

# 1 INTRODUCTION

This draft environmental impact statement/environmental impact statement/environmental impact report (Draft EIS/EIS/EIR) evaluates the environmental impacts of the proposed Meeks Bay Restoration Project (project). It has been prepared under the direction of the U.S. Department of Agriculture, Forest Service Lake Tahoe Basin Management Unit (LTBMU) in accordance with the requirements of the National Environmental Policy Act (NEPA) (42 U.S. Code Sections 4321-4347) and Council on Environmental Quality regulations implementing NEPA (40 Code of Federal Regulation [CFR] Sections 1500-1508); the Tahoe Regional Planning Agency (TRPA) in accordance with the Tahoe Planning Compact (Public Law 96-551) and TRPA Code of Ordinances; and the Lahontan Regional Water Quality Control Board (Lahontan RWQCB) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq). This chapter of the Draft EIS/EIS/EIR provides information on the following:

- ▶ project requiring environmental analysis (synopsis);
- ▶ purpose, need, and project objectives;
- ▶ intended uses of this Draft EIS/EIS/EIR;
- ▶ agency roles and responsibilities;
- ▶ public engagement and stakeholder process;
- ▶ scope of this Draft EIS/EIS/EIR; and
- ▶ topics dismissed from detailed review.

## 1.1 PROJECT REQUIRING ENVIRONMENTAL ANALYSIS

The following is a synopsis of the project characteristics. For further information on the project, see Chapter 2, "Description of the Proposed Action and Alternatives."

The project encompasses approximately 74 acres of Lake Tahoe shoreline and upland areas surrounding Meeks Creek, which historically included a stream channel, wetland, lagoon, and barrier beach. Historical development along Meeks Bay, including the construction of the Meeks Bay Marina displaced wetland and lagoon habitat, modified the remaining stream channel, created conditions conducive to aquatic invasive species (AIS), and accelerated pollutant delivery into Lake Tahoe.

Management actions are necessary to protect resources and move the project area toward desired conditions while continuing to support sustainable recreation opportunities. LTBMU developed the proposed project through a collaborative interagency and stakeholder process to restore and enhance ecological conditions and provide for sustainable recreation. The project involves removal of Meeks Bay Marina; restoration of Meeks Creek and associated wetland/lagoon habitat; continued management of AIS; replacement of the State Route (SR) 89 bridge; reconfiguration or construction of pedestrian and vehicle circulation, parking areas, and campgrounds; installation of utility infrastructure and best management practices, shoreline stabilization, habitat enhancement, and resource protection features; and other associated improvements. It also involves the potential for new recreation facilities, such as a pier or paddlecraft launch, to offset the loss of motorized boating access with the removal of the marina.

Four action alternatives and the no action alternative are evaluated in this Draft EIS/EIS/EIR. Each action alternative achieves the purpose and need and objectives of the project while including different approaches to achieve objectives related to sustainable recreation. Alternative 4 has been identified by LTBMU, TRPA, and Lahontan RWQCB as the preferred alternative proposed for adoption. Alternative 4 constitutes the proposed action for purposes of NEPA and the proposed project for the purposes of CEQA.

## 1.2 PURPOSE, NEED, AND PROJECT OBJECTIVES

NEPA requires disclosure of a project's purpose and need in an EIS and CEQA requires a description of the basic objectives of a project in an EIR. TRPA regulations do not specifically require discussion of a project's purpose, need, and objectives in an environmental document, but they are typically described.

The purpose of the project is to move the Meeks Creek stream channel and wetland/lagoon below SR 89 to a more natural condition where geomorphic and hydrologic processes support a functioning ecosystem while continuing to support sustainable recreation opportunities.

To move toward the desired conditions for sustainable recreation and to achieve the purpose of the project, the following needs and project objectives have been identified:

- ▶ Improve hydrologic function and processes of Meeks Creek, Meeks lagoon, and associated floodplain.
- ▶ Restore degraded aquatic, riparian, and wetland habitats and barrier beaches to provide high quality habitat that is resilient to a changing climate.
- ▶ Improve fish passage and flood flow conveyance through the SR 89 stream crossing, and control or eradicate current populations of terrestrial and aquatic invasive plant and animal species.
- ▶ Promote the Threatened, Endangered, Proposed, Candidate, and Sensitive species Tahoe yellowcress (*Rorippa subumbellata*) and Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*).
- ▶ Replace the SR 89 bridge to allow for aquatic organism passage and flood flow conveyance.
- ▶ Maintain and enhance access to Lake Tahoe and National Forest System lands.
- ▶ Provide sustainable recreation opportunities consistent with a functioning ecosystem.
- ▶ Enhance educational and interpretive opportunities.
- ▶ Enhance species of value to the Washoe Tribe.

## 1.3 INTENDED USES OF THIS DRAFT EIS/EIS/EIR

NEPA requires that federal agencies prepare an EIS to assess the potential impacts of federal actions that could significantly affect the quality of the human environment. The Tahoe Regional Planning Compact requires that TRPA prepare and consider a detailed EIS before deciding to approve or carry out a project that may have a significant effect on the environment. According to CEQA, preparation of an EIR is required whenever it can be fairly argued, based on substantial evidence, that a proposed project may result in a significant environmental impact. This joint EIS/EIS/EIR meets the requirements of NEPA, TRPA, and CEQA for the project.

An EIS/EIS/EIR is an informational document used to inform the public and agency decision makers of the significant environmental impacts of a preferred alternative, identify possible ways to minimize the significant impacts, and describe other reasonable alternatives to the proposal that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public and agency comments on this Draft EIS/EIS/EIR will be considered and responses and revisions to the Draft EIS/EIS/EIR will be incorporated into a Final EIS/EIS/EIR. Public agencies are required to consider the information presented in the Final EIS/EIS/EIR when determining whether to approve the project.

This Draft EIS/EIS/EIR has been prepared to meet the requirements of a project-level EIS/EIS/EIR pursuant to TRPA, NEPA, and CEQA. A project-level analysis focuses on the changes in the physical environment that would result from the implementation of a project, including its planning, construction, and operation. The intention of the lead agencies in preparing a project EIS/EIS/EIR is that no further environmental analysis would be required for regulatory approvals following approval of the project, absent conditions requiring supplemental analysis, such as substantially modified project conditions. Additional detailed design and regulatory approvals will be required prior to implementation of the project. If conditions requiring additional environmental review are identified after additional

detailed design, a lead agency may prepare a re-evaluation, and/or a subsequent, supplement, or addendum to this EIS/EIS/EIR, or a separate environmental review that incorporates by reference or tiers from information in this EIS/EIS/EIR.

## 1.4 AGENCY ROLES AND RESPONSIBILITIES

### 1.4.1 Lead Agencies

The LTBMU, TRPA, and Lahontan RWQCB are the lead agencies responsible for approving and carrying out the project and for ensuring that the requirements of NEPA, the TRPA Code, and CEQA have been met. After the EIS/EIS/EIR process is complete, the TRPA Governing Board and Executive Officer of Lahontan RWQCB will determine whether to certify the EIS/EIS/EIR and approve the project. LTBMU will prepare a Record of Decision documenting LTBMU's rationale for its decision regarding the project, and TRPA and Lahontan will prepare and adopt findings pursuant to the TRPA Code and CEQA Guidelines, respectively.

### 1.4.2 Cooperating, Trustee, and Responsible Agencies

Under NEPA regulations, a cooperating agency is any Federal agency, other than the lead agency, which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. Under CEQA and the CEQA Guidelines, 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, and a responsible agency is a public agency, other than the lead agency, which has discretionary approval responsibility for reviewing, carrying out, or approving elements of a project. For the Meek's Bay Restoration Project, the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service are Federal cooperating agencies. While the U.S. Environmental Protection Agency has review authority, it is not considered a cooperating agency. The California Department of Fish and Wildlife and California State Lands Commission are trustee agencies with jurisdiction over resources potentially affected by the project, and Caltrans, with discretionary approval for project activities within the SR 89 right-of-way, including the proposed replacement of the SR 89 bridge, is a responsible agency. Other responsible agencies, their jurisdictions, and approval authorities are listed below.

Responsible and trustee agencies should participate in the lead agencies' environmental process, review the lead agency's environmental document, and use the document when making decisions on project elements.

### 1.4.3 Required Permits and Approvals

The following lists identify permits and other approval actions that may be required before implementation of individual elements of the project. The list of necessary permits will be refined, and applicable permits and approvals will be sought after design of project components are completed.

## FEDERAL ACTIONS/PERMITS

**U.S. Army Corps of Engineers:** Department of the Army permit under Section 404 and Section 10 of the Clean Water Act for discharges of dredged or fill material into waters of the United States.

**U.S. Environmental Protection Agency:** Review of the EIS, filing and noticing, and concurrence with the Section 401 Clean Water Act permit.

**U.S. Fish and Wildlife Service:** Endangered Species Act consultation and issuance of incidental-take authorization for the take of federally listed endangered and threatened species, if take of a species is anticipated.

## STATE ACTIONS/PERMITS

**California Department of Transportation:** Encroachment permit for work involving bridge replacement and the SR 89 right-of-way. Work on transportation facilities (i.e., SR 89 bridge) that occurs on National Forest System lands outside of a highway right-of-way requires a temporary construction special use permit. If structures are proposed outside of the existing highway right-of-way, perfection of the right-of-way may occur.

**California State Lands Commission Lease of State Lands:** Construction of any type of structure, such as a pier, on lands under the Commission's jurisdiction (i.e., the state's sovereign lands in Lake Tahoe below 6,223 feet) requires a lease of State Lands.

**Lahontan Regional Water Quality Control Board (Region 6):** National Pollutant Discharge Elimination System construction stormwater permit (Notice of Intent [NOI] to proceed under general construction permit) for disturbance of more than one acre, discharge permit for stormwater, general order for dewatering, Section 401 Clean Water Act certification or waste discharge requirements, and Basin Plan Prohibition Exemption.

## REGIONAL ACTIONS/PERMITS

**Tahoe Regional Planning Agency:** The bi-state agency has the authority to permit projects within the Tahoe Basin. The project must comply with the Tahoe Regional Planning Compact, Code of Ordinances, and other TRPA regulations to be permitted. A land capability verification that determines the coverage verification will be required by the TRPA prior to permit approval.

## 1.5 PUBLIC ENGAGEMENT AND STAKEHOLDER PROCESS

The Meeks Bay Restoration Project and this Draft EIS/EIS/EIR were informed by a collaborative public and stakeholder process beginning in 2018. The public engagement process exceeded the requirements of NEPA, TRPA regulations, and CEQA, and sought to gather broad input to identify issues and possible design approaches to achieve the purpose and need and objectives of the project while minimizing adverse effects. The alternatives evaluated in this Draft EIS/EIS/EIR are a result of the collaborative engagement process and, because of public input, several boat ramp alternatives were dismissed from further evaluation (see Section 2.12.2, "Boat Ramp Alternatives"). The Draft EIS/EIS/EIR addresses the range of potential environmental effects raised in public comments. Major steps in the process to date include:

### PUBLIC ENGAGEMENT PRIOR TO THE RELEASE OF THE DRAFT EIS/EIS/EIR

- ▶ September 11, 2018 – LTBMU, TRPA, and Lahontan RWQCB released a Notice of Preparation/NOI and scoping letter. This initiated a 45-day public scoping period.
- ▶ October 10, 2018 – The lead agencies hosted a public scoping meeting at Meeks Bay Resort to solicit scoping comments.
- ▶ May – July 2020 – An independent mediator interviewed individuals that provided scoping comments, community members, and other stakeholders to gain a better understanding of key concerns and viewpoints on the project. The results were summarized in a stakeholder assessment and a representative group of stakeholders with diverse viewpoints were selected as a stakeholder forum.
- ▶ July 15, 2020 – A virtual public stakeholder forum meeting was held to discuss project background and the role of the stakeholder forum.
- ▶ August 5, 2020 – A virtual public stakeholder forum charrette was held to identify design elements to be considered in the project alternatives.
- ▶ August 19, 2020 – A virtual public workshop was held to share information on the project and solicit input on project alternatives.

- ▶ September 9, 2020 – A virtual public stakeholder forum workshop was held to develop alternative themes and preliminary alternative diagrams.
- ▶ December 9, 2020 – A virtual public stakeholder forum meeting was held to collect feedback on preliminary project alternatives and collect input on considerations for the EIS/EIS/EIR.
- ▶ January 7, 2021 – A virtual public workshop was held to share the project alternatives and seek input on alternative features and environmental concerns.
- ▶ January 27, 2021 – A meeting of the TRPA Regional Plan Implementation Committee provided an overview of the project alternatives and collected TRPA board member and public input to refine the project alternatives
- ▶ July 21, 2021 – A virtual public stakeholder forum meeting was held to review input received to date, discuss the selection of a preferred alternative, and seek input on considerations for this EIS/EIS/EIR.
- ▶ July 29, 2021 – The project alternatives were shared at a meeting of the TRPA Governing Board to provide an opportunity for TRPA board members and public to provide input on the project alternatives and issues for consideration in this EIS/EIS/EIR.

## PUBLIC ENGAGEMENT AFTER THE RELEASE OF THE DRAFT EIS/EIS/EIR

This Draft EIS/EIS/EIR is being circulated for public review and comment for a period of 60 days from June 10 through August 9, 2022. During this period, comments from the public as well as organizations and agencies on environmental issues may be submitted to the lead agencies. Several comment submission methods are listed below, with electronic comment submission as the preferred method for submitting comments. Office hours for hand delivery of comments may be affected by COVID safety protocols.

Electronic Comment Submission (preferred method):

To submit a comment electronically, please go to the Forest Project webpage:  
<http://www.fs.usda.gov/goto/lrbmu/meeksrestoration/comment>

Entering comments directly into the comment box provided in the comment form is the most efficient method for providing comments on this Draft EIS/EIS/EIR. Providing PDFs, JPGs or another file types as attachments is discouraged.

By mail to:

Tahoe Regional Planning Agency  
Attention: Rebecca Cremeen  
PO Box 5310  
Stateline, NV 89449

By hand delivery to:

Tahoe Regional Planning Agency  
Attention: Rebecca Cremeen  
128 Market Street  
Stateline, NV 89449

Three public meetings will be held on the Draft EIS/EIS/EIR via online webinar at the following dates and times. Instructions on attending these webinars are available at: [www.meeksbayproject.org](http://www.meeksbayproject.org)

- ▶ Stakeholder Forum Meeting: 1:00 p.m. on June 14, 2022
- ▶ TRPA Governing Board Meeting: on June 22, 2022 (refer to [www.trpa.gov](http://www.trpa.gov) one week prior to the meeting for the start time and agenda)
- ▶ Public Workshop: 5:30 p.m. on June 27, 2022

Before approving the project and obtaining any required permits to implement the project, the lead agencies are required to certify that the EIS/EIS/EIR has been completed in compliance with NEPA, TRPA requirements, and CEQA, that the decision-making body reviewed and considered the information in the EIS/EIS/EIR, and that the document reflects the independent judgment of the lead agencies.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS/EIS/EIR. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative review or judicial review. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative or judicial reviews.

This project is subject to the predecisional objection process (36 CFR 218 subpart A and B), which identifies who may file an objection (36 CFR 218.5):

- (a) Individuals and entities as defined in Section 218.2 who have submitted timely, specific written comments regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment may file an objection. Opportunity for public comment on a draft EIS includes request for comments during scoping, the 40 CFR 1506.10 comment period, or other public involvement opportunity where written comments are requested by the responsible official.
- (b) Federally recognized Indian Tribes and Alaska Native Corporations are also eligible to file an objection when specific written comments as defined in Section 218.2 are provided during Federal-Tribal consultations.
- (c) Comments received from an authorized representative(s) of an entity are considered those of the entity only. Individual members of that entity do not meet objection eligibility requirements solely on the basis of membership in an entity. A member or an individual must submit timely, specific written comments independently in order to be eligible to file an objection in an individual capacity.
- (d) When an objection lists multiple individuals or entities, each individual or entity must meet the requirements of paragraph (a) of this section. If the objection does not identify a lead objector as required at Section 218.8(d)(3), the reviewing officer will delegate the first eligible objector on the list as the lead objector. Individuals or entities listed on an objection that do not meet eligibility requirements will not be considered objectors. Objections from individuals or entities that do not meet the requirements of paragraph (a) of this section will not be accepted and will be documented as such in the objection record.

## 1.6 DRAFT EIS/EIS/EIR ORGANIZATION

This Draft EIS/EIS/EIR is organized into the following chapters:

**The "Executive Summary":** This chapter introduces the Meeks Bay Restoration Project; provides a summary of the environmental review process, effects found not to be significant, and key environmental issues; and lists significant impacts and mitigation measures to reduce significant impacts to less-than-significant levels.

**Chapter 1, "Introduction":** This chapter provides a brief overview of the project; purpose, need, and objectives; description of the lead and responsible agencies; the legal authority and purpose for the document; and the public review process.

**Chapter 2, "Description of the Proposed Action and Alternatives":** This chapter describes the background, location, and the project alternatives in detail. Resource protection measures that would be implemented as part of the alternatives are included in Appendix A.

**Chapter 3, "Environmental Impacts and Mitigation Measures":** The sections within this chapter evaluate the expected environmental impacts generated by the project alternatives, arranged by subject area (e.g., land use, hydrology and

water quality). Within each subsection of Chapter 3, the regulatory background, existing conditions, analysis methodology, and thresholds of significance are described. The anticipated changes to the existing conditions after development of each alternative are evaluated for each subject area. For any significant or potentially significant impact that would result from implementation of an alternative, mitigation measures are presented and the level of impact significance after mitigation is identified. Environmental impacts are numbered sequentially within each section (e.g., Impact 3.2-1, Impact 3.2-2, etc.). Any required mitigation measures are numbered to correspond to the impact numbering; therefore, the mitigation measure for Impact 3.2-2 would be Mitigation Measure 3.2-2.

This Draft EIS/EIS/EIR includes an evaluation of the following 13 environmental issue areas as well as other NEPA-, TRPA-, and CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts, significant unavoidable impacts):

- ▶ Recreation;
- ▶ Scenic Resources;
- ▶ Cultural and Tribal Cultural Resources;
- ▶ Terrestrial Biological Resources;
- ▶ Aquatic Biological Resources;
- ▶ Hydrology and Water Quality;
- ▶ Geology and Soils;
- ▶ Air Quality;
- ▶ Climate Change and Energy;
- ▶ Public Safety and Hazards;
- ▶ Noise;
- ▶ Transportation and Circulation; and
- ▶ Land Use.

**Chapter 4, "Other Sections Required by Statute":** This chapter evaluates growth-inducing impacts and irreversible and irretrievable commitment of resources and discloses any significant and unavoidable adverse impacts.

**Chapter 5, "Report Preparers":** This chapter identifies the preparers of the document.

**Chapter 6, "References":** This chapter identifies the organizations and persons consulted during preparation of this Draft EIS/EIS/EIR and the documents and individuals used as sources for the analysis.

## 1.7 TOPICS DISMISSED FROM DETAILED REVIEW

Consistent with NEPA, TRPA, and CEQA requirements, a lead agency may limit discussion of environmental effects when such effects are not considered potentially significant. Information used to determine which impacts would be potentially significant was derived from review of the project, review of applicable planning documents and environmental documentation, field work, feedback from public and agency consultation, and comments received during a public scoping period and public engagement process.

The alternatives would not result in significant effects related to the topics described below and they have been dismissed from detailed review in this EIS/EIS/EIR:

- ▶ **Mineral Resources:** The alternatives would include restoration and public access amenities that would not preclude the use of a state or locally important mineral resource. Nor do any known mineral deposits occur within the vicinity of the project area. Thus, the alternatives would not affect mineral resources.
- ▶ **Population and Housing:** The alternatives would not displace people or existing housing, nor would the alternatives create housing. They would require temporary workers to implement restoration actions and facility

improvements, but the demand for workers would be a small incremental increase over existing regional demands, and workers would be expected to come from the existing local workforce. As a result, the alternatives would not affect population and housing.

- ▶ **Public Services and Utilities:** The alternatives would not generate an increased need for some public services, such as schools or parks, because there would be no changes in population or housing resulting from the alternatives. They would not result in the need for new or altered governmental facilities and would, therefore, not affect the public services identified above. The alternatives would not change land uses within the project area nor would they substantially increase the capacity of existing facilities or substantially increase the demand for water, wastewater treatment, or solid waste disposal. Police and fire protection services are addressed in this EIS/EIS/EIR in Section 3.10, "Public Safety and Hazards."
- ▶ **Agricultural and Forestry Resources:** The alternatives would not affect prime agricultural land or forestry resources; thus, these topics are not addressed in detail in this EIS/EIS/EIR.