

**Kings Beach SRA Preliminary General Plan Revision and EIR/
Kings Beach Pier Rebuild Project EIR/EIS**

**California Environmental Quality Act
Findings of Fact**

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1 INTRODUCTION

California State Parks (CSP), the lead agency under the California Environmental Quality Act (CEQA), has approved the Kings Beach State Recreation Area (KBSRA) General Plan Revision and Kings Beach Pier Rebuild Project (General Plan revision and pier rebuild project). These Findings of Fact are prepared in compliance with Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines to support the approval of the project by CSP. In describing the purpose of findings, CEQA states that:

No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) *The public agency makes one or more of the following findings with respect to each significant effect:*
- (1) *Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
 - (2) *Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*
 - (3) *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
- (b) *With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. [Public Resources Code Section 21081]*

The General Plan revision and pier rebuild project reflects CSP's proposed approach to renovate KBSRA over the next 20 years or more. The previous KBSRA General Development Plan (GDP) was approved in 1980 and addressed the original 6.82 acres of park and beach lands that were designated as KBSRA in 1977. The land east of the original 6.82 acres, which includes a motorized boat ramp and related amenities, was owned by the California Department of Boating and Waterways (DBW) when the GDP was approved in 1980. In 2013 DBW became a division of CSP, and the parcels previously owned by DBW, totaling 5.72 acres, officially became part of KBSRA. In addition to these parcels, the California Tahoe Conservancy (Conservancy) owns 1.36 acres of land referred to as the plaza parcels. In 2014, CSP and the Conservancy entered into an Operating Agreement that allows KBSRA and adjoining Conservancy-owned lands (i.e., plaza parcels) to be managed and operated by CSP as a single unit. The General Plan revision addresses all 13.9 acres of these lands.

The General Plan revision planning process has provided an opportunity to identify and implement improvements to park facilities and management strategies for a more cohesive character that exemplifies KBSRA as a resource of statewide significance. The project would enhance existing recreational facilities at the site, such as the restrooms and picnic areas, and would improve the facilities for special events, such as concerts and group picnicking. Other project amenities include a rebuilt pier at the end of Coon Street that would increase access to and from the waters of Lake Tahoe, a new promenade that would enhance non-automobile access to and through the park, enhanced pedestrian access and plaza areas near the North Tahoe Events

Center, and improved onsite circulation and more efficient parking that provides space for these new recreational opportunities. The existing motorized boat ramp at Coon Street would be removed.

The KBSRA Preliminary General Plan Revision and Final EIR/Pier Rebuild Project Final EIR/EIS (Final EIR/EIS), which was prepared to evaluate the environmental effects of implementing the project, has been certified by CSP. Certification means that: (1) the EIR has been prepared in compliance with CEQA; (2) CSP reviewed and considered the information contained in the EIR prior to approving the project; and (3) the EIR reflects CSP's independent judgment and analysis. Future actions that may result from the adoption and implementation of the General Plan revision have been anticipated and potential impacts resulting from these actions analyzed. Measures have been incorporated as goals and guidelines and standard and special project requirements, where feasible, to avoid significant environmental impacts from implementation of planned actions. The site design included within this General Plan revision provides project-level detail of specific facility improvements and other physical changes that could result from implementation of this plan. Therefore, the CEQA analysis is sufficient to address the impacts of many future actions, provided they are consistent with the plan's goals, guidelines, and site design. If future actions deviate from the plan and site design, those actions may require additional CEQA analysis. Information contained in this document may be used to determine how much, if any, additional CEQA documentation is necessary based on State CEQA Guidelines Sections 15162-15164. (Note: Future actions would be subject to subsequent TRPA permitting and environmental review.) Because the EIR/EIS identified significant effects that would or could occur as a result of the project, and in accordance with the provisions of the State CEQA Guidelines, CSP hereby adopts these findings. The five potentially significant effects of implementing the General Plan revision and pier rebuild project would be reduced to less-than-significant levels after mitigation.

Because no significant unavoidable effects on the environment would remain after implementation of adopted mitigation measures, a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093 is not needed as part of the approval of the General Plan revision and pier rebuild project.

2 DESCRIPTION OF THE KBSRA GENERAL PLAN REVISION AND PIER REBUILD PROJECT

The proposed KBSRA Preliminary General Plan Revision and Pier Rebuild Project was identified as Alternative 2, Eastern Pier Alternative (Proposed Project), in the Draft and Final EIR/EIS. The General Plan revision defines the purpose, vision, and long-term goals and guidelines for park management and operation. The Introduction, Existing Conditions, Issues and Analyses, and Plan chapters of the Draft EIR/EIS constitute the General Plan revision. The relatively small size of KBSRA allowed for a greater level of detail in site design and facility improvements, as compared to typical CSP general plans. The KBSRA General Plan revision includes conceptual plans for future development of and improvements to all of the property managed as KBSRA, including those areas not included in the 1980 General Development Plan, such as the motorized boat ramp, boat trailer parking lot, and Conservancy plaza parcels near the intersection of Coon Street and State Route (SR) 28 (i.e., North Lake Boulevard). The General Plan revision considers the potential for the Conservancy's plaza parcels to be transferred to CSP in the future as part of its implementation.

The planned improvements include:

- ▲ a new small administrative office located on the east side of the park;
- ▲ a new seasonal non-motorized watercraft storage structure located adjacent to the proposed administrative office;

- ▲ new drop-off locations in the main parking lot and near the proposed pier;
- ▲ two new 10-foot wide paved beach access ramps, which would be used for equipment access for sand management purposes by CSP maintenance staff;
- ▲ a new nature play area to replace the existing playground;
- ▲ relocation of the half basketball court inland to establish a new small group picnic area in its current location;
- ▲ a new concessionaire building to replace the existing building;
- ▲ a new information kiosk near the main park entrance;
- ▲ a new two-stall comfort station with two changing rooms on the western side of the park;
- ▲ demolition and replacement of the existing 7-stall comfort station centrally located in the park with a new 10-stall restroom/shower building with two changing rooms. The new combination building would be relocated to be closer to the proposed open lawn and event stage area;
- ▲ new trash enclosures;
- ▲ a new 12-foot wide shared-use path/waterfront promenade and sand wall that:
 - // includes viewpoints or interpretative nodes to create recreation elements throughout the site;
 - // provides internal circulation by extending to the eastern and western park edges, and allowing for future extension of the Kings Beach Promenade project by Placer County;
 - // allows for bicycle and pedestrians use; and
 - // assists with sand management in combination with vegetated dune landscape;
- ▲ reduced and reconfigured parking to improve on-site circulation, reduce queuing onto SR 28, and increase the area available for recreational amenities. The total number of parking spaces would be 157);
- ▲ new open lawn (turf or alternative) and stage/event areas. A portable stage could also be located on the beach. The open lawn could be used for winter ice skating;
- ▲ eastern and western entry plazas;
- ▲ large group and small group picnic pavilions;
- ▲ a swim buoy area that extends from a point just east of the westernmost stormwater outfall to a point just west of the central stormwater outfall; and
- ▲ individual picnic sites.

The proposed pier rebuild component of the General Plan revision would include removal and rebuilding of the existing Kings Beach pier to provide a public pier at KBSRA that is functional for multi-use recreational benefits at a wide range of water levels (i.e., reaching the 6217-foot lake bed elevation navigational target). In addition to removing the existing motorized boat ramp, the near-term pier rebuild project would also include a 10-foot-

wide lake access point with removable bollards that allows for access by non-motorized watercraft and emergency vehicles.

For any project implemented under the General Plan revision, including the pier rebuild project, CSP shall implement mandatory standard requirements, and special project requirements developed in coordination with the Tahoe Regional Planning Agency (TRPA), which has permitting authority for the pier rebuild project. Such requirements are based on Best Management Practices (BMPs), known regulatory requirements and conditions, and standard and special project requirements for air quality; biological resources (general, plants, and animals); geology, soils, land capability, and coverage; hazards, hazardous materials, and risk of upset; hydrology and water quality; noise; scenic; and transportation and circulation. Standard and special project requirements are presented in Section 4.7 of the Draft EIR/EIS.

The standard and special project requirements consist of design, construction, and management actions that CSP incorporates into the project description of future projects under the General Plan to protect resources and prevent significant environmental effects. These measures are part of the General Plan and would be required, as applicable, for any future project proposed under the General Plan, including the pier rebuild project. As such, CSP and TRPA would require implementation of these measures as a condition of approval for each future subsequent project proposed under the General Plan, including the pier, which would be the first project implemented. These standard and special project requirements would minimize potential adverse impacts caused by future projects.

The Draft EIR/EIS identifies mitigation measures to address five potentially significant impacts on the environment that would occur related to construction of the proposed pier rebuild project. These include Impact 5.3.2-1, Disturbance and loss of prime fish habitat; Impact 5.3.3-1, Disturb unique archaeological resources; Impact 5.3.3-2, Disturbance of human remains; Impact 5.3.3-3, Affect unique ethnic cultural values or restrict sacred uses, or change the significance of a tribal cultural resource; and, Impact 5.3.12-2, Effects on views from Lake Tahoe. Mitigation measures would reduce potentially significant impacts on biological and cultural resources to less-than-significant levels (see Section 4, CEQA Section 21081 Findings, below).

Biological resources impacts would be minimized through implementation of BMPs , such as the use of turbidity curtains during substrate-disturbing activities in the lake, inspection and removal of aquatic invasive species on equipment, and the standard and special project requirements, which would reduce water quality impacts and potential habitat degradation.

Cultural resources impacts would be minimized through implementation of standard project requirements implemented in coordination with federal, state, and local agency(ies) to avoid, move, record, or otherwise appropriately treat resources in accordance with pertinent laws and regulations. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code (PRC) Section 5097, and implementation of the mandatory cultural standard project requirements identified in Section 4.7 of the Draft EIR/EIS would avoid or minimize the disturbance of human remains and appropriately treat any remains that may be discovered.

3 ALTERNATIVES

In accordance with the Section 15126.6 of the State CEQA Guidelines, a range of reasonable alternatives to the project that could feasibly attain the basic project objectives but would avoid or substantially lessen any of the significant effects of the project was addressed in the Draft EIR/EIS. The purpose of the alternatives analysis is to determine whether or not an alternative to the General Plan revision and pier rebuild project would feasibly reduce or eliminate significant project impacts, within the basic framework of the objectives.

The Draft EIR/EIS includes an evaluation of three alternatives to the proposed General Plan revision and pier rebuild project. The No Project Alternative would be considered the environmentally superior alternative compared to the proposed project and the other two action alternatives because it would result in no impact. However, this alternative would not meet the basic objectives of the project. The Central Pier Alternative (Alternative 3) and Western Pier Alternative (Alternative 4) would achieve the basic project objectives and would avoid potential impacts on prime fish habitat but would result in significant and unavoidable impacts on scenic and visual quality.

Descriptions of these alternatives are provided below.

3.1 ALTERNATIVE 1 – NO PROJECT ALTERNATIVE

A comprehensive evaluation of the No Project Alternative (Alternative 1), as required by Section 15126.6(e) of the State CEQA Guidelines, was included in the Draft EIR/EIS. Under the No Project Alternative, no physical improvements would be implemented at the site and there would be no change to the pier or substantial changes in management approach. The existing 1980 General Development Plan would remain unchanged and no upland improvements (with the possible exception of minor interpretive programs or signage) would be made. Operation and maintenance of existing facilities would continue. No pier improvements would be made.

With the No Project Alternative, only minimal construction could occur at the site, such as for installation of signage. Operation and maintenance of existing facilities would continue, and there would not be substantial changes to the environment. The No Project Alternative would result in no impacts on the environment (see Sections 5.3. 1 through 5.3.13 of the Draft EIR/EIS).

The No Project Alternative would not meet any of the basic project objectives described in Section 4.2, Pier Rebuild Project Goal and Objectives, including the objective to improve accessibility of the pier for a variety of recreational watercraft types over a wider range of lake-level conditions. This alternative would also not realize the recreation, bicycle, and pedestrian benefits of the proposed project. Importantly, this alternative would not update the existing General Plan, which was approved in 1980 and only addresses 6.82 acres of the park/beach lands.

Conclusion

The No Project Alternative is not approved because it would not achieve any of the basic objectives of the proposed General Plan revision and pier rebuild project. It would not improve accessibility of the pier for a variety of recreational watercraft types over a wider range of lake-level conditions and nor would it update the existing General Plan to address the whole of the 13.9-acre park.

3.2 ALTERNATIVE 3 – CENTRAL PIER ALTERNATIVE

The General Plan revision of Alternative 3, Central Pier Alternative, would be similar to the proposed project; it would include a park development and operations component, and designate appropriate land uses and resource management. Alternative 3 includes the same unit purpose and park vision, visitor carrying capacity, and adaptive management elements as the proposed project. Alternative 3 includes most of the same upland features as the proposed project, but with some refinements in their location or size. Alternative 3 would locate the rebuilt pier in the center of KBSRA at the location of the existing pier.

Although Alternative 3 would add six parking spaces at KBSRA (relative to existing conditions), this alternative, like Alternative 2, would result in a shortfall of parking spaces at KBSRA to meet parking demand. As discussed in Impact 5.3.13-5 in Section 5.3.13, Traffic and Transportation, of the Draft EIR/EIS and in responses to comments

2-5, 2-8, and 3-2 in Chapter 2, Responses to Comments, of the Final EIR/EIS, there would be sufficient parking spaces in Kings Beach to meet parking demand.

Compared with the eastern pier location, a central pier would not be located in prime fish habitat. While potentially significant impacts on prime fish habitat from the proposed project would be reduced to a less-than-significant level after implementation of mitigation, Alternative 3 provides an opportunity to avoid impacts on prime fish habitat altogether.

Alternative 3 would result in significant and unavoidable impacts on scenic and visual quality associated with the length of the pier. As described under Impact 5.3.12-1 in Section 5.3.12, Scenic Resources, of the Draft EIR/EIS, because the pier would reduce the scenic quality rating for TRPA-designated Scenic Resource 9-2 (panoramic views of Lake Tahoe from a point near the center of KBSRA) after implementation of Mitigation Measure 5.3.12-1a, the impact of the pier associated with Alternative 3 on views toward Lake Tahoe and the visual quality of the site would be significant and unavoidable. Several other mitigation measures were considered (i.e., reduce the length of the pier, relocate the pier), but determined to be infeasible because they would either not meet the basic project objectives or would not constitute mitigation because other alternatives already contemplate siting the pier in other locations at KBSRA.

Conclusion

The Central Pier Alternative (Alternative 3) is not approved because it does not have environmental advantages over the proposed General Plan revision and pier rebuild project. While this alternative would avoid potential impacts on prime fish habitat it would result in significant and unavoidable impacts on scenic and visual quality.

3.3 ALTERNATIVE 4 – WESTERN PIER ALTERNATIVE

The General Plan revision of Alternative 4, Western Pier Alternative, would be similar to the proposed project; it would include a park development and operations component, and designate appropriate land uses and resource management. Alternative 4 includes the same unit purpose and park vision, visitor carrying capacity, and adaptive management elements as the proposed project. Alternative 4 includes most of the same upland features as the proposed project, but with some refinements in their location or size. Alternative 4 would rebuild the pier in a location on the western side of the park, near the event center.

Compared to the proposed project and Alternative 2, Alternative 4 would remove the greatest number of parking spaces at KBSRA. Alternative 4 would remove 58 parking spaces. However, as discussed in Impact 5.3.13-5 in Section 5.3.13, Traffic and Transportation, of the Draft EIR/EIS and in responses to comments 2-5, 2-8, and 3-2 in Chapter 2, Responses to Comments, of the Final EIR/EIS, there would be sufficient parking spaces in Kings Beach to meet parking demand.

Compared with the eastern pier location associated with the proposed project, the western pier would not be located in prime fish habitat. While potentially significant impacts on prime fish habitat from the proposed project would be reduced to a less-than-significant level after implementation of mitigation, Alternative 4 provides an opportunity to avoid impacts on prime fish habitat altogether.

Like Alternative 3, Alternative 4 would result in significant and unavoidable impacts on scenic and visual quality associated with the length of the pier. As described under Impact 5.3.12-1 in Section 5.3.12, Scenic Resources, of the Draft EIR/EIS, because the pier would reduce the scenic quality rating for Scenic Resource 9-2 after implementation of Mitigation Measure 5.3.12-1a and no other mitigation is feasible, the impact of Alternative 4 on views toward Lake Tahoe and the visual quality of the site would be significant and unavoidable. Several other mitigation measures were considered (i.e., reduce the length of the pier, relocate the pier), but

determined to be infeasible because they would either not meet the basic project objectives or would not constitute mitigation because other alternatives already contemplate siting the pier in other locations at KBSRA.

Conclusion

The Western Pier Alternative (Alternative 4) is not approved because it does not have environmental advantages over the proposed General Plan revision and pier rebuild project. While this alternative would avoid potential impacts on prime fish habitat, it would have significant and unavoidable impacts on scenic and visual quality.

4 CEQA SECTION 21081 FINDINGS

The Commission has considered the environmental information in the EIR/EIS, consisting of the Draft EIR/EIS, and responses to comments on the Draft EIR/EIS and revisions to the Draft EIR/EIS contained in the Final EIR/EIS. CSP has also reviewed the Mitigation Monitoring and Reporting Program (MMRP) and considered the public record on the project (references provided in Chapter 6, References, in the Draft EIR/EIS and Chapter 4, References in the Final EIR/EIS).

Pursuant to PRC Section 21081, for each significant effect identified in the Draft EIR/EIS, CSP must make one or more of the required findings. CSP hereby makes the following findings regarding the significant effects of the proposed project, pursuant to PRC Section 21081 and Section 15091 of the State CEQA Guidelines.

CSP has defined the approach to implementing mitigation measures for the General Plan revision and pier rebuild project in the MMRP. The mitigation measures avoid or mitigate to less-than-significant levels all significant environmental impacts. PRC Section 21081.6 requires that when a public agency is making findings, as directed by State CEQA Guidelines Section 15091(a)(1) and PRC Section 21081(a), the public agency shall adopt a MMRP for the changes that it has either required of the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures. CSP hereby adopts the MMRP and commits CSP to fulfill and complete implementation of the mitigation measures set forth therein. These mitigation measures are binding and enforceable obligations with which CSP must comply.

The following describes each of the five potentially significant impacts on the environment identified in the Draft EIR/EIS, the applicable CEQA finding, and the facts in support of that finding.

4.1 BIOLOGICAL RESOURCES

Potentially Significant Effect: Disturbance and loss of prime fish habitat [Impact 5.3.2-1]

The removal of existing structures under the proposed General Plan revision and pier rebuild project may temporarily disturb TRPA-designated prime fish habitat. However, potential impacts would be minimized through implementation of project-specific BMPs that are required for project permits and approvals and standard and special project requirements (Section 4.7 of the Draft EIR/EIS). The project would place the rebuilt pier within prime fish (feed and cover) habitat, resulting in the loss or degradation of 4,930 square feet of such habitat. The project could also result in changes in localized watercraft activity but would not increase watercraft activity nor substantially change watercraft activity or disturbance within prime fish habitat. The permanent removal or degradation of prime fish habitat associated with the proposed General Plan revision and pier rebuild project would be **significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the potentially significant effects of the project to a less-than-significant level.

Facts in Support of Finding

CSP adopted the following mitigation measure that would reduce to less-than-significant levels the impacts on disturbance and loss of prime fish habitat from the proposed General Plan revision and pier rebuild project.

Mitigation Measure 5.3.2-1: Compensate for Loss of Prime Fish Habitat

If Alternative 2 is implemented, to compensate for the potential impact to up to 4,930 square feet of prime fish habitat (feed and cover) as a result of constructing the eastern pier, up to 7,395 square feet of feed and cover habitat shall be created or restored through the development and implementation of a Compensatory Fish Habitat Replacement Plan that is consistent with the findings of the TRPA Shoreline Plan, when completed. The plan will be developed and implemented pursuant to a cooperative partnership that reflects the shared responsibilities of TRPA, California State Lands Commission (CSLC), California Tahoe Conservancy, and State Parks, in coordination with applicable regulatory agencies as appropriate, including as needed, the California Department of Fish and Wildlife (CDFW), Lahontan Regional Water Quality Control Board (Lahontan RWQCB), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), and TRPA. Additionally, the plan will be coordinated and consistent with terms and conditions of other required permits and approvals, such as the lease agreement with CSLC for construction and operation of the pier rebuild project. Applicable permits expected for the project include a Clean Water Act Section 404 permit from USACE, Clean Water Act Section 401 Water Quality Certification from Lahontan RWQCB, and a Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement from CDFW.

The Compensatory Fish Habitat Replacement Plan may include design and implementation requirements for creating/restoring feed and cover habitat and supporting the goal of no net loss of prime fish habitat, and shall include:

- ▲ identification of a specific habitat creation/restoration site that adjoins the existing feed and cover habitat in the area, and criteria for selecting the site;
- ▲ specifications for habitat substrate type and size-class distribution, material sources, and construction/installation methods; and
- ▲ in-kind reference habitats for comparison with compensatory fish habitat/substrate (using performance and success criteria) to document success.

The Compensatory Fish Habitat Replacement Plan must be prepared and approved by TRPA prior to TRPA permit acknowledgement. Implementation of mitigation to compensate for potential impacts to prime fish habitat will occur as an element of pier construction.

Explanation Regarding Reduction of the Potentially Significant Effect

Mitigation Measure 5.3.2-1 requires the creation/restoration of up to 7,395 square feet of feed and cover habitat pursuant to a cooperative partnership among the affect/responsible agencies (e.g., TRPA, CSLC, CTC, and CSP) and in coordination with CDFW, Lahontan RWQCB, USACE, and USFWS to compensate for the loss or degradation of up to 4,930 square feet of prime fish habitat from the eastern pier rebuild project. The created/restored habitat would adjoin the existing feed and cover habitat and would result in an overall increase in prime fish habitat at KBSRA. The impact on prime fish habitat would be reduced to a less-than-significant level.

4.2 CULTURAL RESOURCES

Significant Effect: Disturb unique archaeological resources [Impact 5.3.3-1]

Construction and excavation activities associated with the General Plan revision and pier rebuild project could result in sediment disturbance and removal, which could adversely affect known and unknown archaeological resources. However, implementation of mandatory standard and special project requirements would reduce potentially significant impacts to archaeological resources because these measures would avoid disturbance, disruption, or destruction of archaeological resources in compliance with pertinent laws and regulations. This impact would be **less than significant** for the General Plan revision component.

Although the mandatory standard and special project requirements included in the General Plan revision would be implemented during construction of the pier rebuild component of the proposed project, construction activities that would disturb the lakebed could result in a **potentially significant** impact on previously unidentified archaeological resources.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the potentially significant effects of the project to a less-than-significant level.

Facts in Support of Finding

CSP adopted the following mitigation measure that would reduce impacts on previously unidentified archaeological resources to less-than-significant levels.

Mitigation Measure 5.3.3-1: Protect previously unidentified archaeological resources in the lakebed of Lake Tahoe

Before activities could begin on individual components lakeward of the highwater line, a District Cultural Resource Specialist or a CSP-approved, professionally qualified archaeologist will complete a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged cultural resources.

If potentially significant cultural resources are discovered by the Cultural Resource Specialist or archaeologist, appropriate protection or treatment measures shall be developed in consultation with CSP, TRPA, and other appropriate agencies and interested parties, such as the Washoe Tribe. The Cultural Resource Specialist or archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (DPR 523 Forms) and location information to the California Historical Resources Information Center office (North Central Information Center). The Cultural Resource Specialist or archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (PRC Section 5024.1; Title 14 CCR Section 4852) for California projects. CSP shall follow recommendations identified in the survey report, which may include designing and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, and preservation in place. Findings of the underwater archaeological surveys will be provided to the Washoe Tribe.

Explanation Regarding Reduction of the Potentially Significant Effect

Implementation of Mitigation Measure 5.3.3-1 would reduce potentially significant impacts on archaeological resources because appropriate measures would be taken to protect any identified archaeological resources in the lakebed. A District Cultural Resource Specialist or CSP-approved, professionally qualified archaeologist would evaluate any potential resources, properly document those resources, and, if necessary, measures would be developed and implemented in coordination with the appropriate agencies to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity

to avoid disturbance, disruption, or destruction of archaeological resources, the potential impacts on previously unidentified archaeological resources from the proposed General Plan revision and pier rebuild project would be reduced to less-than-significant levels.

Significant Effect: Disturbance of human remains [Impact 5.3.3-2]

It is possible that previously unknown human remains could be discovered when soils are disturbed during construction associated with the General Plan revision and pier rebuild project. However, compliance with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097, and implementation of mandatory standard and special project requirements included in the General Plan revision would reduce potentially significant impacts to human remains. This impact would be less-than-significant for the General Plan revision component.

Although the mandatory standard and special project requirements included in the General Plan revision will be implemented during construction of the eastern pier rebuild component, construction activities that would disturb the lakebed could result in a **potentially significant** impact on human remains.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the potentially significant effects of the project to a less-than-significant level.

Facts in Support of Finding

CSP adopted the following mitigation measure that would reduce the potential impact to human remains to less-than-significant levels.

Mitigation Measure 5.3.3-2. Protect previously unidentified human remains in the lakebed of Lake Tahoe

Before activities could begin on individual components lakeward of the highwater line, a District Cultural Resource Specialist or a CSP-approved, professionally qualified archaeologist will complete a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged cultural resources.

If human remains are discovered by the Cultural Resource Specialist or archaeologist, work will cease immediately in the area of the find and the project manager/site supervisor will notify the appropriate CSP personnel. Any human remains and/or funerary objects will be left in place or returned to the point of discovery and covered with soil. The CSP Chief Ranger (or authorized representative) will notify the County Coroner, in accordance with Section 7050.5 of the California Health and Safety Code, and the Native American Heritage Commission (NAHC) (or Tribal Representative). If a Native American monitor is on-site at the time of the discovery, the monitor will be responsible for notifying the appropriate Native American authorities. The local County Coroner will make the determination of whether the human bone is of Native American origin.

If the Coroner determines the remains represent Native American interment, the NAHC in Sacramento and/or tribe will be consulted to identify the most likely descendants and appropriate disposition of the remains. Work will not resume in the area of the find until proper disposition is complete (PRC Section 5097.98). No human remains or funerary objects will be cleaned, photographed, analyzed, or removed from the site prior to determination.

If it is determined the find indicates a sacred or religious site, the site will be avoided to the maximum extent practicable. Formal consultation with the State Historic Preservation Office and review by the Native American Heritage Commission/Tribal Cultural representatives will occur as necessary to define additional site mitigation or future restrictions. Findings of the underwater survey will be provided to the Washoe Tribe.

Explanation Regarding Reduction of the Potentially Significant Effect

Implementation of Mitigation Measure 5.3.3-2 would reduce potentially significant impacts on human remains from implementation of the pier rebuild project because appropriate measures would be taken to protect any identified human remains in the lakebed. A District Cultural Resource Specialist or CSP-approved, professionally qualified archaeologist would reduce potentially significant impacts to disturbance of human remains because measures would be implemented to avoid, move, record, or otherwise appropriately treat the remains and conduct the proper notifications in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of human remains, the impact from the eastern pier rebuild component of the General Plan revision and pier rebuild project would be reduced to a less-than-significant level.

Significant Effect: Affect unique ethnic cultural values or restrict sacred uses, or change the significance of a tribal cultural resource [Impact 5.3.3-3]

Consultation with the Washoe Tribe of Nevada and California has resulted in no resources identified as tribal cultural resources (TCRs) as described in AB 52. Because no resources meet the criteria for a TCR under PRC Section 21074, there would be no impact for the General Plan revision component.

Although there is no known part of the project site meeting any of the PRC 5024.1(c) criteria, construction activities that result in ground disturbance in the lakebed could damage or destroy previously unidentified TCRs in the lakebed. Therefore, the eastern pier rebuild component of the General Plan revision and pier rebuild project would have a **potentially significant** impact on TCRs.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the potentially significant effects of the project to a less-than-significant level.

Facts in Support of Finding

CSP Parks adopted the following mitigation measure that would reduce impacts on tribal cultural resources from the eastern pier rebuild project component to less-than-significant levels.

Mitigation Measure 5.3.3-3. Protect previously unidentified tribal cultural resources in the lakebed of Lake Tahoe

With respect to performing a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged tribal cultural resources, implement Mitigation Measure 5.3.3-1 described above.

Explanation Regarding Reduction of the Potentially Significant Effect

Implementation of Mitigation Measure 5.3.3-3 would reduce potentially significant impacts on archaeological resources from implementation of the eastern pier rebuild project because appropriate measures would be taken to protect any identified archaeological resources, including tribal cultural resources, in the lakebed. The findings of the underwater archaeological surveys would be provided to the Washoe Tribe. A District Cultural Resource Specialist or CSP-approved, professionally qualified archaeologist would evaluate any potential resources, properly document those resources, and, if necessary, measures would be developed and implemented in coordination with the appropriate agencies and the Washoe Tribe to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to identify and avoid disturbance, disruption, or destruction of tribal cultural resources, the potential impact on tribal cultural resources from the eastern pier rebuild component of the General Plan revision and pier rebuild project would be reduced to a less-than-significant level.

4.3 SCENIC RESOURCES

Significant Effect: Effects on views from Lake Tahoe [Impact 5.3.12-2]

The General Plan revision would alter human-made features visible from Lake Tahoe, which is one of the three criteria used to determine shoreline travel unit threshold scores. These visual changes would not reduce the quality of views from Lake Tahoe or degrade the TRPA scenic quality ratings for the applicable shoreline travel units. Thus, the impact of the General Plan revision component would be less than significant. The eastern pier rebuild component of the General Plan revision and pier rebuild project would result in a **significant** impact because it would result in a net increase in visible mass.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the potentially significant effects of the project to a less-than-significant level.

Facts in Support of Finding

CSP adopted the following mitigation measure that would reduce to less-than-significant levels the impacts on views from Lake Tahoe from implementation of the proposed General Plan revision and pier rebuild project.

Mitigation Measure 5.3.12-2a: Reduce visible mass

CSP will ensure that the pier rebuild will meet the minimum scenic mitigation requirements specified in the TRPA Code. The pier rebuild will include visible mass reduction or screening as required by the TRPA Ordinances that are in place at the time of adoption of this document. The mitigation requirement will be demonstrated in the TRPA project permit and the mitigation will need to be met before TRPA permit acknowledgement. At the time of preparation of this document, the current proposal for visible mass reduction mitigation as part of the proposed Shoreline Plan applicable to this project is at a 3:1 ratio. The current visible mass reduction mitigation in the existing Code of Ordinances applicable to this project requires no net increase in visible mass. To achieve the applicable reduction in visible mass, CSP will install additional visual screening in KBSRA to block views of human-made structures or remove existing structures that are visible from Lake Tahoe. All landscape screening shall be implemented consistent with current defensible space guidelines. The reduction in visible mass will be maintained in perpetuity.

Explanation Regarding Reduction of the Potentially Significant Effect

Mitigation Measure 5.3.12-2a requires that the eastern pier rebuild component results in no net increase in visible mass, consistent with TRPA requirements developed to achieve and maintain scenic threshold standards. Therefore, after implementation of the mitigation measures, the proposed General Plan revision and pier rebuild project would have a less-than-significant impact on views from Lake Tahoe.

5 CONCLUSION

The Final EIR/EIS concludes that the project, with the incorporation of mandatory standard and special project requirements and mitigation measures, and with consideration of alternatives, would not create any significant and unavoidable impacts to the environment. The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMRP, would eliminate or reduce to a less-than-significant level all potentially significant environmental impacts.

6 REFERENCES

For complete lists of references used in preparing the Draft EIR/EIS and the Final EIR/EIS, see Chapter 6, References, and Chapter 4, References, respectively.

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