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NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memo

MEETING DATE: November 16, 2021

TO: Board of Supervisors

FROM: Brian Foss, Planning Director

SUBJECT: Resolution approving the contract with Truckee Trails Foundation for the preparation of environmental review documents for the Pines to Mines Trail project in the maximum amount of \$100,000.

RECOMMENDATION: Approve the Resolution.

FUNDING: The contract will be funded from the Economic Development Budget that was amended on August 10, 2021, to increase the fund by \$100,000 from the Economic Development Infrastructure budget to fund the environmental studies outlined in the approved Request for Proposal (RFP) approved by the Board of Supervisors on that date.

BACKGROUND: During the Summer of 2015, former District V Supervisor, Richard Anderson spearheaded an east-west county trails connection initiative leading to a series of stakeholder meetings. It was clear during those meetings that there was a passion among the groups to create a monumental trail across Nevada County.

The group hired a consultant to develop a route open to non-motorized methods of travel compatible with a rugged backcountry trail experience such as hiking, running, mountain biking, and horseback riding. This proposed route includes existing trails which will be integrated into the Pines to Mines trail. When completed, the trail will cover over 80 miles, utilizing the highly popular Trout Creek Canyon, Donner Lake Rim, Hole in The Ground, Spaulding Lake, and Pioneer Trails, among others. Approximately 18-22 miles of new construction on Tahoe National Forest (TNF) land will be required to link these trails into one cohesive whole encompassing the best the County has to offer in the way of sweeping valley vistas and the Sierra Crest, mature mixed conifer forest, historic towns, and high-quality recreation.

In response to an increasing interest by the Board of Supervisors in Open Space, Trails and Recreation staff from the Nevada County Executive Office joined the group of non-profit organizations in the Summer of 2019 providing coordination and project management assistance. Then, in January 2020 and 2021 the Board of Supervisors during their Board Workshop discussed funding the Pines to Mines Environmental Assessment in the amount of \$100,000 as part of their Economic Development planning.

Throughout the past year the Pines to Mines group has worked with the TNF to prepare the completion of the required NEPA Environmental Assessment as the yet-to-be-built trail is entirely on TNF land and under TNF authority. During these discussions the TNF asked for input from the group about including Class 1 electric bikes in the study's Scope of Work. The group then discussed the issue during several meetings and submitted their positions on the matter to the TNF in writing. There was not a consensus regarding the electric bike issue. One of the stakeholders had concern that the electric bikes would not be compatible with pedestrians, equestrians, and other traditional bicyclists while others were in support of electric bikes on the trails.

ENVIRONMENTAL ASSESSMENT REQUIREMENTS: In order to conduct an adequate and defensible environmental document the existing conditions of a project setting must be described. The fact that electric bikes are currently being used on the existing trail segments that the new section of the Pines to Mines Trail (Proposed Action/Project) would connect to necessitates the recognition of their use in the existing environmental setting portion of the assessment. The baseline conditions of the project site do include the use of electric bikes on the trails whether they are authorized or not. Through the alternative proposed action requirements of NEPA the electric bike impacts and compatibility with other trails users as well as the environment does need to be included in the environmental analysis to meet statutory requirements of both NEPA and CEQA. Omitting the acknowledgement and/or analysis of the use of electric bikes currently on the trail system would cause the potential for any completed environmental documents and studies prepared for the project to be deemed incomplete and inadequate.

It is important to note that although electric bikes must be addressed in the environmental review analysis/alternatives the use of electric bikes on the new trail section is not required to be allowed/approved with the new trail segment. The TNF, as the lead agency, may approve a project alternative to include or not include electric bike usage. The environmental assessment is designed to include alternatives to the proposed action and all potential components of a proposed project, but all of the project components analyzed are not required to be included in the final approval and design of a project. The complete environmental analysis is necessary for public disclosure and for the lead agency to make an informed decision on all of the issues including the use of electric bikes if, and when, the trail project is ultimately approved.

BOARD OF SUPERVISORS DIRECTION: On August 10, 2021, the Board of Supervisors considered a Request for Proposals (RFP) to be released to provide project management for completion of a NEPA Environmental Assessment for the Pines to Mines proposed new trail section in the Sierra Nevada Mountains. Given the fact that electric bikes are required to be addressed in the environmental analysis as described above, the inclusion of electric bikes was part of the draft RFP presented to the Board for consideration. The August 10th public hearing included significant discussion regarding the electric bike issue. A number of trail advocates were against the use of electric bikes while others were in support of the use of electric bikes on the trail. After taking public comment and deliberating the Board of Supervisors directed staff to amend the RFP to clearly state that any County funding granted for the preparation of the environmental documents would not include the electric bike analysis. If the electric bikes usage is needed to be included in the environmental review due to legal requirements, then other funding sources would have to be used for that analysis and technical studies.

Based on this the direction the RFP was amended to describe the requested scope of work from proposals include only analysis for non-motorized use and separate out any discussion and funding approaches to address the electric bike issue. The RFP solicited a qualified Provider with past experience working with the TNF, expertise, and qualifications to complete the NEPA Environmental Assessment meeting the Tahoe National Forest requirements as outlined in the Non-Funded Challenge Cost Share Agreement. The County preferred to solicit only proposals from firms with past experience working with the TNF and who could complete the RFP schedule of services with a budget at or less than \$100,000.00 including reimbursables.

As a result of the RFP solicitation two (2) proposals were received. An evaluation panel comprised of 5 people, representing County staff, Tahoe National Forest Service staff and members of the community, reviewed and scored the two responses to select the top ranked entity based on the evaluation criteria published in the RFP. The proposal from the Truckee Trails Foundation received the highest scores from the review panel. The proposal was comprehensive, demonstrated a very good understanding of the proposed project, outlined a thorough and defensible approach to the necessary environmental analysis and technical studies, included extremely qualified and experienced technical and management level staff with extensive experience working with the U.S. Forest Service and was within the desired total budget amount for the project. The proposal did include separating the electric bike use analysis and identified separate funding sources for completing that analysis as part of the final environmental assessment. Staff is recommending approval of the contract with Truckee Trails Foundation to compete the necessary environmental analysis for the project.

PROCESS NEXT STEPS: If the Board approves the contract with Truckee Trails Foundation, the Provider will enter into an agreement with the Tahoe National Forest and under the Forest Service's guidance the Provider, or their subcontractor, will analyze and document the potential environmental effects of the proposal to construct a new 18-22 mile trail section as part of the Pines to Mines Trail connecting Truckee and Nevada City, CA. The new trail would connect the 'Hole in The Ground Trail' to the 'Grouse Ridge Trail' in the Tahoe National Forest (TNF). The analysis will be documented in an Environmental Assessment (EA), complete the following NEPA and USFS regulations and policies, and will contain all steps/sections required by NEPA (from Scoping through Final Decision Notice), the Council on Environmental Quality (CEQ) regulations, and other applicable federal, state, and local regulations, policies, and guidelines.

Additionally, all technical studies will need to include sufficient analysis to meet California Environmental Quality Act Guidelines included in Appendix G. Additional technical studies will also be required to meet all CEQA requirements for completion of the checklist outlined in Appendix G of CEQA in order to be used for a potential future CEQA Initial Study.

The completed environmental analysis will include the proposal to potentially allow Class 1 electric bike use on the trail, however, the County's funding will not be used for this analysis. Separate funding sources will be required for any and all electric bike references and studies that may be included in the final environmental documents to be considered by the Tahoe National Forest. In providing the funding for much of the environmental analysis for the TNF environmental document the County wishes to support the study of the environmental impacts of the trail development but allow the public process and the environmental process to determine the appropriateness of electric bikes on the trail.

The Environmental Assessment process will include opportunities for the public and interest groups to provide comments to the TNF regarding any potential issues or concerns related to trail development and user types that may impact the environment. The process involves a public scoping period before the resources surveys are conducted in order to provide input on what should be studied and included in the environmental analysis. The resource studies will be completed that address the potential impacts to the environment in areas such as biological, cultural, soils, watersheds, etc. The draft Environmental Assessment (EA) will be available for public comment that will identify the Propose Action (project description), alternatives to the proposed action (alternate routes, user types, etc. and the impact discussions. There will be a minimum 30-day review period before the TNF issues a Final Decision on the Proposed Action to receive public comments on the adequacy of the document and/or concerns about the project components.

County staff is scheduled to meet with the core working group comprised of the trail stakeholders involved in the process over the last couple of years prior to the November 16th Board meeting to discuss and inform the group of County Staff's recommendation to the Board of Supervisors regarding the contract and the selected firm. The meeting will be an opportunity to discuss with the group the schedule moving forward including next steps with the contract and the environmental review process through the Tahoe National Forest.

RECOMMENDED ACTION: Staff recommends the Board of Supervisors adopt the Resolution approving the contract with Truckee Trails Foundation for the preparation of environmental review documents for the Pines to Mines Trail project in the maximum amount of \$100,000.

Initiated and Approved by: Brian Foss, Planning Director