



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

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Community Development Agency Director

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Planning Director

**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo**

MEETING DATE: December 11, 2018

TO: Board of Supervisors

FROM: Nevada County Planning Department

SUBJECT: Resolution authorizing Amendment No. 1 to the contract between the County of Nevada and Ascent Environmental extending the contract termination date to December 31, 2019.

RECOMMENDATION: Approve the attached Resolution amending the contract with Ascent Environmental, Inc. to complete the Environmental Impact Report for the Lake Van Norden Dam Spillway Notching project consistent with the original scope of work and renew the contract by extending the contract termination date to December 31, 2019.

FUNDING: This contract amendment does not have a financial impact. There is sufficient budget available in the Fiscal Year 2018/19 Planning Department budget and there is no impact on the General Fund.

ATTACHMENTS:

1. Draft Resolution
2. Contract Amendment #1 to extend the contract expiration date from December 31, 2018 to December 31, 2019
3. Resolution No. 17-378 - Approving a contract with Ascent Environmental Inc. for the preparation of an Initial Study and either a subsequent Mitigated Negative Declaration or an Environmental Impact Report for the proposed Lake Van Norden Spillway Project in Soda Springs, California.

BACKGROUND:

On July 11, 2017 the Board of Supervisors approved Resolution No. 17-378, which established a contract with Ascent Environmental, Inc. (Ascent) for the preparation of California Environmental Quality Act Initial Study and, if warranted, a Mitigated Negative Declaration or Environmental Impact Report for the Lake Van Norden Dam Spillway Notching project being processed by the Planning Department.

Ascent prepared an Initial Study and submitted the administrative draft to the Planning Department December 2017. The Initial Study concluded that there was a potential for significant impacts that would need to be further assessed and mitigation identified. After a conversation with the applicant, Truckee Donner Land Trust (TDLT), and based on the potential significant impacts and the level of controversy the project had already provoked, it was determined that the project would require a Draft Environmental Impact Report (DEIR). A public scoping meeting was held during the 30-day Notice of Preparation (NOP) in Soda Springs February 21, 2018. The DEIR was submitted to Nevada County. County Legal Counsel and Planning staff have prepared and delivered comments on the DEIR to Ascent in November 2018. Remaining tasks include:

- Responding to County comments and finalizing the DEIR for the 45-Day public comment period;
- Distributing the DEIR to the State Clearing House and making it available for the public's review;
- Holding a public hearing during the 45-day public comment period;
- Cataloging all of the agency and public comments and preparing responses;
- Completing the CEQA Findings of Fact, the Statement of Overriding Considerations, the final version of the Mitigation Monitoring and Reporting Program and releasing the Final EIR (FEIR) for public comment;
- Hold a public hearing for the consideration of certifying the FEIR and recommendation of approval of the project before the Planning Commission;
- Hold a public hearing for the consideration of certifying the FEIR and approval of the project before the Board of Supervisors; and
- Submit the assimilated public record for the project.

The purpose of this Contract Amendment is to renew the contract by effectively extending the contract termination date to December 31, 2019 (the original contract expiration date was December 31, 2018). No amendment to the scope of work or budget are proposed.

In summary, attached to this staff report is a Resolution that, if approved, will amend the County's contract with Ascent Environmental, Inc. The amended contract will not affect the existing contract scope for the preparation of an EIR for the Lake Van Norden Dam Spillway Notching to comply with Department of Safety of Dams requirement to mitigate the risk of the dam failing and to comply with the requirement of the Department of Water Resources by removing the ability to impound water for which the TDLT has no water rights. Overall, this amendment will have no impact on the Planning Department's Fiscal Year 2018/19 and 2019/20 budget.

Item Initiated by: Coleen Shade, Senior Planner

Approved by: Brian Foss, Director of Planning