Restoration of 40 Acres of SEZ in Placer County
940	Placer County Yard SEZ Restoration Project
941	Lake Forest Sub-Drain Dismantling
943	Lake Forest Lagoon Creation/Restoration
944	Polaris Creek SEZ Restoration at Pomin Park
1004	Upland Wildlife Program
10142	Riparian Wildlife Enhancements Phase II
10143	Riparian Wildlife Enhancements Phase III
10144	Lake Forest Meadow Habitat Restoration

TRPA, as a permitting agency for this project, requires preparation of a TRPA environmental document. TRPA will be the lead agency for preparation of the TRPA environmental document (the IEC). The IEC is included as part of this joint environmental document in Section 5, Initial Environmental Checklist and has been

prepared in accordance with TRPA Code of Ordinances, Chapter 5 and Rules and Procedures Section 6.5. The project must also comply with the TRPA Regional Plan which mandates nine thresholds for the Tahoe Basin including: water quality, air quality, wildlife habitat, scenic resources, soil conservation, fish habitat, vegetation, noise and recreation. This project would be required to comply with the *TRPA Code of Ordinances* to receive a permit for construction.

1.3 Legal Authority

The Lake Forest ECP Area B project will require environmental clearance according to NEPA, CEQA and TRPA. However, the NEPA document will be a separate document with USFS LTBMU as the lead agency because of their funding involvement and work proposed on USFS lands. The USACOE is also preparing a NEPA document under their guidelines for funding purposes. This document is analyzing environmental impacts for CEQA and TRPA only.

The project is within the State of California and is funded by the State of California through the California Tahoe Conservancy which requires CEQA compliance. California Tahoe Conservancy funds are being used for planning, design and construction of the project. The Placer County Board of Supervisors will make the lead CEQA decision at a regularly scheduled board meeting. Other responsible agencies described in Section 1.2 above, may make CEQA decisions based on this document. The project is within the TRPA jurisdiction which requires TRPA Environmental Compliance. TRPA has their own specific environmental documentation procedures separate from the State of California's and Federal guidelines. This document is a joint document satisfying all state and TRPA agency guidelines for environmental clearance.

A CEQA IS and TRPA IEC have been prepared to determine whether the proposed project may have a significant adverse effect on the environment. It is based upon the CEQA and TRPA checklists and guidelines which identify the various environmental impacts which may result from construction of the project. The Placer County CEQA Environmental Checklist Form is included in Appendix A; the TRPA IEC is included in Section 5. The administrative record associated with this analysis includes specific studies that examine the potential significance of environmental effects to specific resources. These studies include the following.

- Wildlife Resources Consultants (WRC) and Wood Rodgers, Inc. 2007. *Lake Forest Erosion Control Project (ECP) Area B Environment Improvements Program (EIP) Project Placer County, CA; Biological Evaluation and Biological Assessment For Threatened, Endangered and Sensitive Plants and Fungi* dated October 2007.
- Wildlife Resource Consultants (WRC) and Wood Rodgers, Inc. 2007. *Biological Evaluation/Biological Assessment for Birds, Mammal, Fish, and Amphibians; Area B of the Lake Forest Erosion Control Project* dated October 2007.

- Wood-Rodgers. 2008. *Lake Forest Erosion Control Project Area B, Preliminary Wetland Delineation and Waters of the U.S. Inventory*. August 2008.
- Wood Rodgers. 2007. *Lake Forest Erosion Control Project, Final Preferred Alternative Report for Area B, Lake Forest Creek and Polaris Creek Watersheds*, April 2007.
- Wood-Rodgers. 2006. *Lake Forest Erosion Control Project, Draft for TAC Review Preferred Alternative Supplement Microalternatives Evaluation Memorandum for Area B, Lake Forest Creek and Polaris Creek Watersheds*, June 2006.
- Wood-Rodgers. 2006. *Lake Forest Erosion Control Project, Final Supplemental Existing Conditions Analysis Memorandum (ECAM) and Formulation of Alternatives Memorandum (FAM) Wildlife and Recreation Components*, March 2006.
- Wood-Rodgers. 2006. *Lake Forest Erosion Control Project, Final Evaluation of Alternatives Memorandum for Area B, Lake Forest Creek & Polaris Creek Watersheds (AEM)*, February 2006.
- Wood Rodgers. 2005. *Lake Forest Erosion Control Project, Formulations of Alternatives Memorandum (FAM)*, June 2005.
- Wood Rodgers. 2004. *Lake Forest Erosion Control Project, Final Existing Conditions Analysis Memorandum (ECAM)*, November 2004.
- Zeier & Associates. 2008. *Cultural Resources Letter Report*, August 19, 2008.
- Placer County Department of Public Works. 2008. *Memorandum: Lake Forest Road Traffic Analysis*. June 30, 2008.
- Memmott, Margo and Charles D. Zeier. 2003. *Cultural Resources Inventory report: Highlands Tank Booster Pump Station Project, Placer County, California*. Report on file, North Central Information Center, California State University, Sacramento.
- Chambers Group, Inc. 2007. *Cultural Resource Inventory of Area B for the Lake Forest Erosion Control Project, Placer County, California*. October 2007

While these studies are a crucial part of the record supporting the proposed CEQA MND and TRPA IEC for a Finding of No Significant Effect (FONSE) for this project, some of the documents are merely summarized and are not included in their entirety in the body of this document. Some of these documents are included in the appendices. The others are included in the public record and are generally available to the public. These documents may be inspected at the Placer County Tahoe Design Division offices located at 10825 Pioneer Trail, Suite 105, Truckee, California 96161.

This document considers direct impacts (those caused by an action and occurring at the same time and place), indirect impacts (those caused by an action but occurring later or farther away but at a reasonably foreseeable time or place) and cumulative

impacts (those caused by the Lake Forest ECP Area B and other projects happening in conjunction with the Lake Forest project). Actions that could lessen identified impacts (mitigation measures) are identified when needed to reduce any adverse environmental effects to below a level of significance.

1.3.1 CEQA

This environmental analysis was prepared to comply with the requirements of CEQA of 1970, Cal. Pub. Res. Code §21000 et seq. Placer County is the CEQA Lead Agency and commissioned the preparation of this document to inform governmental decision makers and the public about the potential environmental effects of activities being considered for implementation.

County Planning Division staff will conduct Design Review for new structures other than signage and the County Board of Supervisors will make the CEQA decision. The Design Review decision will be made by the Planning Commission. Other state agencies involved in the project that may require CEQA clearance include the California Tahoe Conservancy for release of funding, Lahontan for 401 Water Quality Certification, National Pollution Discharge Elimination System (NPDES) permitting and SEZ exemption, CDFG for 1601 permitting, and Caltrans to issue Encroachment Permits. Additional interested state agencies may review the CEQA document during the 30-day public review period and provide comment.

1.3.2 TRPA

The TRPA has its own environmental documentation requirements outlined in Chapter 5 of the *TRPA Code of Ordinances* (TRPA, 2004). The TRPA IEC is used to determine significant impacts to the environment from a project. The completed TRPA IEC is included in this document as Section 5. TRPA requires environmental clearance under its own requirements prior to issuing a permit for a project.

1.4 Reviewing and Permitting Agencies

This project will require the review and approval of Federal, state and local agencies. Some of the agencies are members of the TAC and were involved throughout the early planning process.

1.4.1 Lake Forest Water Company

Lake Forest Water Company provides water service to the Lake Forest area. A permit is not required from the water company, however, the project could affect some of their underground utilities and water service for irrigation may be required for revegetation. Plans will be provided to the Lake Forest Water Company for review and comment prior to construction related to water service conflicts.

1.4.2 Tahoe City Public Utility District

The Tahoe City Public Utility District (TCPUD) owns and maintains all sewer and some water facilities within the project area and provides service to the developed

properties. They also maintain existing recreation infrastructure in the project area including Highlands Community Center, North Tahoe High School and Middle School ball fields, Pomin Park, Skylandia Park, the Lake Forest Boat Public Boat Launch, Lake Forest Campground, Lake Forest Beach, and the Caltrans/TCPUD bike trail. The TCPUD is not required to issue a permit for the project; however, they will need to review projects plans as they become available and the joint environmental document to determine if any conflicts with their facilities could cause potential impacts. A representative from the TCPUD is a member of the TAC.

1.4.3 Placer County

An encroachment permit will need to be filed with Placer County for work within their public road right-of-way (ROW). Improvements are proposed within a public road ROW already owned by Placer County. Drainage easements will be requested from private property owners by the County as needed. Placer County Department of Public Works will issue a Grading Permit for the project. Placer County Planning Department will issue a Design Review permit for approval from the Placer County Planning Commission for the relocated restroom facility. A building permit will also be required for construction of the restroom and any other structures from the County Building Department. CEQA compliance is required prior to permit issuance.

1.4.4 TRPA

A TRPA construction permit will be required which would include design review of the relocated restroom at Pomin Park. The TRPA has its own environmental documentation requirements outlined in Chapter 5 of the TRPA Code of Ordinances. The TRPA IEC is used to determine significant impacts to the environment from a project. TRPA requires environmental clearance under its own requirements prior to issuing a permit for a project. A representative from the TRPA is on the TAC.

1.4.5 Regional Water Quality Control Board – Lahontan Region

This project requires 401 Water Quality Certification. Since more than 1 acre of overall disturbance will occur during construction, a NPDES Waste Discharge Permit will also be required, as well as SEZ Disturbance Exemption. CEQA compliance is required prior to permit issuance.

During the final design phase, final coverage/disturbance calculations required for TRPA and Lahontan permits will be made. It is anticipated that no additional coverage will result from the project construction, and substantially more functional SEZ will be created due to the fill removal and restoration of appropriate hydrology to an area that is now disturbed. Coverage will be relocated within the SEZ and some coverage will be permanently removed and banked. Once the project is constructed the project area will experience a reduction in overall coverage in SEZ areas. A representative from Lahontan is on the TAC.

1.4.6 California Department of Fish and Game

The CDFG is a permitting agency with jurisdiction over a portion of the project area. A 1601 Streambed Alteration Agreement is required for all work within the high water mark of a surface water way in California. CEQA compliance is required prior to permit issuance. The agency will review the joint environmental document. CDFG has a representative on the TAC.

1.4.7 California Tahoe Conservancy

The California Tahoe Conservancy is providing a planning grant and a construction grant to the County for planning, design and construction of the project. A representative from the California Tahoe Conservancy is a member of the TAC. As part of the Lake Forest ECP, improvements are proposed on 34 public parcels including 17 owned by the California Tahoe Conservancy. The California Tahoe Conservancy will grant license agreements allowing these improvements to be constructed on their property. CEQA compliance is required prior to issuance of license agreements and release of funding for the project.

1.4.8 California Department of Parks and Recreation

DPR is a land owner in the project area at Skylandia Park and near the boat launch facility. DPR will also issue agreements allowing these improvements to be constructed on their property. CEQA compliance is required prior to issuance of construction agreements. A representative from DPR is a member of the TAC.

1.4.9 Caltrans

It is anticipated that the County will require the use of Caltrans ROW. The County will acquire approval from Caltrans either by acquiring an easement through the encroachment process or by entering into a Cooperative Agreement between the County and the State of California. CEQA compliance is required prior to granting of an easement, permit or cooperative agreement issuance. Caltrans is a member of the TAC.

1.4.10 University of California Regents

The University of California (UC) Regents own land within Area C of the Lake Forest ECP and adjacent to Area B. The Regents are the project proponent for the Lake Forest Erosion Control Project Area C. They participated on the TAC and will be reviewing the project plans and environmental document while planning Area C SEZ restoration and erosion control improvements.

1.4.11 California Wildlife Conservation Board (WCB)

The WCB purchased the boat ramp and campground property as an independent body to administer funding for wildlife conservation and related public recreation facilities. CEQA compliance may be required prior to WCB granting permission to work on WCB property. While the WCB owns the property, the CDFG will speak for

the WCB related to the project. A member of the WCB is a member of TAC because work is proposed at the public boat launch facility and the campground.

1.4.12 US Army Corps of Engineers (USACOE)

The USACOE has jurisdiction of all waters of the United States including wetland areas. This project falls under their jurisdiction as a permitting agency and will require acquisition of Section 404 Permit under Tahoe Basin General Permit (GP) 16. The USACOE may also be providing funding for the project and is preparing a NEPA document under their guidelines for the restoration project. A representative from the USACOE is a member of the TAC.

1.4.13 Federal Emergency Management Agency (FEMA)

Permitting requirements for the proposed project will require FEMA compliance and permitting due to the establishment of a base flood elevation and change in floodway boundaries. It is anticipated that this project will require a Letter of Map Revision (LOMR) and/or the Conditional Letter of Map Revision (CLOMR) process. Coordination with the Placer County Flood Control District and FEMA will be required to complete the appropriate FEMA process for implementation of the proposed project.

1.4.14 U.S. Forest Service - Lake Tahoe Basin Management Unit

The USFS LTBMU is providing construction grant funding for the project. They are also a surrounding land owner to the project area. Work is proposed on a USFS LTBMU parcel which will require a Special Use permit. A representative of the USFS LTBMU is a member of the TAC and will review the joint environmental document. The agency will be preparing a NEPA determination for release of funding and Special Use permit issuance based on the future NEPA environmental document to be prepared by the County. The USFS LTBMU will be funding construction of this project through grants provided through the SNPLMA.

1.4.15 U.S. Bureau of Reclamation

The U.S. Bureau of Reclamation (Reclamation) is also providing funding for the project and will review plans and the environmental document. The Bureau may prepare a separate NEPA document or enter into a Memorandum of Understanding (MOU) with USFS LTBMU for NEPA compliance. A Reclamation representative is a member of the TAC.

1.5 Public Review Process

Opportunities for public participation in the environmental document review process are provided in order to promote open communication and better decision making. All persons and organizations having a potential interest in the proposed plan are invited to provide comments during the thirty-day comment period for this document.

Pursuant to the requirements of CEQA, this document was sent, along with a Notice of Intent (NOI) to adopt a MND, to the California State Clearinghouse. Public review is required under CEQA and TRPA for this Draft document. A thirty-day (30) public review period is required with distribution through the California State Clearinghouse and local public repositories as well as direct mailing to a list of interested agencies and other parties. During this 30-day period, federal, state and local agencies will have the opportunity to review the document and prepare comments. The general public will also have the opportunity to review and comment on the document.

A public meeting will be held on or around January 9, 2009 at a location to be announced to provide information about the proposed project and the environmental process and to solicit comments and concerns about the project from the general public and neighboring property owners. A notice of the public meeting will be published in the Sierra Sun and mailers sent out to property owners within 300 feet of the project and other interested parties within the project area.

The public will also be allowed to comment at the scheduled County Board of Supervisors meeting on or around March 20, 2009 when the CEQA findings will be made by the Board for the MND approval.

In compliance with CEQA, a NOI to adopt a MND for the proposed Lake Forest Erosion Control Project Area B was distributed on December 17, 2008. The NOI was published once in the Sierra Sun newspaper and mailed to property owners within 300 feet of the project. The intent of the NOI is to make known that the lead agencies plan to adopt a MND and TRPA environmental clearance and to request comments and concerns on the document prior to adoption. The Draft MND is included in the front of this document prior to the beginning of Section 1. The Draft TRPA IEC is included in Section 5. These documents will be updated as needed to address comments received during the 30-day public comment period which is between December 18, 2008 and January 20, 2009.

Written comments should be sent to:

CEQA

Ms. Amy Green, Assistant Engineer
Placer County Tahoe Design Division
10825 Pioneer Trail, Suite 105
Truckee, CA 96161

Or

TRPA

Rita Whitney
Threshold Monitoring Program Manager
P.O. Box 5310
Stateline, NV 89449

1.6 Level of CEQA Documentation Determination

Placer County as the lead CEQA agency determined that a Mitigated Negative Declaration would be sufficient to satisfy CEQA requirements based on the results of the Placer County CEQA Checklist included in Appendix A. This was confirmed based on input from a meeting held on April 7, 2008. Permitting and funding agencies attended this meeting and other responsible agencies were invited, however some chose not to attend. This meeting was attended by representatives from Placer County, TRPA, Lahontan, the California Tahoe Conservancy and the project environmental consultant.

The level of documentation for this project was discussed at length at the meeting to reach a consensus as to the type of document expected. All agencies were satisfied with an IS level of documentation as long as the Lahontan concerns related to water quality issues were addressed to their satisfaction. During the meeting it was anticipated that a CEQA MND would be adequate based on proposed water quality environmental commitments and mitigation measures described during the meeting. TRPA staff requested to review a Draft TRPA IEC before making a determination about the level of environmental documentation required for the project. However, TRPA staff did express interest in a joint CEQA/TRPA environmental document. Upon review of the Draft IEC, TRPA made the determination that an IEC included as a joint document for CEQA would be satisfactory unless environmental analysis revealed unmitigated impacts.

The lead agencies and others attending the meeting were satisfied with the selection of the Preferred Alternative through the Storm Water Quality Improvement Committee (SWQIC) process. During the SWQIC process, detailed, comprehensive evaluation of the three alternatives was conducted and Alternative 1 was recommended as the Preferred Alternative by the TAC through consensus. This process is explained in detail in Section 2, Alternatives Screening and Selection. It was also decided at this meeting that a full analysis of all the alternatives considered through the SWQIC was not needed for CEQA because adequate consideration and evaluation of these alternatives had been conducted through the SWQIC process by the TAC.

1.6.1 Technical Advisory Committee

The TAC includes one member from several local, regional, state and federal agencies and project design and planning consultants. Members of the TAC include representatives from the following agencies: Lahontan, UC Davis, California Tahoe Conservancy, Caltrans, WCB, Placer County, CDFG, DPR, USACOE, USFS LTBMU, Reclamation, TCPUD, TRPA, and Wood Rodgers (Design Engineer). The TAC was formed to review and comment on the data and reports. The following is a list of planning and design level TAC meetings to date.

- August 28, 2003 - First TAC meeting to initiate project

- October 26, 2004 - Existing Conditions Memorandum
- April 21, 2005 - Formulation of Alternatives Memorandum
- November 16, 2005 - Evaluation of Alternatives and ECAM/FAM for Wildlife/Recreation Supplement
- June 14, 2006 - Preferred Alternative and Supplemental Micro Alternatives
- July 20, 2007 - Preferred Alternative
- July 22, 2008 - Pre-50% Plans for Area B SEZ Restoration
- October 17, 2008 - 75% Plans for Area B SEZ Restoration