

Section 1

Introduction and Statement of Purpose and Need

This document is a joint draft initial study/ proposed mitigated negative declaration (IS/MND) and Tahoe Regional Planning Agency (TRPA) Initial Environmental Checklist (IEC) prepared for the Snow Creek Stream Environment Zone (SEZ) Restoration Project, in compliance with the California Environmental Quality Act (CEQA) and TRPA Compact (Compact) and Code of Ordinances. This draft IS MND/TRPA IEC or “environmental document” has been prepared by the Placer County Department of Public Works (County) as Lead Agency under CEQA and the TRPA as Lead Agency in accordance with the Compact and the TRPA Code of Ordinances.



*Figure 1-1
Former Concrete Plant Site and Adjacent SEZ and Meadow*

The relevant statutes, regulations, and ordinances include:

- California Public Resources Code (PRC) Sections 21000 et seq., for CEQA
- California Code of Regulations (CCR), Title 14, Division 6, Chapter 3 (State CEQA Guidelines), including Section 15222 (“Preparation of Joint Documents”);
- Article VII of the TRPA Compact (Public Law 96-551, as revised in 1980);
- Chapter 5 of the TRPA Code of Ordinances; and
- TRPA Rules of Procedure.

This draft environmental document evaluates the adverse impacts on the human and natural environment resulting from implementation of the proposed project, hereinafter referred to as “the Project.” The environmental document identifies potentially significant adverse impacts and proposes mitigation measures that reduce or avoid these impacts. Beneficial impacts are discussed in Section 2 - Project Description to disclose the anticipated beneficial changes caused by the Project. These impacts are analyzed separately in Section 4 - TRPA Initial Environmental Checklist and are not analyzed for significance under CEQA. Following public review of the draft environmental document, a final environmental document will be prepared, in which the Lead Agencies will provide responses to comments relating to the environmental analysis provided in the draft document.

This section of the environmental document provides introductory information to orient the reader to the Project and the environmental analyses, which are described in detail in other sections. The purpose and need for the Project are presented in this section along with a description of all regulatory requirements and approvals needed to implement the Project.

1.1 Purpose and Need

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 (Lahontan RWQCB 1995). However, Lake Tahoe’s clarity has declined by nearly 33 percent since 1968 (UC Davis 2010). Studies over the last three decades suggest that the reduction in water clarity of Lake Tahoe is correlated with the delivery of fine sediments and nutrients, especially nitrogen and phosphorus from various watersheds in the basin (Simon et al. 2003 and Simon 2006).

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 to meet those targets to be achieved by urban jurisdictions including Placer County. The urban jurisdictions are charged with providing a reduction in sediment entering Lake Tahoe through implementation of erosion control projects, and SEZ restoration projects.

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 (TRPA 2001). Numerous projects were identified at that time including the restoration of SEZ near the former concrete plant on National Avenue (the Project). 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 identifies specific projects to be implemented. The BPP provides the framework to, among other things, establish funding opportunities to implement these projects. The trail segment described in Section 2 Project Description of this environmental document is listed in the BPP as National Avenue East Side. Specifically, construction of this trail segment would help TRPA to meet the following goals as described in the BPP (TRPA 2010a):

- Goal 1: Complete a bicycle and pedestrian network that provides convenient access to Basin destinations and destinations outside the Basin.

Construction of the Project would help to provide safe, non-motorized access to the North Tahoe Regional Park and existing trail system. It would also connect to another proposed trail segment along National Avenue. The trails would provide a route from SR 28 north along National Avenue, then through the Project area to the existing dirt trail system to the east. The dirt trails then connect to the North Tahoe Regional Park trail system and to the residential area further to the east.

- Goal 3: Provide environmental, economic, and social benefits to the region through increased bicycling and walking.

Construction of the Project would help to increase bicycling and walking in the area because it would connect to existing and proposed trails and uses, and provide a safe and accessible trail to be used by residents and visitors to the area. It is

anticipated that this trail would primarily serve the local residents in Tahoe Vista and Kings Beach since it would connect to an unpaved trail network.

1.2 Legal Authority

This draft environmental document has been prepared to determine whether the Project would have a significant adverse impact on the environment. It is based upon the CEQA (Appendix A) and TRPA (Section 4) environmental checklists, and CEQA guidelines. The administrative record for this document includes specific studies that examine the potential significance of environmental impacts to specific resources. These studies are a crucial part of the record supporting the environmental document for this Project and they are summarized in the body of this document.

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 Project and other projects happening in conjunction with this Project at a past, present or reasonably foreseeable time). Actions that could lessen identified impacts (mitigation measures) are identified when needed to reduce any adverse environmental impacts to below a level of significance.

This draft environmental document will serve as the State's CEQA compliance document, and as TRPA's compliance document with respect to its Compact and Chapter 5 of the TRPA Code of Ordinances. State responsible, trustee agencies, and federal consulting agencies may also use this document, as needed, for subsequent discretionary actions.

1.2.1 CEQA

This environmental analysis was prepared to comply with the requirements of CEQA of 1970, Cal. Pub. Res. Code §21000 et seq. CEQA requires that state and local government agencies consider the environmental impacts of projects over which they have discretionary authority before taking action on those projects (PRC Section 21000 et seq.). CEQA also requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, the significant environmental impacts of projects it approves or implements. Public agencies are required to consider the information presented in the CEQA document when determining whether to approve a project.

CEQA requires the approval of all lead, responsible, and trustee agencies with jurisdiction over the Project. Other public agencies with discretionary authority over the Project (local agencies for example) may also use this document to authorize their decisions. Placer County Department of Public Works (DPW) is the Project proponent and lead CEQA agency, and all other agencies participating with trustee, responsible, or discretionary roles are described in Section 1.4.

1.2.2 TRPA

TRPA is a bi-state regional planning agency created in 1969 by Federal law to oversee development on both the California and Nevada sides of Lake Tahoe (Compact). TRPA's mission is to "lead the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region" (TRPA Website 2011a). TRPA has its own environmental documentation requirements outlined in Chapter 5 of the *TRPA Code of Ordinances*. The TRPA IEC is used to determine the potential for significant impacts to the environment from a project. TRPA requires environmental clearance under its own requirements prior to issuing a permit for a project (TRPA 1987). This Project would be required to comply with the *TRPA Code of Ordinances and Rules and Procedure* to receive a permit for construction.

1.3 Lead Agencies

1.3.1 Placer County

Placer County is the Project proponent and Lead Agency under CEQA as well as a permitting agency for the Project. The County is the grantee for funding from several sources including: the California Resources Agency Rivers and Parkway Grant (Proposition 84), U.S. Department of Interior Bureau of Reclamation for planning (Lake Tahoe Regional Development Program), TRPA Water Quality and SEZ Mitigation funds, and the U.S. Environmental Protection Agency (EPA) Brownfields Program. Placer County purchased the property with a grant provided by the Sierra Nevada Conservancy.

CEQA requires Lead Agencies to consider environmental impacts that may occur with approval of a project and to avoid or substantially lessen significant impacts to the environment when feasible. Placer County proposes to take discretionary actions, once a CEQA decision has been made, to approve grading and encroachment permits for the Project.

1.3.2 Tahoe Regional Planning Agency

The TRPA is a primary permitting agency and the Lead Agency under the Compact. They have also provided funding for the Project from Water Quality and SEZ Mitigation funds. The Project design is required to comply with the Code of Ordinances to receive permits for construction. TRPA permitting requirements include a Grading Permit, Land Capability and Coverage Verifications, Soils and Hydrologic Determination, Banking of Existing Coverage and Commercial Floor Area and SEZ Restoration Credit determination.

TRPA has determined that the completion of a CEQA IS and TRPA IEC is sufficient to determine the environmental impact of the Project. The completed IEC including all supporting documentation is included in Section 4 of this document. The Project must also comply with the TRPA Regional Plan, which identifies nine thresholds for the Tahoe Basin, including: water quality, air quality, wildlife habitat, scenic resources, soil conservation, fish habitat, vegetation, noise and recreation (TRPA 2002a). The

Project must help to attain applicable thresholds and not diminish attainment of any of the thresholds.

1.4 Trustee, Responsible, Consulting, and other Permitting Agencies

The Project will require the review and approval of several Federal, state and local agencies in addition to the Lead Agencies identified in Section 1.3. These agencies are defined as Trustee, Responsible, Consulting, and other Permitting Agencies and are identified in the sections below.

1.4.1 CEQA Trustee and Responsible Agencies

Under CEQA, a Trustee Agency is a “state agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California” (CEQA Guidelines). Under CEQA, a responsible agency is an agency other than the Lead Agency that has legal responsibility for carrying out or approving a project or elements of a project (PRC Section 21069). Consulting and other permitting agencies are described below.

1.4.1.1 Lahontan Regional Water Quality Control Board

The Lahontan RWQCB, a Trustee and Responsible Agency, has jurisdiction over all water dischargers on the eastern slope of the Sierra Nevada. The Lahontan RWQCB staff will determine whether or not the Project would qualify for Section 401 Water Quality Certification and be eligible for a Construction Stormwater Discharge and Dewatering permit in accordance with National Pollution Discharge Elimination System (NPDES) requirements. The agency would require adoption of this CEQA document prior to issuance of the required permits. A representative from the RWQCB is a member of the TAC.

1.4.1.2 California Resources Agency

The California Resources Agency is a Responsible Agency providing grant funding to Placer County for restoration of wetlands and riparian habitat and to create a raised boardwalk Class 1 bicycle and pedestrian trail. All projects must comply with CEQA to receive funding. A representative from the California Resources Agency is a member of the TAC.

1.4.1.3 California Tahoe Conservancy

The California Tahoe Conservancy, a State agency within the larger Natural Resources Agency, is a property owner within the Project area and Responsible Agency. A representative from the Conservancy is a member of the TAC. As part of the Project, improvements are proposed on the public parcels owned by the Conservancy. Following Board of Supervisors’ action on the environmental documentation for the Project, the Conservancy Board will consider authorizing staff to proceed with granting the land tenure (license agreements and/or easements, as appropriate) that allows these improvements to be constructed.

1.4.1.4 California Department of Fish and Game

The California Department of Fish and Game (CDFG) is a Trustee and Responsible Agency with jurisdiction over the stream channels and adjacent wetlands within the Project area. A Streambed Alteration Agreement under Section 1602 of the Fish and Game Code is required for a portion of the Project where trail foundation footings are proposed to be placed in wetlands hydrologically connected to a stream. The agency will review the joint environmental document for compliance with CEQA prior to issuance of any permits.

1.4.2 Other Consulting and Permitting Agencies

Several other agencies have consulting or permitting responsibilities for the Project and are described below.

1.4.2.1 U.S. Environmental Protection Agency

The U.S. EPA, through their Brownfields Grants and Land Revitalization Program, is providing grant funding to cleanup existing contaminated soil at the site and to remove the fill at the former concrete plant site. The grant also includes incorporating the restored area into the community. According to grant guidelines, the Project must comply with Section 106 of the National Historic Preservation Act (NHPA) and Section 7(a)(2) of the Endangered Species Act (ESA). If it is determined that components of the Project covered under the Brownfields Grant would affect historic properties or threatened or endangered species than Placer County is required to consult with EPA prior to conducting the cleanup work. A Community Relations Plan will be submitted to the U.S. EPA which satisfies their requirements for compliance with the National Environmental Policy Act (NEPA) under the Brownfields Grant and Land Revitalization Program.

1.4.2.2 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACOE) has jurisdiction over all waters of the United States including wetland areas. The Project falls under their jurisdiction and would require a Department of the Army permit under Section 404 of the Clean Water Act for discharges of dredge or fill material into waters of the United States. Two permits are required and include the Nationwide Permit 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities; and Nationwide Permit 42 – Recreational Facilities. The USACOE will prepare NEPA documentation based on completed CEQA documentation. The USACOE will also consult with the State Historic Preservation Office under Section 106 requirements and the USFWS if endangered species are to be impacted.

1.4.2.3 North Tahoe Public Utility District

The North Tahoe Public Utility District (PUD) owns several sewer and water infrastructure facilities within or near the Project area that may be affected by the Project. The North Tahoe PUD would need to approve of and oversee any modifications to their facilities. They will review Project plans as they become

available to determine if there are any conflicts with their facilities that could cause potential adverse impacts.

1.4.2.4 North Lake Tahoe Resort Association

The North Lake Tahoe Resort Association (NLTRA) is a non-profit public benefit corporation whose mission is to “promote tourism and benefit business through efforts that enhance the economic, environmental, recreational and cultural climate of the area” (NLTRA Website 2011). A representative from the NLTRA is on the TAC committee in order to promote their interest in recreational access.

1.5 Public Review Process

Opportunities for public participation during 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 CEQA 30-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. A 30-day 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 during this period.

A public meeting will be held during the 30-day public review period on Friday, October 14, 2011 to provide information about the Project and the environmental process and to solicit comments and concerns about the Project from the general public and neighboring property owners. Notice for the meeting will be published in *The Sierra Sun* newspaper.

The public may also comment at the scheduled Placer County Board of Supervisors meeting on or around November 8, 2011 when the CEQA findings will be made by the Placer County Board of Supervisors for the MND adoption.

The Project will be required to be presented to the TRPA Governing Board because a new recreational trail is proposed creating new land coverage on low capability land. The Project is also required to be presented to the TRPA Hearings Officer because of proposed modifications to the SEZ. This is required according to Chapter 4, Appendix A of the TRPA Code of Ordinances. Property owners within 300 feet of the Project area will be invited via mail to this meeting. The schedule for the meeting has not yet been determined.

The proposed MND is included in the front of this document prior to the beginning of Section 1. The Draft TRPA IEC is included in Section 4. These documents will be updated as needed to address comments received during the 30-day public comment period.

Written comments should be sent to:

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P.O. Box 336
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Or

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1.6 Level of Documentation Determination

All involved agencies including agencies with regulatory or funding authority over the Project were specifically targeted for comments related to the level of environmental documentation. A technical advisory committee (TAC) meeting was held on April 22, 2011, which included a discussion of the environmental document process. This meeting was attended by representatives from the Placer County DPW, TRPA, U.S. Forest Service (USFS) Lake Tahoe Basin Management Unit (LTBMU), California Natural Resources Agency, U.S. EPA, North Tahoe PUD, California Tahoe Conservancy, Bureau of Reclamation and the planning and design consultants. Invitations to the meeting were also extended to representatives from Lahontan RWQCB, USACOE and the North Lake Tahoe Resort Association; however, representatives from these agencies were not present at the meeting.

The level of documentation for the Project was described to the TAC members present at the meeting and all attendees concluded that preparing a CEQA IS and TRPA IEC was appropriate. Upon preparation of these documents within this one Public Draft joint document it has been determined that the Project would not have a significant impact on the environment with the incorporation of the described mitigation measures. Therefore, Placer County may prepare an MND, and the TRPA may prepare a Mitigated Finding of No Significant Effect (FONSE). Due to this agreed upon level of documentation, only the Project alternative is analyzed for its respective resource impacts in this document.

1.7 Organization of this Environmental Document

The content and format of this draft environmental document are designed to meet the requirements of CEQA, the State CEQA Guidelines' and TRPA Code of Ordinances requirements. The document is organized into the following sections so

that the reader can easily obtain information about the Project and its specific environmental issues.

- The cover sheet contains the draft proposed CEQA MND, Lead and Agency information, the title of the Project and its location, a brief description of the Project, CEQA determination, mitigation measures, comment submission information, table of contents, and a list of applicable acronyms.
- Section 1, “Introduction and Statement of Purpose and Need,” specifies the underlying Project purpose and need to which the Lead Agencies are responding in considering the Project; describes the CEQA and TRPA processes and legal authority; lists the Lead, Responsible, Permitting and Trustee agencies that have discretionary authority over the Project; provides information on public participation; documents the determination of the level of environmental documentation; and outlines the organization of the document.
- Section 2, “Project Description” presents the Project alternative. This Section describes the Project location and area; Project history; goals and expected benefits; characteristics and components of the Project, including all construction; schedule; and construction methods and controls.
- Section 3, “Environmental Analysis,” is divided into 14 sections by topic. Each Section describes the existing conditions (i.e., environmental setting), regulatory framework, defines the types of potential environmental impacts, and provides an analysis of impacts for the Project; and describes mitigation measures that would avoid or eliminate significant impacts or reduce them to a less-than-significant level for the Project. This Section also identifies the cumulative impacts of implementing the Project alternative, against a backdrop of past, present, and reasonably foreseeable future projects. The 14 Section topics are organized as follows:
 - 3.1 Aesthetics
 - 3.2 Air Quality
 - 3.3 Biological Resources
 - 3.4 Cultural Resources
 - 3.5 Geology and Soils
 - 3.6 Greenhouse Gas Emissions
 - 3.7 Hazards and Hazardous Materials
 - 3.8 Hydrology and Water Quality
 - 3.9 Land Use and Planning
 - 3.10 Noise
 - 3.11 Recreation
 - 3.12 Transportation and Traffic
 - 3.13 Utility and Service Systems
 - 3.14 Mandatory Findings of Significance

- Section 4, “TRPA Initial Environmental Checklist,” answers all questions in the TRPA checklist with associated explanations for all questions answered “Yes”, “No, With Mitigation”, and “Data Insufficient”.
- Section 5, “Mitigation Measures and Mitigation Monitoring Reporting Requirements,” identifies CEQA mitigation measures and how they will be implemented.
- Section 6, “List of Preparers”, including all contributors to the preparation of the environmental document along with their technical expertise.
- Section 7, “References,” provides a bibliography of sources cited in the environmental document.