

**ADDENDUM TO THE
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
FOR THE
NORTH TAHOE SHARED-USE TRAIL – SEGMENT 1**

SCH NO. 2022030427

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PREPARED BY RESPONSIBLE AGENCY:

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I. INTRODUCTION

The North Tahoe Shared-Use Trail – Segment 1 Project (Project) is located in the North Lake Tahoe area of eastern Placer County (County). The County, as the project sponsor and lead agency, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project. The County adopted the IS/MND on June 14, 2022, and filed a notice of determination on June 15, 2022.

As described in detail in Section 3 of the IS/MND, the Project involves the construction of 2.52 miles of paved shared-use trail connecting the North Tahoe Regional Park to the community of Carnelian Bay. The trail would measure a minimum of 10 feet and a maximum of 12 feet in width, with one-foot aggregate base shoulders on either side. It could be used by bicyclists, hikers, commuters, and other recreationalists, and is a segment link within the larger regional trail system.

The California Tahoe Conservancy (Conservancy) has prepared this Addendum in its role as a responsible agency.

II. DESCRIPTION OF CHANGES AND RATIONALE FOR ADDENDUM

Since adoption of the IS/MND, the following minor technical changes/additions have arisen for which preparation of an addendum is appropriate:

1. Inclusion of the Conservancy in the list of responsible agencies in Section 2.3.2.
2. Modification of Mitigation Measure TCR-1 to read as follows (added text indicated with underline):

“Mitigation Measure TCR-1: Continue Consultation with Shingle Springs Band of Miwok Indians (SSBMI) Tribe and Washoe Tribe of Nevada and California (Washoe Tribe). Construction shall cease if a potential cultural resource is inadvertently discovered during construction, and the SSBMI Tribe and Washoe Tribe shall be contacted to continue consultation. Construction shall not resume until consultation with each tribe is considered concluded when either of the following occurs, pursuant to Public Resource Code (PRC) 21080.3.2(b)(1): “The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource,” or PRC 21080.3.2(b)(2): “A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.”

3. Addition of new Mitigation Measure TCR-2 to read as follows:

“Mitigation Measure TCR-2: Cultural Monitoring. Prior to construction, the County shall retain one qualified Tribal Monitor from or approved by the Washoe Tribe to monitor ground disturbance and/or potential natural resource disturbance during Project construction activities. Tribal Monitors are

accountable for ensuring the continued protection of cultural resources/heritage.

The Project's construction manager shall provide the Washoe Tribe with 72 hours' written notice prior to the initiation of any monitored activities. Notice shall include the date and time of commencement of the ground disturbance and/or potential natural resource disturbance associated with construction activities. In the event the Tribal Monitor does not report to the job site at the scheduled time after receiving proper notice, activities may proceed without monitoring, and construction workers shall comply with Construction Controls Section 3.7.3, Cultural Resources, of the Project's Mitigated Negative Declaration if any potential resources are observed. The Tribal Monitor shall have the authority to temporarily pause ground disturbance within 100 feet of a discovery for a duration long enough to examine the resource. In the event a resource is identified, the Tribal Monitor shall flag off the discovery location and notify the County immediately to coordinate on appropriate and respectful treatment pursuant to state law. No removal or disturbance of the discovery is permitted until authorized by the County.

Decisions regarding treatment and disposition of any identified tribal cultural resources shall be made in coordination with the Washoe Tribe. Preservation in place is the preferred treatment of resources. If treatment in place is not feasible, the resource(s) in question shall be reburied in a location on-site that is acceptable to the Washoe Tribe and not subject to future disturbance. If no such location is available, the resource shall be provided to the Washoe Tribe.

The Tribal Monitor, in consultation with the Washoe Tribal Historic Preservation Officer and the County, shall determine an end or reduction to the on-site monitoring when construction activities have a low potential for impacting tribal cultural resources/heritage."

The Conservancy prepared this Addendum to the IS/MND to address the changes identified above. The preparation of an addendum is appropriate pursuant to CEQA Guidelines section 15164.

CEQA Guidelines sections 15162 and 15164 allow a lead or responsible agency to prepare an addendum to a previously adopted MND if minor technical changes or additions are necessary, but none of the following occurs:

1. Substantial changes are proposed in the project, which will require major revisions to the MND due to the involvement of new significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions to the previous MND due

to involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, shows any of the following:
 - a. The project will have one or more significant effect not discussed in the MND;
 - b. Significant effects previously examined will be substantially more severe than shown;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
 - d. Mitigation measures or alternatives, which are considerably different from those analyzed in the previous MND, would substantially reduce one or more significant effect on the environments, but the project proponents decline to adopt the mitigation measure or alternative.

The revisions documented herein are minor technical changes to the IS/MND that do not trigger any of the conditions described above. Therefore, a subsequent MND is not required.

III. ENVIRONMENTAL ANALYSIS

This section evaluates whether the changes identified above would result in new or substantially more severe environmental impacts than described in the IS/MND.

TOPICS TO BE DISMISSED FROM FURTHER ANALYSIS

The analysis in the IS/MND adequately addresses potential impacts for the following topics because the changes identified herein do not affect the topic, or there has not been a substantial change in the circumstances involving the topic or in the surrounding local environment: aesthetics, air quality, agriculture and forestry resources, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and services. Therefore, these topics are not analyzed further in this Addendum.

ANALYSIS

Cultural Resources and Tribal Cultural Resources

To prepare the IS/MND, the County conducted an investigation within a 39-acre Project area to locate, describe, and evaluate cultural and historic resources that may be present. The investigation included a records search and field surveys conducted in

October 2019 and October 2020. A full accounting of the methods and findings can be found in the Heritage Resource Inventory Report provided as Appendix G to the IS/MND. The Heritage Resource Inventory Report and Section 4.18.2 of the IS/MND also describe the County's Assembly Bill (AB 52) process.

Section 4.5.3 of the IS/MND made the following determination regarding the potential to disturb human remains:

- **“c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?”**

Less than Significant Impact

Based on the prehistoric and historic uses of the area and the prior ground disturbance within the APE, and minimal construction depths, human remains are not expected to be discovered during construction activities. Additionally, as stated in Construction Controls Section 3.7.3, Cultural Resources, the Project is required to comply with the following provisions, should human remains be encountered during construction:

If cultural resources are discovered during Project implementation, Project personnel shall halt all activities in the immediate area and notify the Project Engineer, the Washoe Tribe, and a qualified archaeologist to determine the appropriate course of action. Archaeological resources are not to be moved or taken from the Project site and work should not resume until authorized. Should human remains be encountered while engaged in construction activities, work must cease in the immediate area and the contractor must immediately report the finding to the County Coroner, Washoe Tribe, California OHP, USFS, and other designated officials. The California OHP office will consult with the tribe on the disposition of the remains and any associated artifacts.

The likelihood of disturbing human remains during construction are considered very low, and procedures are in place to protect remains if uncovered. Therefore, the potential for the Project to disturb human remains is less than significant.”

In addition, Section 4.18.4 of the MND determined the following with regard to tribal cultural resources:

- **“ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?”**

Less than Significant Impact with Mitigation Incorporated

As discussed in the Environmental Setting, the SSBMI Tribe requested continued consultation regarding the Project during construction. In the event inadvertent cultural resources are discovered because of Project activities, Mitigation Measure TCR-1 will ensure the SSBMI Tribe is informed of findings and potential significant impacts to tribal cultural resources are avoided.”

This Addendum revises Mitigation Measure TCR-1 and adds Mitigation Measure TCR-2, as described above in Section II.

Conservancy staff determined that revisions to Mitigation Measure TCR-1 are necessary to clarify that the County must also contact the Washoe Tribe and continue consultation in the event a potential cultural resource is discovered. While the construction control measure in Section 4.5.3 also requires the Washoe Tribe to be notified if a cultural resource is discovered, the revision would clarify the need for continued consultation. In addition, Conservancy staff, in coordination with the Washoe Tribe, determined that the addition of Mitigation Measure TCR-2 for cultural monitoring during Project construction is necessary to ensure no significant impacts to tribal cultural resources.

There is no potential for any new significant environmental effects to result from these changes. Further, these changes do not involve new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted, and do not show that the Project would have a new significant effect or substantially more severe significant effect than previously analyzed.