

Chapter 5

ENVIRONMENTAL DOCUMENTATION

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5.0 Purpose: This chapter sets forth the provisions regarding environmental documentation.

5.1 Applicability: Article VII(a)(2) of the Compact requires TRPA, when acting upon matters that may have a significant effect on the environment, to prepare and consider a detailed environmental impact statement (EIS) before deciding to approve or carry out any project.

5.2 Determination Of Need To Prepare EIS: Except for planning matters, ordinary administrative and operational functions of TRPA, or exempt classes of projects, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter.

5.2.A Initial Environmental Checklist: Applicants for projects, shall complete a TRPA initial environmental checklist (IEC), and shall submit the checklist as part of the project application.

- (1) The applicant shall describe and evaluate the significance of all impacts receiving "yes" answers.
- (2) The applicant shall describe and evaluate the significance of all impacts receiving "no with mitigation" answers and shall describe, in detail, the mitigation measures proposed to mitigate these impacts to a less than significant level.

5.2.B Findings: Based on the information submitted in the IEC, and other information known to TRPA, TRPA shall make one of the following findings and take the identified action:

- (1) The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

- (2) The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.
- (3) The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this Chapter and TRPA's Rules of Procedure.

5.3 Environmental Assessments: If TRPA determines the IEC will not provide sufficient information to make the findings in Subsection 5.2.B, TRPA shall require the preparation of an environmental assessment in lieu of an initial environmental checklist.

5.3.A Environmental Assessments: Environmental assessments shall contain the following elements:

- (1) A brief discussion of the need for the project;
- (2) Alternatives to the proposed project;
- (3) A discussion of the environmental impacts of proposed project and the alternatives; and
- (4) A list of agencies and persons consulted.

5.3.B Findings: Based on the information contained in the environmental assessment, and other information known to TRPA, TRPA shall make one of the findings listed under Subsection 5.2.B and take the action prescribed in the applicable finding.

5.4 Availability Of Environmental Assessments: TRPA shall make environmental assessments available for public review not less than five working days before TRPA intends to take action on the project.

5.5 Activities And Projects Exempt From Preparation Of Environmental Impact Statement: Article VII(f) of the Compact, requires TRPA to adopt by ordinance a list of classes of projects which TRPA has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement.

5.5.A Projects Exempt From Preparation Of Environmental Impact Statement: The following projects are exempt from preparation of an EIS and other environmental documents:

- (1) Construction of single family houses and additions and accessory structures thereto, in compliance with the provisions of the Code.
- (2) Changes in use consisting of minor increases in vehicle trips (See Chapter 93).

- (3) Transfers of development rights and residential allocations (does not include construction of new units).

5.5.B Significant Effect: The above categorical exemptions shall not be used for a project where there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.

5.6 Finding Of No Significant Effect: If TRPA finds that a project or matter will not have a significant effect, no further environmental documentation shall be required.

5.7 Mitigated Finding Of No Significant Effect: If TRPA finds a project or matter will not have a significant effect if certain mitigation measures are incorporated into and made a part of the project, the project description shall be correspondingly modified and no further environmental documentation shall be required.

5.8 Environmental Impact Statement: If TRPA finds a project or matter may have a significant effect on the environment, TRPA shall cause to be prepared an EIS in accordance with its Rules of Procedure, this Chapter and the Compact.

5.8.A Preparation Of EIS: When preparing an EIS, TRPA shall:

- (1) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.
- (2) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.
- (3) Consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.
- (4) Consult the public during the environmental impact statement process and solicit views during a public comment period not be less than 60 days.

5.8.B Contents Of EIS: An EIS shall include, at a minimum, the following:

- (1) Description of project.
- (2) The significant environmental impacts of the proposed project.
- (3) Any significant adverse environmental effects which cannot be avoided should the project be implemented.

- (4) Alternatives to the proposed project.
- (5) Mitigation measures which must be implemented to assure meeting standards of the region.
- (6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (7) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented.
- (8) The growth-inducing impact of the proposed project.

5.8.C Inclusion Of Other Data And Information: An environmental impact statement need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

5.8.D Required Findings: Prior to approving a project for which an EIS was prepared, TRPA shall make either of the following findings for each significant adverse effect identified in the EIS:

- (1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or
- (2) Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.