

**Attachment 7:
Response to CEQA comments**

Responses to verbal comments received during the 03/14/2019 Planning Commission Hearing on the Public Draft IS/MND/IEC document

Comment Jeff Marcus -1 (PCE groundwater contamination and the Tahoe Asphalt Plant)

Mr. Marcus stated concern about snow removal and American Disability Act (ADA) access. Mr. Marcus discussed general concern about repaving and dust control actions at the Tahoe Asphalt Plant, and stated concern about groundwater contamination, more specifically the health dangers of PCE.

Lead Agency Response to Jeff Marcus (Verbal Comments 03/14/2019)

The comments presented are not specific to the Project or project area. City general snow removal actions are part of the Operations and Maintenance Program. ADA access ramps are constructed with City-managed sidewalk and bike trail projects. Dust control measures must comply with El Dorado County Air Quality Management District Rule 223. The PCE contamination plume originates at Lake Tahoe Laundry Works at the Raley's Center and has migrated north towards Lake Tahoe (and remains outside of the Greenbelt and Bonanza portions of the project area) and at depths that extend below any 5-8 foot excavations that may be necessary for stormwater improvements on the north side of US Highway 50, should the plume direction change. Melanie Greene of Cardno, the firm that prepared the project-level analysis and environmental document, spoke to the information presented by Mr. Marcus related to PCE groundwater contamination, confirming that the Project posed no risk of exposing PCE contaminated groundwater.

The South Tahoe "Y" PCE investigation and remediation efforts are in an adjacent catchment (west of the project boundary) and is a groundwater contamination issue from past use of dry cleaning solvents and metal degreasers containing tetrachloroethylene (PCE). The South Tahoe Public Utility District (STPUD) has a website dedicated to providing updates to the public on ongoing efforts to protect community drinking water sources from groundwater contamination related to the South Tahoe "Y" PCE contamination issues: <http://stpud.us/groundwater/>. The PCE groundwater contamination issue is in an adjacent catchment. The plume direction is with the groundwater gradient that is north and towards Lake Tahoe. The plume extent does not extend under the project area. The Tahoe Asphalt Plant (1104 Industrial Avenue) is also located outside of the project area, and runoff from the Tahoe Asphalt Plant does not enter the Tahoe Valley Stormwater Improvement catchment or tributary area. The proposed Project will not result in environmental impacts associated with legacy PCE groundwater contamination. Refer to Section 9.0 of the Initial Study/Mitigated Negative Declaration/Initial Environmental Checklist for analysis of hazards and hazardous materials.

Responses to California Department of Fish and Wildlife Comments on the Tahoe Valley Stormwater and Greenbelt Improvement Project IS/MND-IEC received on 03/30/2019 (Email)

Comment CDFW-1 (Lake and Streambed Alteration)

“Based on the IS/MND’s description of some of the proposed stormwater facility improvements, including modification of existing basins and construction of new basins within the on-site stream area, it is likely that project activities will require notification to the Department pursuant to Fish & G. Code section 1602.

Fish & G. Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow yearround). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. The Department may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department’s issuance of an LSA Agreement is a “project” subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, the Department recommends that the final IS/MND fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.”

Lead Agency Response CDFW-1

The City, as the Lead Agency, is aware of potential, future permit requirements for Clean Water Act Section 404 authorization, CWA Section 401 water quality certification, and potentially Fish and Game Code Section 1602 notification, as well as a TRPA EIP project permit approval and coverage for construction activities under Lahontan Water Board Order R6T-2016-0010.

The City of South Lake Tahoe's existing stormwater infrastructure, inclusive of City-managed stormwater basins constructed in 1989 as a part of the D Street Erosion Control Project, comprise the project area. Episodic and perennial water bodies are not present within the project area. Additionally, the project area does not contain floodplain. Fish species do not occur within the City's stormwater infrastructure. Due to the existing use, operations and maintenance of the project area and the existing development in the vicinity of the project area (i.e., commercial, residential and transportation rights of way), the likelihood of occurrence of aquatic wildlife species in these stormwater basins and drainage connections is low, regardless of species status. In the absence of surface waterbodies, CEQA analysis determined that the Project would not substantially divert or obstruct the natural flow of any river, stream or lake, substantially change or use any material from the bed, channel or bank of any river, stream or lake, or deposit debris, waste or other materials that could pass into any river, stream or lake.

Although the Project area does not contain surface water bodies, Mitigation Measure BIO-1 will be conducted during the final design phase (i.e., preceding the permitting phase) in order to determine if the area identified during floristics surveys as containing riparian vegetation would meet the federal and state definition of wetland. If wetland is determined to be present within the City-managed stormwater facility, the existing bike trail crossing in this area will be redesigned and/or relocated to avoid impacts to such waters of the State.

Comment CDFW-2 (Potential Impacts to Rivers, Lakes and Streams)

“The draft IS/MND mentions that the project may impact riparian vegetation and wetlands but defers analysis of these impacts to a future delineation that will be prepared as part of a permit application package (Mitigation Measure Bio-1). Because these impacts have not yet been analyzed, the IS/MND does not contain sufficient information about the extent of the potential impacts to support its conclusion that the impacts will be less than significant. Without knowing the extent of the streams, riparian habitat and wetlands present on-site or the extent of the potential impacts to streams, riparian habitat and wetlands, the Department cannot concur that the project will have less than a significant impact on these resources.”

“In order to support this conclusion, the Department recommends that the IS/MND be revised to include the following:

- 1. A map showing the extent of all on-site streams, including episodic, intermittent, and ephemeral streams, and their associated riparian/wetland habitats.*
- 2. An estimate of the area of stream, wetland, and riparian habitat that will be impacted by project activities, including both temporary and permanent impacts. We recommend this estimate be supported by adding a map of the project’s proposed footprint overlaid on the stream, wetland, and riparian habitat delineation.*
- 3. Mitigation measures to avoid, minimize, and/or reduce the significance of the impacts.”*

Lead Agency Response to CDFW-2

The Tahoe Regional Planning Agency (TRPA) Code of Ordinances defines a Stream Environment Zone (SEZ) as, “[g]enerally an area that owes its biological and physical characteristics to the presence of surface or ground water.” This definition includes perennial, intermittent, and ephemeral streams; wet meadows, marshes, and other wetlands; riparian areas, beaches, and other areas expressing the presence or influence of surface or ground water. SEZs provide a variety of highly valued services, including water quality maintenance through nutrient cycling and sediment retention, flood attenuation, infiltration and groundwater recharge, open space, scenic and recreational enjoyment, wildlife habitat, and wildfire abatement, among many other functions and values.

Potential impacts to riparian vegetation and habitat have been identified and analyzed in the IS/MND/IEC. Refer to the impact analyses for CEQA IVa, CEQA IVb, TRPA 4b, TRPA 4f, and TRPA 1a. Additionally, the land coverage analysis, including analysis specific to SEZ, is inclusive of riparian areas and also potential waters of the state and wetlands by the nature of the regional SEZ classification, should such resources be present. Temporary and permanent impacts are presented in Table 16 of the IS/MND/IEC and present a maximum case scenario of potential impacts to riparian resources. Temporary impacts (i.e., soil and ground cover disturbance) would occur during expansion of existing stormwater basins, SEZ enhancement, and the redesign of a

single bike trail crossing through a drainage structure that connects stormwater basins. Resultant permanent impacts to SEZ (i.e., permanent disturbance as land coverage) would be less than existing conditions. The Project design avoids new permanent impacts in SEZ and mitigates past disturbance in SEZ in compliance with TRPA Code Sections 30.4.4 and 30.5. New permanent impacts within TRPA SEZ requires compensatory restoration of SEZ at a ratio of 1.5 restored SEZ to 1.0 disturbed SEZ.

The mitigation measure BIO-1 is not deferred to permitting, but is a requirement that must be conducted as part of forthcoming design iterations to inform the final project design. Refer to Table 34, Mitigation and Monitoring Plan. The TRPA SEZ analyses present a maximum case scenario of potential impact to riparian resources, with the mitigation measure BIO-1 recommended to determine and delineate any area within the TRPA SEZ that may be classified through nexus as wetland so that the final project design and location will avoid impacts to the resource.

Based on the draft State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State

(https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html), the potential wetland area, if found to be wetland, would likely be considered an artificial wetland that was constructed and is currently used and maintained, primarily for "detention, retention, infiltration, or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction or industrial stormwater permitting program (3d-iii), treatment of surface waters (3d-iv), or maximizing groundwater recharge (3d-xi)." The stated criteria indicate that the potential wetland area at the bike trail crossing, if found to be wetland, would not be defined as a water of the state.

- 1) Figure 3 of the IS/MND/IEC depicts areas of Stream Environment Zone (TRPA SEZ), which are inclusive of riparian areas when such habitats are present. Figure 9 presents potential waters of the US in the vicinity of the Project area. Note that lakes, rivers and streams do not occur within the Project area. Figure 11 presents the project area in the context of its distance from the floodplain of the Upper Truckee River.
- 2) Refer to the analyses for checklist items CEQA IVa, CEQA IVb, TRPA 4b, TRPA 4f and TRPA 1a. Maximum temporary impacts of 25,223 square feet to riparian habitat would occur during construction. No new permanent impacts to riparian habitat would result from the Project. TRPA SEZ area, and thus potential riparian habitat, are expected to increase as a result of the Project through the expansion of the existing stormwater facility, specifically the man-made stormwater basins.
- 3) The Project by nature of project type (e.g., stormwater greenbelt/open space improvements) and by design (i.e., temporary construction effects followed by long-term environmental net gain and preservation of public lands from further development) is self-mitigating. New impacts to riparian habitat have been avoided and minimized, as required by TRPA Code of Ordinance Subsection 30.4.4, through the locations of proposed

bike trail and pedestrian paths over existing disturbance and land coverage. The expansion of stormwater basins and the associated riparian habitat (i.e., SEZ) that has developed within the City-managed stormwater facility will contribute towards the lake clarity credits of the Lake Tahoe Total Maximum Daily Load (TMDL) Program and attainment of the TRPA environmental thresholds for Soil Conservation (Preserve natural stream environment zones (SEZ), restore 25% of disturbed SEZ areas (1,100 acres) and reduce total land coverage) and Water Quality (Return the Lake to 1960s water clarity and algal levels by reducing nutrients and sediment in surface runoff and groundwater).

Comment CDFW-2 (Special-Status Species)

*“The IS/MND contains an analysis of the project’s potential impacts to only four special-status species: Sierra Nevada yellow-legged frog (*Rana sierrae*), North American wolverine (*Gulo gulo luscus*), Lahontan cutthroat trout (*Oncorhynchus clarkia henshawi*), and willow flycatcher (*Empidonax traillii*). The CNDDDB query in Appendix C includes occurrence data for several special status species that are not analyzed in the IS/MND, including northern goshawk (*Accipiter gentilis*), long-eared owl (*Asio otus*), broad-nerved hump moss (*Meesia uliginosa*), marsh skullcap (*Scutellaria galericulata*), and several others. It is not clear whether the potential for these species to occur within the project area was considered. Please note that the CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database, and the absence of a confirmed occurrence within the boundaries of a project area is not evidence of a species’ absence. The CNDDDB query in Appendix C appears to be restricted to the project area and its immediate vicinity only. To get a more complete list of special-status species that may occur in the area, the Department recommends using the CNDDDB QuickView tool to load a list of special-status species that have been observed in the 9-quad area surrounding the project. The CNDDDB QuickView tool can be accessed at <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>. In order to support the IS/MND’s conclusion that the project will have a less than significant impact on listed and special-status species, the Department recommends that the IS/MND be revised to include the following:*

- 1. A comprehensive list of special-status species with the potential to occur in the wider area around the project site*
- 2. An analysis of each of the special-status species’ potential to occur within the project area*
- 3. An analysis of the project’s potential impacts on each of the special-status species*
- 4. Mitigation measures to avoid, minimize, and/or reduce the significance”*

Lead Agency Response to CDFW-2

A query of the project area, using the location limitation of the South Lake Tahoe 7.5’ quadrangle map (#3811988), was conducted of CDFW’s California Natural Diversity Database (CNDDDB) using RareFind 5.2.14 on April 9, 2019, for California state-listed endangered, threatened, rare, candidate endangered, or candidate threatened species within El Dorado County. The CNDDDB is an inventory of the status and locations of rare plants and animals in California, as managed and updated by CDFW. Due to the habitat and elevation range of the Project area, species that are limited to the low elevation, western portion of El Dorado County were not discussed in detail in the IS/MND/IEC and are not discussed further in this response. A full list of the query results is provided with this response.

Relevant species are included in the Table R-1 below. Although the species listed below, along with suitable habitat, were not observed within the Project area, suitable habitat may be present nearby, as discussed in detail as follows.

Table R-1. CNDDB Species List (April 2019)

Species	Status	Habitat Characteristics	Potential to Occur, or Have Suitable Habitat, Within or Near the Project Area
Terrestrial and Aquatic Species			
Amphibians and Fish			
Northern leopard frog <i>Lithobates pipiens</i> / <i>Rana pipiens</i>	CNDDB Ranked Species	Quiet permanent or semi-permanent aquatic habitats with emergent and submergent vegetation.	No suitable habitat within or near the Project area.
Sierra Nevada yellow-legged Frog <i>Rana sierrae</i>	USFWS ESA Federally Endangered; CA State Threatened; CNDDB Ranked Species	Ponds, tarns, lakes, and streams at moderate to high elevation.	No suitable habitat within or near the Project area.
Southern long-toes salamander <i>Ambystoma macrodactylum sigillatum</i>	CNDDB Ranked Species, CDFW Species of Concern	Alpine meadows, high mountain ponds and lakes.	No suitable habitat within or near the Project area.
Lake Tahoe amphipod <i>Stygobromus lacicolus</i>	CNDDB Ranked Species	Deep lakes, subterranean obligate	No suitable habitat within or near the Project area.
Lake Tahoe stygobromid <i>Stygobromus tahoensis</i>	CNDDB Ranked Species	Deep lakes, subterranean obligate	No suitable habitat within or near the Project area.
Birds			
Northern goshawk <i>Accipiter gentiles</i>	TRPA Special-Status Species, CNDDB Ranked-Species	Mature coniferous forests with open understory and dense canopy for roosting and nesting. Mature coniferous forest interspersed with open meadows for feeding.	Suitable habitat nearby.
Yellow-headed blackbird <i>Xanthocephalus xanthocephalus</i>	CDFW Species of Concern, CNDDB Ranked Species	Freshwater wetlands or nearby agricultural fields. Perch sites include cattails and reeds. Nest in marshes and wetlands.	No suitable habitat in or near the Project area.
Willow flycatcher <i>Empidonax traillii</i>	CA State Endangered Species, CNDDB Ranked Species	Nests in extensive montane willow thickets, 2,000-8,000 feet in elevation.	Suitable habitat nearby.
Invertebrates			
Great Basin rams-horn <i>Helisoma newberryi</i>	Forest Service Sensitive Species, CNDDB Ranked Species	Larger lakes and slow rivers, including larger spring sources and spring-fed creeks for burrowing in soft mud.	No suitable habitat in or near the Project area.

Table R-1. CNDDDB Species List (April 2019)

Species	Status	Habitat Characteristics	Potential to Occur, or Have Suitable Habitat, Within or Near the Project Area
Lake Tahoe benthic stonefly <i>Capnia lacustra</i>	CNDDDB Ranked Species	Endemic to Lake Tahoe. Found at depths of 95-400 ft. Associated with deepwater plant communities of algae, mosses, and liverworts.	No suitable habitat in or near the Project area.
Mammals			
Sierra marten <i>Martes caurina sierrae</i>	Forest Service Sensitive Species, CNDDDB Ranked Species	Mature conifer forests with closed canopy.	No suitable habitat in or near the Project area.
North American porcupine <i>Erethizon dorsatum</i>	CNDDDB Ranked Species	Coniferous, deciduous, and mixed forests. Dens in caves, decaying logs, or hollow trees.	Suitable habitat may occur in the project area.
Botanical Species			
Tahoe yellow cress <i>Rorippa subumbellata</i>	Forest Service Sensitive Plant, CA State Endangered Species; TRPA Sensitive Plant; CNDDDB Ranked Species	Endemic to the shore zone of Lake Tahoe, typically in back beach areas between 6,223 and 6,230 feet.	No suitable habitat in the Project area.
Tahoe Draba <i>Draba asterophora</i> var. <i>asterophora</i>	TRPA Sensitive Plant, CNDDDB Ranked Species	Rock crevices and open granite talus slopes on northeast slopes; 8,000-10,200 feet.	No suitable habitat in the Project area.
Upswept moonwort <i>Botrychium ascendens</i>	Forest Service Sensitive Plant, CNDDDB Ranked Species	Wet or moist soils along the edges of creeks, streams, meadows.	Suitable habitat may occur in the Project area, but not known to occur in the Project area, nor was it observed during surveys.
Scalloped moonwort <i>Botrychium crenulatum</i>	Forest Service Sensitive Plant, CNDDDB Ranked Species	Wet or moist soils along the edges of creeks, streams, meadows.	Suitable habitat may occur in the Project area, but not known to occur in the Project area, nor was it observed during surveys.

Table R-1. CNDDDB Species List (April 2019)

Species	Status	Habitat Characteristics	Potential to Occur, or Have Suitable Habitat, Within or Near the Project Area
Mingan moonwort <i>Botrychium minganense</i>	Forest Service Sensitive Plant, CNDDDB Ranked Species	Wet or moist soils along the edges of creeks, streams, meadows.	Suitable habitat may occur in the Project area, but not known to occur in the Project area, nor was it observed during surveys.
Bruchia bolanderi/Bolander's candle moss <i>Bruchia bolanderi</i>	Forest Service Sensitive Plant, CNDDDB Ranked Species	Suitable habitat on the project area includes the coniferous forests and damp soils at the edges of creeks and streams.	Suitable habitat may occur in the Project area, but not known to occur in the Project area, nor was it observed during surveys.
Galena Creek rockcress <i>Boechera rigidissima/Arabis rigidissima var. demota</i>	Forest Service Sensitive Plant, TRPA Sensitive Plant, CNDDDB Ranked Species	Open, rocky areas along forest edges of conifer and/or aspen stands; usually found on north aspects; 7,500 feet and above.	No suitable habitat in the Project area.
Broad-nerved hump moss <i>Meesia uliginosa</i>	Forest Service Sensitive Plant, CNDDDB Ranked Species	Bogs, fens, or wet meadows.	No suitable habitat in the Project area.

Northern Goshawk (*Accipiter gentilis*)

Status: TRPA Special-Interest Species, CNDDDB Ranked Species

Habitat Requirements and Species Occurrence. Northern goshawks require mature conifer and deciduous forests with large trees, snags, downed logs, dense canopy cover, and open understories for nesting. Goshawk foraging habitat includes forests with dense to moderately open overstories and open understories interspersed with meadows, brush patches, riparian areas, or other natural and artificial openings. Structural characteristics of nesting habitat may vary across geographic regions; typically, nest sites have greater canopy cover, greater basal area, greater number of large-diameter trees, low shrub/saplings/understory cover and numbers of small-diameter trees, and gentle to moderate slope relative to non-used random sites (Hall 1984; Hargis et al. 1994; Keane 1999). Goshawk habitat in the Lake Tahoe Basin is typically limited to areas of low or no development, with limited human disturbance. The Project area is a developed area, although adjacent to the open space area of Gardner and Tahoe Mountain. It is unlikely that goshawks utilize conifer trees within the Project area for nesting, and nearby suitable habitat

is likely too close to existing development to be considered preferable nest sites. Goshawk PACs and Threshold Zones within the Lake Tahoe Basin are designated by LTBMU. The Project area is 0.4 mile of the Tahoe Valley and Sawmill Pond goshawk Threshold Zones, and is 1.4 miles from the Tahoe Mountain goshawk PAC and Threshold Zone.

Direct, Indirect, and Cumulative Effects. Direct effects of the Project to northern goshawks may include short-term reduction in habitat quality and quantity during Project construction, due to disturbance along the Project area. Removal of conifer trees within the Project site is not expected to have an effect on goshawk, as the proximity to development would exclude these trees as suitable nest sites. The Project does not alter the existing level of development within the Project area. Pre-construction nesting surveys will be conducted prior to site disturbance. Biological RPMs incorporated into the Project description will minimize and avoid potential impacts to northern goshawks. Any disturbance effects are expected to be minor and temporary, and northern goshawks are not expected to utilize the Project area or surrounding suitable habitat, as preferred suitable habitat is located farther from human disturbance; therefore, no indirect or cumulative effects are expected.

Determination and Rationale. The Project would have a less-than-significant impact on northern goshawk due to localized and temporary disturbance impacts on nearby suitable habitat combined with low probability of nesting occurrence and habitat utilization within or near the Project area and implementation of biological RPMs and the initiation of limited operation period (LOP) should individual nesting sites be observed during pre-construction surveys.

Willow Flycatcher (*Empidonax traillii*)

Status: CA State Endangered Species, CNDDDB Ranked Species

Suitable habitat is located nearby. Habitat requirements and effects are discussed in Section 5.1.2 Avian Species of the IS/MND/IEC.

North American porcupine (*Erethizon dorsatum*)

Status: CNDDDB Ranked Species

Habitat Requirements and Species Occurrence. The North American porcupine has a wide range and habitat requirements, including coniferous, deciduous, and mixed species forest in most of Canada, the western United States, south into parts of Mexico, and north-eastern parts of the United States. Porcupine utilize caves, decaying logs, and hollow trees for dens and shelter.

Direct, Indirect, and Cumulative Effects. Direct effects of the Project to North American porcupines may include short-term reduction in habitat quality and quantity during Project construction, due to disturbance along the Project area. Removal of conifer trees within the Project site is not expected to have an effect on porcupine, as removal is limited and other nearby conifers will likely provide adequate habitat. The Project does not alter the existing level of development within the Project area. Any disturbance effects are expected to be minor and temporary, therefore, no indirect or cumulative effects are expected.

Determination and Rationale. The Project would have a less-than-significant impact on North American porcupine due to localized and temporary disturbance impacts on nearby suitable habitat, and availability of nearby suitable habitat.

Comment CDFW-3 Nesting Bird Surveys

“Migratory non-game native bird species are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.). In addition, sections 3503, 3503.5, and 3513 of the Fish & G. Code also afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish & G. Code or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish & G. Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The IS/MND’s Biological Protection Measures require a pre-construction nesting bird survey no more than 14 days prior to initiating construction if construction begins between March 15 and August 31. The Department recommends that this survey be scheduled no more than three (3) days prior to starting construction. Many bird species may initiate nest-building and begin laying eggs very rapidly, and some bird species may construct a nest in as few as two or three days. A preconstruction survey timed 14 days before initiation of project activities may miss some instances of nesting due to the length of time between the survey and the start of construction.

Please note that the MBTA and Fish & G. Code apply regardless of the time of year. If an active nest is discovered outside of the typical nesting season, it should be avoided using the same avoidance measures that would be applied during the typical nesting season until such time as the young have fully fledged and are foraging independently of their parents.”

Lead Agency Response to CDFW-3

In the absence of federal and state statute or policy directive for specific timing of pre-construction nesting bird surveys, implementing the project-level resources protection measure of conducting pre-construction nesting bird surveys no more than 14 days prior to construction has served as an appropriate and successful standard guideline for infill public service projects implemented in South Lake Tahoe, California. The comment to conduct pre-construction nesting bird surveys no more than three (3) days prior to construction is noted and will be considered during project construction contracting. The wildlife protection measures detailed in Section 1.10.7.1 of the project description (pages 33 and 34) will be implemented regardless of time of year.

Responses to League to Save Lake Tahoe Comments on the Tahoe Valley Stormwater and Greenbelt Improvement Project IS/MND-IEC received on 03/28/2019

Comment LTSLT-1 (Access During Construction)

“While the Project’s Recreational Use Protection Measures⁵ confirm that “[t]he TCP will include actions for controlled passage of pedestrians and bicyclists through the linear Project Area during the construction period,” the Traffic Control Plan does not actually include anything specific about bicycle and pedestrian access. There is currently a fair amount of active transportation traffic through the area and on the existing Class I and social trails. Signed detours need to be provided and traffic control staff need to be aware of bikes and pedestrians. Please make this clearer by adding a specific policy (e.g., “TC-5”) to section 1.10.4.”

Lead Agency Response to LTSLT-1

Thank you for your comment on the project description and the resource protection measures that have been proposed. The City will work with the selected contractor to assure the final Traffic Control Plan is based on the Final Project Design and construction schedule and responsive to the needs of bicyclists and pedestrians while assuring for public health and safety during construction.

Comment LTSLT-2 (Greenhouse Gases and Sustainability: Credit Where Credit is Due)

“The IS/MND/IEC claims that “[c]urrently, neither the TRPA, TMPO nor the El Dorado AQMD maintains local or regional plans, policies, or regulations for the purpose of reducing the emissions of GHGs.”⁷ TRPA does, however, have the “Sustainability Action Plan” (a different name for what started as a “Climate Action Plan”) and the City is helping achieve some Sustainability Action Plan goals and implement some policies through this Project and should take credit for those actions.”

Lead Agency Response to LTSLT-2

This comment is noted and appreciated. The insertion of clarifying information regarding the Sustainability Action Plan, would not alter the current CEQA determination of Less than Significant Impact for project-level effects.

Responses to Lake Tahoe South Shore Chamber of Commerce on the Tahoe Valley Stormwater and Greenbelt Improvement Project IS/MND-IEC received on 03/31/2019

Comment LTSSCC-1 (Concurrence with IS/MND/IEC Analyses)

“Based on our review of the IS/MND/IEC, we believe the City Planning Commission, City Council, and other decision-making bodies, including TRPA, can make the required findings to adopt the Mitigated Negative Declaration/TRPA Finding of No Significant Effect, pursuant to applicable policies and guidelines of the California Environmental Quality Act (CEQA) and TRPA.”

Lead Agency Response to LTSSCC-1

Thank you for the Tahoe Chamber's review of the IS/MND/IEC document and statement of support that the Project would not result in adverse significant effects. The City of South Lake Tahoe appreciates the Tahoe Chamber’s understanding of and support for the Project and acknowledges the Tahoe Chamber’s concurrence that the required findings can be made to adopt a Mitigated Negative Declaration/TRPA Finding of No Significant Effect, pursuant to applicable policies and guidelines of the CEQA and TRPA.