

Draft Proposed Mitigated Negative Declaration

Snow Creek Stream Environment Zone (SEZ) Restoration Project

Lead Agency: Placer County Department of Public Works

Mitigated Negative Declaration: Pursuant to Division 13, Public Resources Code, California Environmental Quality Act

Description

Project Location:

The Project area is approximately 7 acres and is located within the Placer County, California portion of the Lake Tahoe Basin. It includes property located at 450/500 National Avenue in Tahoe Vista. A portion of the site was used as a concrete batch plant prior to being purchased by Placer County. The Project area also includes property east of the former concrete plant which is owned by Placer County and mapped as undeveloped rights of way as shown on the Wood Vista subdivision map. Undeveloped subdivided properties are also included within the Project area further north and east of the undeveloped right-of-way. This land is mostly owned by Placer County with some parcels owned by the California Tahoe Conservancy.

Purpose and Need of the Project:

The goal of the Project is to restore SEZ and upland areas by removing fill that was placed for the construction of a concrete batch plant and revegetating the area with native SEZ and upland plants. SEZs are natural meadow and riparian areas adjacent to streams, which provide for natural treatment of stormwater by filtering out sediment before it reaches Lake Tahoe and tributaries. SEZs are also sensitive biological habitats for native plant and animal species. The Project will also provide public access and educational opportunities with a sidewalk, paved path and interpretive signage.

Lake Tahoe is a designated Outstanding National Resource Water, renowned worldwide for its clarity and purity. This designation confers upon Lake Tahoe special protections, and no permanent or long term reduction in water quality is allowable (USEPA 1983). However, Lake Tahoe's clarity has declined by nearly 33 percent since 1968. Studies over the last three decades suggest that the reduction in water clarity of Lake Tahoe is correlated with the delivery of fine sediments from various watersheds in the basin and increased phytoplankton productivity, which in turn has been attributed to an increase in nutrients, especially nitrogen and phosphorus. The increase in sediment and nutrient load is a direct result of increased development and urbanization in the Lake Tahoe Basin.

In November of 2010 the Lahontan Regional Water Quality Control Board (RWQCB) approved the Lake Tahoe Total Maximum Daily Load (TMDL) which addresses clarity of the lake. Once approved by the U.S. Environmental Protection Agency (EPA), the TMDL will officially establish clarity targets and goals for urban jurisdictions including Placer County. The urban jurisdictions are charged with providing a reduction in sediment entering Lake Tahoe through implementation of water quality improvements and stormwater management.

In 1997, the TRPA established the Environmental Improvement Program (EIP) which was developed to help to achieve environmental threshold carrying capacities established for the Lake Tahoe Basin in the TRPA Regional Plan. Numerous projects were identified at that time including restoration of SEZ near the former concrete plant on National Avenue. This project encompasses three EIP projects: EIP 10038, Class I National Avenue trail to Regional Park; EIP 319, SEZ restoration on upper National Avenue; and EIP 649, comprehensive SEZ restoration goal for Placer County.

Under the Tahoe Regional Compact (Public Law 96-551), the TRPA developed the Lake Tahoe Regional Plan which includes the Tahoe Metropolitan Planning Organization (TMPO) Regional Transportation Plan, Mobility 2030. The Lake Tahoe Bicycle and Pedestrian Plan (BPP) is a result of Mobility 2030 and identified specific projects to be implemented. The BPP provides the framework to, among other things, establish funding opportunities to implement these projects. The trail segment proposed as part of this Project is listed in the BPP as National Avenue East Side.

Determination

Placer County Department of Public Works (County) has prepared an Initial Study (IS) to assess potential effects of the Project. The County has determined that the Project could cause a significant impact on the environment. This determination is based upon the evidence provided in the attached IS and other relevant documents and agency consultation.

Mitigation measures have been incorporated into the Project to reduce potential impacts to a less-than-significant level. These mitigation measures are listed below.

Biological Resources

Mitigation BIO-1 Prior to construction, protocol-level willow flycatcher surveys will be performed in the late spring and/or early summer. If willow flycatchers are detected nesting in the Project area, an agency mandated protected activity center will be delineated and a Limited Operating Period (LOP) between June 1 and August 31 will be applied in consultation with a TRPA biologist and California Department of Fish and Game (CDFG).

Mitigation BIO-2 Any construction activities that require removal of trees and shrubs will be conducted outside the avian nesting season (April 1 through August 15) unless a qualified biologist determines that no

nesting is occurring. The chronology of each year's nesting could vary due to snow loads. If vegetation removal and/or ground disturbance occurs during the avian nesting season, a qualified biologist will conduct nesting bird surveys of the areas of vegetation and tree removal out to 150 feet to ensure that breeding birds are not adversely affected. To comply with the Migratory Bird Treaty Act (MBTA), any location containing an active nest will not be disturbed until the young have fledged or it is determined that the nest is inactive. The first survey will be conducted 15 days prior to construction activity. A second survey will be conducted 72 hours prior to construction.

Mitigation BIO-3 Noxious and invasive weed control shall be implemented according to the instructions included in the plans and specifications. These measures will include the following:

- All off-road equipment and vehicles used for Project implementation are required to be weed-free. All equipment vehicles will be cleaned of all visible mud, dirt and plant parts. This will be done at a vehicle washing station before the equipment and vehicles enter the Project area and before vehicles enter the Basin (if they originate from outside the Basin).
- All gravel, fill or other materials imported to the site are required to be weed-free. Obtain weed-free material from gravel pits and fill sources that have been surveyed and approved by the California Department of Food and Agricultural, Nevada Department of Agriculture, or by a botanist or ecologist at TRPA.
- Mulches and seed sources used for revegetation are required to be weed-free. Seed mixes must be approved by TRPA.
- Weed infestations identified before Project implementation that are within the Project area will be hand treated or flagged and avoided according to the species present and Project constraints.

Cultural Resources

Mitigation CR-1 If additional heritage resources are discovered, Project activities should cease in the area of the find and the Project sponsor should consult a qualified archaeologist for recommended procedures. All such procedures should be conducted within the Section 106 of the NHPA and CEQA Section 15064.5 Guidelines.

Mitigation CR-2 If human remains are inadvertently discovered during Project activity, Project managers should consult an archaeologist for further direction in contacting the county coroner. If the remains are determined to be of Native American origin, both the Native American heritage commission and members of the Washoe Tribe (or other identified descendants) must be notified to insure that proper treatment is given to the burial site. All procedures should be conducted within the contact of CEQA, Section 15064.5 Guidelines and the California Public Resources Code 5097.95, 5097.98 and 5097.99.

A copy of the IS is attached. Questions about this Mitigated Negative Declaration and the IS may be directed to:

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All comments will be reviewed and responses prepared by the Placer County Department of Public Works.

Date: