

**ADDENDUM TO
NEGATIVE DECLARATION**

**For
VAN SICKLE
CA/NV BI-STATE PARK**

State Clearinghouse Number 2009042033

May 2009

**CALIFORNIA TAHOE CONSERVANCY
Lead Agency**

The following changes and/or clarifications are made a part of the above referenced document and full consideration of the changes and/or clarifications in this Addendum shall be as part of the California Tahoe Conservancy's Initial Study and Negative Declaration.

I. Background

The California Tahoe Conservancy (Conservancy), acting as lead agency, prepared an Initial Study (IS) and Proposed Negative Declaration (ND) for the Van Sickle CA/NV Bi-State Park project to comply with the requirements of the California Environmental Quality Act (CEQA). Conservancy staff submitted this IS/ND, along with a Notice of Intent to Adopt a Negative Declaration (NOI) and Notice of Completion (NOC)/Environmental Document Transmittal Form to the State Clearinghouse for circulation to potentially affected State agencies. The State Clearinghouse review period ended on May 5, 2009.

The Conservancy circulated the NOI to organizations and individuals who participated in past master planning public processes, to adjacent and potentially interested property owners within 300 feet of the project's boundary, and to agencies which have transportation facilities potentially affected by the project. The NOI stated that the public review period for the IS/ND was April 9 - May 9, 2009 and informed the public where the documents could be reviewed. Notice was also posted on site on the project area.

Since circulation of the IS/ND, a number of changes to the project have arisen. These changes include:

1. Modification to list of Project Area Assessor Parcel Numbers.
2. Modifications to the project's land coverage.
3. Retention of all large trees (>30" dbh) in California.
4. Assignment of Persons at One Time (PAOTs) to the project
5. Modification to the discussion regarding the project's effect on the public storm drain system and incorporation by reference of the project's Drainage Report.

II. Proposed Minor Modifications

II.1. *Modification to list of Project Area Assessor Parcel Numbers*

Modify Table 2.9, Project Area Assessor Parcel Numbers (page 75) as follows:

- Add APNs 029-441-03 (easement portion only) and 029-441-20.
- Delete APN 022-441-20.

Explanation. APN 029-441-03 was erroneously omitted from the list of affected parcels. The Conservancy holds a 50 x 100 foot appurtenant easement benefiting APN 029-441-20 over this privately owned parcel. Portions of the entrance road, entry plaza, and multi-use trail are located within the easement area and are included in the environmental analysis. The IS/ND contained a typographic error and APN 029-441-20 should replace APN 022-441-20 on the list of affected parcels. The State Clearinghouse circulated a modified APN list for this project to the State agencies reviewing the environmental document.

II.2. Modifications to the Project's Land Coverage Requirements

Following Table 2.6-6 (page 55), add the following text:

The land coverage tables, Tables 2.6-3, 2.6-4, 2.6-5, and 2.6-6, above, were approved by the TRPA Governing Board on April 22, 2009 with one applicant-proposed project modification. These tables will be modified based upon the changes described below. All revised land coverage figures will be within the original numbers submitted to TRPA. Based upon preliminary estimates and recalculations, the project impervious coverage will be reduced from +/-160,000 square feet to +/- 115,000 square feet – a reduction of approximately 30%.

At the Governing Board meeting, NDSP committed to redesigning the access drive to reduce the width of its shoulders from four feet to two feet on either side. The precise coverage reduction resulting from this decreased width cannot be finalized until the final engineering is completed. Estimates anticipate a reduction of approximately 12,000 square feet of land coverage by this change, with 1,300 square feet of this reduction located in the SEZ.

Offsite coverage for this project is located in the easement across APN 029-441-03 and the Montreal Road right of way. These improvements include the access drive, entry, plaza, and multi-use trail, totaling approximately 9,000 square feet of new land coverage located within Capability Class 4 and SEZ (approximately 121 square feet).

Explanation. Changes to land coverage in the IS/ND, including coverage from the project area as well as the offsite coverage, stem from the following modifications to the project:

- (1) The consultant to this project made a transcription error resulting in an additional 45,000 square feet of land coverage on APN 29-260-32 which did not exist. The road was estimated to be 79,000 square feet and it was actually 34,000 square feet.
- (2) NDSP committed to redesigning the drive to reduce the width of its shoulders from four feet to two feet on either side. The precise coverage reduction resulting from this decreased width cannot be finalized until the final engineering is completed and is estimated in Tables 2.6-3, 2.6-5, and 2.6-6, above.
- (3) As the project was refined during the construction documentation phase, modifications were made which reduced land coverage through creation of “pinch points” in the access drive. Specifically, lanes were narrowed to protect individual large trees and the final location and configuration of the California-side day use area was modified. These changes were analyzed properly in all sections of the IS/ND, but were erroneously omitted from the land coverage tables.
- (4) The project's “offsite coverage” requirements have been added to the coverage calculations. Offsite coverage is the land coverage required for the project that is located outside of the defined project area. In this case, offsite coverage is within project improvements located in the easement across APN 029-441-03 and the Montreal Road right of way. These improvements include the access drive, entry, plaza, and multi-use trail.

These changes do not alter the project's compliance with land coverage regional requirements. TRPA Governing Board has concurred that the SEZ coverage exception findings apply to low capability (1a and 1b) lands. The project is within the Bailey coverage amounts for high capability (Class 4) lands. The project's TRPA permit will be revised once the final coverage calculations are determined based upon the project redesign. Thereafter, all coverage related offsets and fees will be applied.

II.3. *Retention of all Large Trees (>30" dbh) in California*

Modify answer to question g) "Will the project result in the removal of any native live, dead, or dying trees 30 inches or greater in diameter at breast height within the TRPA's Conservation or Recreation land use classifications?" (page 38) as follows:

~~Less than Significant~~**No Impact.** TRPA regulates the management of forest resources in the Lake Tahoe Basin in order to achieve and maintain the environmental thresholds for species and structural diversity, to promote the long-term health of the resources, and to create and maintain suitable habitat for diverse wildlife species. Trees and vegetation that are not proposed for removal will be protected during project construction through the implementation of standard tree protection BMPs.

For lands located within Conservation or Recreation land use classifications, or for SEZ lands, all trees 30 inches dbh or greater in westside (California) forest types and 24 inches dbh or greater in eastside forest types (Nevada) are generally protected from removal pursuant to the requirements of Chapter 71 of the TRPA Code of Ordinances. The Code also provides for limited exceptions to this prohibition.

~~Implementation of the proposed project, specifically for the modifications to the access road, involves the removal of eight large trees over 30 inches dbh in westside forests (California side) and the removal of three large trees over 24 inches dbh in eastside forests (Nevada side) within the Conservation land use classification.~~

~~In Nevada, two of the three large trees proposed for removal have been evaluated by foresters to be structurally weak and diseased. In California, six out of the eight trees were found to be either structurally weak or diseased based on the CAL FIRE forester's tree health assessment. The two other healthy large trees proposed for removal would create openings in the overstocked stand and release other trees for continued growth and health achieve forest health and ecosystem management goals. Removal of the two healthy trees is supported by the California tree health assessment. The Conservancy will conduct tree removal on the California side under MOU the terms of their TRPA permit for the project with TRPA and relevant permits issued by CalFire.~~

~~The proposed removal of 11 large trees is consistent with the management prescription to be applied to the property and will achieve ecosystem management goals, consistent with the findings required for the ordinance exception. Impacts are less than significant.~~

In California, no trees over thirty inches dbh will be removed. There are no impacts to large

trees resulting from project implementation.

Explanation. Registered Professional Foresters re-measured tree diameters after circulation of the IS/ND, and learned that a number of trees which had originally been identified as over thirty inches in diameter were in fact, less than thirty inches in diameter. This, in conjunction with the redesign of certain project elements, eliminated the project's effects to large trees (<30" dbh) in California.

II.4. *Assignment of 138 (instead of 126) Persons at One Time to the Project*

Modify PAOT allocation for the project (page 99) as follows:

"138 PAOTs" replaces "126 PAOTs."

Explanation. PAOTs are TRPA's measurement system for achieving outdoor recreation targets. Initially, the IS/ND anticipated an allocation of 126 PAOTs for the project. However, the TRPA permit for the project, approved by the TRPA Governing Board in April 2009, allocated the project 138 PAOTs. This number requires correction in order to be consistent with the permit.

II.5. *Modification to the Project's Effect on the Public Storm Drain System and Incorporation by Reference of the Project's Drainage Report*

Modify question c) "Will the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?" (page 103) as follows:

No Impact. The proposed project is located in an area with minimal existing public drainage facilities, therefore, new storm drainage facilities will be installed to meet all required detention and retention requirements, and to re-route flows in a manner to support SEZ restoration/enhancement and improve water quality. No public storm drainage conveyance systems would be adversely affected due to the minor amount of offsite runoff resulting from the project, as described in the drainage report prepared for this project. ~~and~~The project would not require the does not result in the need for modifications to existing or construction of new off-site storm drainage facilities. Therefore, no impacts are expected to result from the proposed project.

Modify opening paragraph of Chapter 2.8 - Hydrology and Water Quality (page 63) as follows:

This section identifies and evaluates changes that may occur within the project site related to hydrology and water quality. The information in this section is based on a Drainage Report and Soils/Hydrology Report, both prepared by Resource Concepts, Inc., which are summarized and incorporated by reference herein. It is available for review at the Conservancy's office, 1061 Third Street in South Lake Tahoe. They reference to publicly available hydrology, SEZ, and flood data, such as TRPA and Federal Emergency Management Agency (FEMA) maps, and consultation with the TRPA, Lahontan, and NDEP.

Modify question e) “e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?” (page 71) as follows:

No Impact. The proposed project will install TRPA BMPs and improve the quality of runoff, which will reduce the overall runoff that enters the City of South Lake Tahoe’s storm water drainage system. As described in detail in the project’s Drainage Report which assesses project runoff amounts and describes proposed treatments, project area BMPs will focus on sub-area flow routing, detention/infiltration basins, storm drain piping, and SEZ restoration that will provide runoff infiltration for the project area. Runoff from impervious surfaces will be collected, conveyed, and directed to on-site infiltration or treatment facilities, except for a small .09-acre area at the park entrance. Pre-project flows typically sheet flowed across the undisturbed soil or native surface access road to the existing roadside swale on Montreal Road. Because this is the low point in the project area, it was not feasible to collect and convey runoff from the entrance to a new basin or mechanical treatment device. Porous asphalt will be installed to allow runoff to filter through the pavement and collect and infiltrate in an underground infiltration gallery. A short section of French drain will be installed to convey excess flows to the existing roadside channel along Montreal Road.

The project does not propose to increase flows to the downstream drainage systems. The onsite drainage will be modified through the restoration of one SEZ, upsizing the road embankment culvert, and the installation of a series of ten small detention/infiltration basins. All disturbed areas will be revegetated with native riparian or upland seeding and container planting to promote nutrient uptake and provide slope stabilization. The Drainage Report details the pre-project and post-project flows for the 10-year, 24-hour storm event and describes the storage volume, flows into, and excess flows out of the proposed basins based in the difference in pre-project and post-project volumes of water, and total flow volumes in and out of the basins based on the 10-year, 24-hour event. The entrance roadway will be paved and have drainage conveyances near the site entrance (e.g., curb and gutter) installed. Such improvements will reduce off-site surface water runoff that currently occurs and limit runoff that could exceed the capacity of existing storm water drainage systems or provide substantial additional sources of polluted runoff. Therefore, no impacts are expected.

Explanation. These sections were modified for clarification purposes only. No project elements were redesigned that affected storm drainage in any way different that described in the project’s original drainage report.

III. Environmental Analysis

Conservancy staff has determined that this addendum is required in order to address the corrections or changes described above which have arisen since circulation of the IS/ND. A lead agency must prepare an addendum if some changes or additions are necessary but preparation of a new ND is not required.

Here, circulation of a new ND is not required. The Conservancy has determined, based on substantial evidence in the light of the whole record, that the proposed changes listed above are not substantial. The changes do not involve any new significant environmental effects. The changes do not require substantial changes with respect to the circumstances under which the project is undertaken requiring major revisions of the IS/ND. The changes do not involve new information of substantial

importance, which show that the project will have one or more significant effects not discussed in the previous IS/ND. *See* CEQA Guidelines, Art. 11, § 15162(a)(1)-(3).

Modification to list of Project Area Assessor Parcel Numbers.

The modifications to Assessor's Parcel Numbers does not change the project description in the IS/ND and does not create any new significant environmental effects. Although certain parcel numbers were erroneously omitted from the IS/ND, the land encompassing these parcels was properly described and analyzed in the project's impact assessment. Accordingly, modification to the listed parcel numbers does not change the analysis provided in the IS/ND and therefore results in no new significant environmental effects.

Modifications to the Project's Land Coverage.

The overall coverage reduction is comprised of reductions in the project area as well as the offsite coverage area (coverage in the Montreal Road right of way and the easement over APN 029-441-03). The original coverage estimated for the project was determined to have no substantial effect on the environment. Accordingly, a reduction in this coverage will not contribute to any new significant effects on the environment.

Retention of all Large Trees (>30" dbh) in California

The redesign of project elements as well as corrections to tree diameters allowed for the preservation of more large trees (<30" dbh) than was originally estimated in the IS/ND. Accordingly, the impact on large trees was reduced from the originally assessed impacts. Thus this change does not contribute to any new significant effects on the environment.

Assignment of 138 (instead of 126) Persons at One Time to the Project

The changes to the number of PAOTs assigned to the project increased the original PAOT estimate by 12. This slight increase assists in furthering the achievement of the Region's Recreation Environmental Threshold Carrying Capacity. Although this number reflects a change in TRPA's PAOT measurement for achieving outdoor recreation targets, it does not change the effects that park facilities will have on the environment. The additional estimate of 12 visitors to park day use facilities at any given time is a minor modification to the project. The change in PAOTs does not result in any project modifications that either increase the project's capacity or original impact assessment. Accordingly, this change does not contribute to any new significant effects on the environment.

Modification to the Discussion Regarding the Project's Effect on the Public Storm Drain System and Incorporation by Reference of the Project's Drainage Report

The new language clarifying impacts to the public storm drain system changes the original wording of the IS/ND so as to avoid implicating that no storm drainage will enter the City's storm drain system. The 2007 Drainage Report for the project, now clarified to be

incorporated by reference, discloses that, while the majority of the project area's drainage is treated onsite, the small portion (approx. 0.09 acre) of Drainage Sub-Area 1A located at the entrance of the access drive continues to flow to the City's storm drain system along Montreal Road. Because this is the low point in the project area, it was not feasible to collect and convey its runoff to a new basin or mechanical treatment device. This change is a minor modification because it merely explains that a small portion of water will flow to the City's storm drain system. The change has been included for clarification purposes only and does not affect the amounts of water analyzed in the project. The change does not alter the project description or the drainage analysis in the IS/ND. Accordingly, this change does not contribute to any new significant effects on the environment.

Based on the above findings, the Conservancy has concluded that preparation of a subsequent IS/ND for the project is unnecessary and that preparation of an Addendum is appropriate in accordance with CEQA Guidelines Section 16164. The Conservancy accordingly approves this Addendum and the associated project modifications.

Date

Patrick Wright, Executive Director
California Tahoe Conservancy