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MEMORANDUM

Date: April 19, 2018

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Southwest Gas Corporation, Gas Line Replacement; Apache Avenue and Surrounding Neighborhood, El Dorado County, California; Assessor's Parcel No: 520-101-00, TRPA File No: ERSP2018-0258

Requested Action: Hearings Officer action on the proposed project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends the Hearings Officer make the required findings (Attachment A) and approve the proposed project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit (see Attachment B).

Project Description/Background: The proposed project is the replacement of approximately 11,680 linear feet of existing gas main and service pipelines using open trench and split and pull methods. The maximum depth of trenches will not exceed five feet. All construction will occur within previously disturbed right-of-way, and no new coverage will be created.

Site Description: The project area is located on Apache Avenue and adjacent roads in the Meyers area of El Dorado County (see Attachment C). The project area is within mapped Land Capability Classes 1a, 3, 4, and 5 (see Attachment D).

Issues/Concerns: The project is located within Plan Area Statement 133 Tahoe Paradise-Mandan. Pipelines and Power Transmission is a special use in this Plan Area Statement and therefore requires Hearings Officer review in accordance with Chapter 2 of the TRPA Code of Ordinances.

Staff Analysis:

- A. Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, and all required findings in Chapters 4, 21, and 33 of the TRPA Code of Ordinances can be made (see Attachments A for details).

B. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified, and staff has concluded that the project will not have a significant effect on the environment. TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Subsection 4.4.2 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Copies of the completed IEC and V(g) checklist will be made available at the Hearings Officer hearing and at TRPA.

C. Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, and 33 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Based on the findings provided on the Initial Environmental Checklist and the Article V(g) Findings Checklist, there is sufficient evidence in the project file to make this finding. The proposed project is compatible with surrounding linear public facilities, is not growth inducing, and with the special permit conditions will meet all TRPA Codes and Ordinances.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 4, subsection 4.4 of the TRPA Code of Ordinances. All responses on said checklist indicate compliance with the environmental threshold carrying capacities. Also, no significant environmental impacts were identified on the Initial Environmental Checklist (IEC) prepared by the applicant. Staff has concluded that the project will not have a significant effect on the environment.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices (BMPs). The applicant will meet or

exceed all federal, state, or local water quality standards. Upon completion of construction, the project will have no impact upon water quality standards.

2. Chapter 21 – Special use Findings:

- (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed gas line replacement is consistent with uses in the project area and is required for public health and safety. The existing gas line facilities are being upgraded, and no change to the use or capacity will result from this project.

- (b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners.

This public health and safety project will directly enhance the health, safety, and enjoyment of property and general welfare of persons in these neighborhoods. This project will improve the reliability of gas service by replacing aging and undersized gas lines. Traffic will be controlled and temporarily routed around the project area during construction to provide safety for residents and travelers through the area.

- (c) The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The project is an upgrade to existing gas service lines, and therefore will not adversely affect the character of the neighborhoods or impact any aspect of the Community Plan or Plan Area Statements.

3. Chapter 33 – Excavation Limitations:

- (a) Groundwater Interception: Groundwater interception or interference is prohibited except as set forth below:

- i. TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA find that:

- 1. It is necessary for public health and safety;

This public health and safety project is necessary for continued distribution of gas service to residents. None of the proposed work is within mapped Class 1b area, but it is unknown until construction begins whether groundwater will be encountered during excavation and replacement of the gas line. The dewatering plan included in the Storm Water Pollution Prevention Plan will be employed if groundwater is encountered and will mitigate any impacts associated with groundwater interception.

D. Required Actions: Staff recommends that the Hearings Officer take the following actions:

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Contact Information: If you have any questions, please contact Julie Roll, Associate Planner at jroll@trpa.org or (775) 589-5247.

Attachments:

- A. Draft Permit
- B. Overall Project Site Plan
- C. Mapped Land Capability

Attachment A

Draft Permit

April 26, 2018

Southwest Gas
Attn: Daniel Pace
P.O. Box 1190
Carson City, NV 89701

LINEAR PUBLIC SERVICE- SOUTHWEST GAS, GAS LINE REPLACEMENT, VARIOUS ROADS AROUND APACHE AVENUE/TAHOE PARADISE, EL DORADO COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBER (APN) 520-101-00, TRPA FILE NUMBER ERSP2018-0258

Dear Mr. Pace:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

If you have any questions, please contact me by phone at (775) 589-5247 or by email at jroll@trpa.org.

Sincerely,

Julie Roll
Associate Planner

Draft Permit

PROJECT DESCRIPTION: Gas Line Replacement APN: 520-101-00

PERMITTEE: Southwest Gas FILE #: ERSP2018-0258

COUNTY/LOCATION: El Dorado, Apache Avenue/Tahoe Paradise

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on **April 26, 2018**, subject to the standard conditions of approval attached hereto (Attachments Q) and the special conditions found in this permit.

This permit shall expire on **April 26, 2021** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEES’ ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APN 520-101-00
FILE NO. ERSP2018-0258

Security Posted (1): Amount \$ 5,000 Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (2): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 3.A, below.
- (2) \$152 if a cash/check security is posted or \$135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically approves replacement of approximately 11,680 linear feet of existing gas main and service pipelines using open trench and split and pull methods. The maximum excavation depth will not exceed five feet. All construction will occur within previously disturbed right-of-way, and no new coverage will be created.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The security required under Standard Condition A.3 of Attachment Q shall be \$5,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
 - B. The Permittee shall submit a map showing locations of all proposed construction staging areas and associated construction BMPs. If any staging is proposed off paved areas, a restoration plan must also be submitted.
 - C. The permittee shall submit a construction schedule prior to commencement of construction.
 - D. Submit a dewatering plan for review.
 - E. The permittee shall submit three sets of final construction drawings and site plans.

4. No staging areas may be used without prior approval from the TRPA Compliance Inspector. Vehicles must be parked on paved surfaces or existing compacted road shoulders.
5. All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment.
7. If groundwater is encountered during excavation, dewatering shall occur in accordance with the approved dewatering plan.
8. Drop inlets and storm water conveyance and treatment facilities located downslope of excavated material shall be protected by using drop inlet inserts or fiber rolls.
9. Dust control in the way of sweeping of dirt tracked onto pavement at the end of each day is required where necessary.
10. Temporary and permanent BMPs may be field fit by the TRPA Compliance Inspector where appropriate.
11. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
12. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
13. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including

attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

14. This site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.
15. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
16. Any excess spoil material from excavation work shall be removed from the project area and disposed of at a site approved by the TRPA Compliance Inspector.

END OF PERMIT

FINDINGS OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Linear Public Service/ Gas Line Replacement APN: 520-101-00
PERMITTEE: Southwest Gas FILE #: ERSP2018-0258
COUNTY/LOCATION: El Dorado County, Apache Avenue/Tahoe Paradise

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

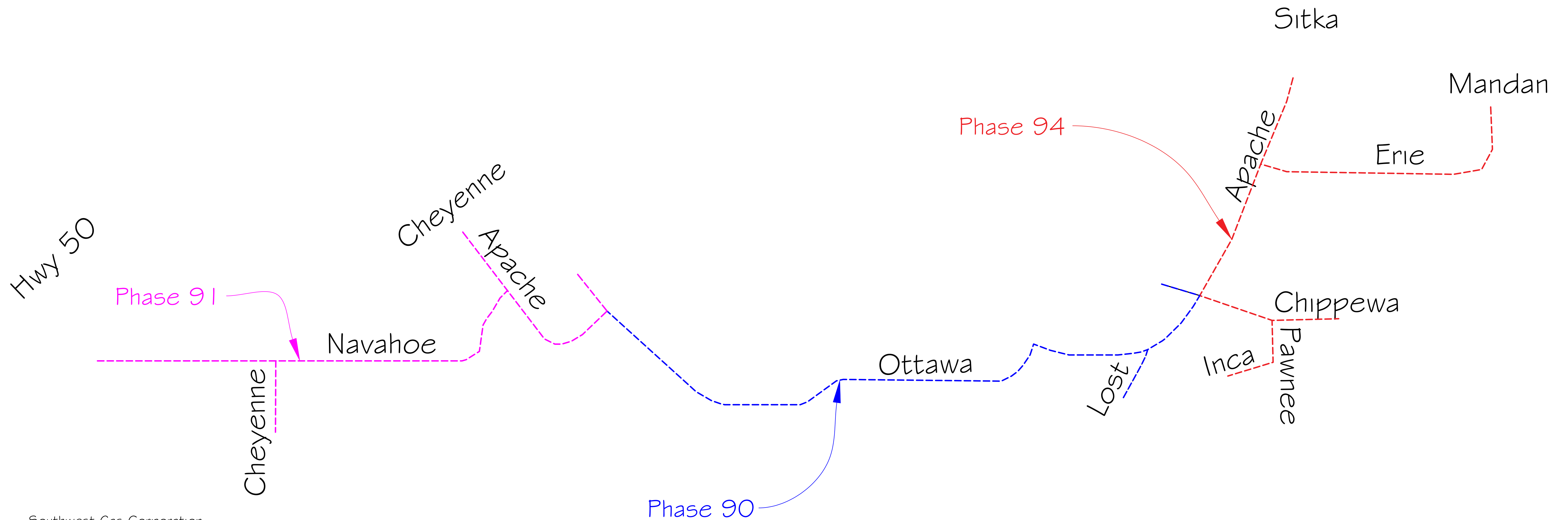
Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

TRPA Chairman or Executive Director

Date

Attachment B
Overall Project Site Plan

SOUTHWEST GAS CORPORATION
 APACHE AVENUE GAS PIPELINE REPLACEMENT PROJECT - 2018
 OVERALL MAP



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 Confidential and Proprietary
 Information

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**Know what's below.
 Call before you dig.**

Attachment C
Mapped Land Capability

