

## EXHIBIT A

**CEQA Findings**  
**Regarding the Final KBSRA Preliminary General Plan Revision and EIR/Kings**  
**Beach Pier Rebuild Project EIR/EIS**  
**State Clearinghouse No. 2015122056**  
**June 25, 2020**

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### **I. Environmental Impacts and Findings**

The California Environmental Quality Act (CEQA) Guidelines, section 15091, states that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been completed which identifies one or more significant effects on the environment unless the public agency makes one or more of the following three findings:

- (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.

The California Tahoe Conservancy (Conservancy) is a responsible agency under CEQA for the Kings Beach State Recreation Area (KBSRA) General Plan Revision and Kings Beach Pier Rebuild Project (DPR Project). As the lead agency, the California Department of Parks and Recreation (DPR) had the responsibility of preparing and certifying the Kings Beach State Recreation Area Preliminary General Plan Revision and Environmental Impact Report (EIR) and the Kings Beach Pier Rebuild Project EIR/Environmental Impact Statement (EIS) (collectively, EIR/EIS). When the California Parks and Recreation Commission (Commission) certified the EIR/EIS on October 19, 2018, the Commission also adopted mitigation measures and findings related to mitigation measures, project alternatives, and a Statement of Overriding Considerations. The EIR/EIS is available for review on the attached CEQA CD (Attachment 3 of the Staff Recommendation for this Project) and on the DPR's website at [https://www.parks.ca.gov/?page\\_id=30110](https://www.parks.ca.gov/?page_id=30110).

The Conservancy is considering approval of a grant to complete the final design and permitting for a portion of the DPR Project, which includes construction of several onshore and pier related improvements (collectively, improvements). The onshore improvements include a lake access ramp for non-motorized watercraft, non-motorized watercraft storage, restroom upgrades, additional picnic sites, a visitor contact center, education/interpretation opportunities, park accessibility improvements, and enhancement of vehicular circulation in the Coon Street parking. The improvements also include rebuilding and relocating the existing pier (pier rebuild component). DPR evaluated all of the improvements in the EIR/EIS.

The Conservancy has reviewed and considered DPR's EIR/EIS, the CEQA Findings made by the Commission in certifying the EIR/EIS, and the adopted Mitigation Monitoring and Reporting Program (MMRP) (See the MMRP here: [https://www.parks.ca.gov/?page\\_id=30110](https://www.parks.ca.gov/?page_id=30110) and in Attachment 1, Exhibit A).

## II. Conservancy CEQA Findings

In accordance with CEQA Guidelines section 15096(h), the Conservancy has independently reviewed and, based on substantial evidence, concurs with DPR's specific written findings regarding significant impacts associated with the improvements. (See the Findings in the General Plan Revision here: [https://www.parks.ca.gov/?page\\_id=30110](https://www.parks.ca.gov/?page_id=30110) and in Attachment 3).

## BIOLOGICAL RESOURCES

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

The removal of existing structures for the pier component may temporarily disturb Tahoe Regional Planning Agency-designated (TRPA) prime fish habitat. However, potential impacts would be minimized through implementation of project-specific best management practices (BMPs) that are required for project permits and approvals and standard and special project requirements (Section 4.7 of the EIR/EIS). The rebuilt pier would be within prime fish (feed and cover) habitat, resulting in the loss or degradation of 4,930 square feet of such habitat. The improvements 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 improvements would be **significant**.

### ***Finding***

This significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 5.3.2-1, Compensate for Loss of Prime Fish Habitat*.

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, California State Lands Commission, Conservancy, and DPR) and in coordination with California Department of Fish and Wildlife (CDFW), Lahontan Regional Water Quality Control Board (Lahontan RWQCB), United States Army Corps of Engineers (USACE), and United States Fish and Wildlife Service (USFWS) to compensate for the loss or degradation of up to 4,930 square feet of prime fish habitat. The created/restored habitat would adjoin the existing feed and cover habitat and would result in an overall increase in prime fish habitat at Kings Beach State Recreation Area (KBSRA). The impact on prime fish habitat would be reduced to a **less-than-significant** level.

### ***Conclusion***

The Conservancy has reviewed Mitigation Measure 5.3.2-1 and determined that because prime fish habitat will increase as a result of the improvements, the impact to prime fish habitat will be reduced to a **less-than-significant** level.

## **CULTURAL RESOURCES**

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

Construction and excavation activities associated with the improvements 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, such as preconstruction testing by a District Cultural Resource Specialist or DPR-approved professionally qualified archaeologist and requirements for temporary cessation of work within 150 feet of an archaeological discovery, 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 onshore improvements.

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

### ***Finding***

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 5.3.3-1: Protect previously unidentified archaeological resources in the lakebed of Lake Tahoe.*

Under Mitigation Measure 5.3.3-1, a District Cultural Resource Specialist or a DPR-approved, professionally qualified archaeologist will complete a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged cultural resources, before activities could begin on individual components lakeward of the highwater line.

A District Cultural Resource Specialist or DPR-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. The District Cultural Resource Specialist or DPR-approved, professionally qualified archaeologist will follow accepted professional standards in recording any find including submittal of the standard DPR Primary Record forms (DPR 523 Forms) and location information to the California Historical Resources Information Center office (North Central Information Center). DPR will 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.

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. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, the potential impacts on previously unidentified archaeological resources from the construction of the improvements would be reduced to **less-than-significant** levels.

### **Conclusion**

The Conservancy has reviewed Mitigation Measure 5.3.3-1 and determined that because an archaeological expert will conduct a pre-construction underwater survey, evaluate any archaeological findings, and adhere to professional standards and laws should a discovery occur, potential impacts on previously unidentified archaeological resources in the lakebed of Lake Tahoe will be reduced to a **less-than-significant** level.

**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 improvements. However, compliance with California Health and Safety Code Sections 7050.5 and 7052 and Public Resources Code (PRC) Section 5097, and implementation of mandatory standard and special project requirements would reduce potentially significant impacts to human remains. This impact would be **less-than-significant** for the onshore improvements.

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

***Finding***

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 5.3.3-2: Protect previously unidentified human remains in the lakebed of Lake Tahoe.*

Under Mitigation Measure 5.3.3-2, a District Cultural Resource Specialist or DPR-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 pier rebuild component would be reduced to a **less-than-significant** level.

***Conclusion***

The Conservancy has reviewed Mitigation Measure 5.3.3-2 and determined that because state laws related to the discovery, documentation, avoidance, and removal of human remains will be implemented when constructing the improvements, potential impacts to identified human remains in the lakebed of Lake Tahoe will 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 by construction of the improvements.

Although there is no known part of the improvements' location 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 pier rebuild component would have a **potentially significant** impact on TCRs.

***Finding***

This significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 5.3.3-3: Protect previously unidentified tribal cultural resources in the lakebed of Lake Tahoe.*

Under Mitigation Measure 5.3.3-3, a District Cultural Resource Specialist or DPR-approved, professionally qualified archaeologist would evaluate any potential resources, conduct an underwater survey 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. The findings of the underwater archaeological surveys would be provided to the Washoe Tribe. Implementation of Mitigation Measure 5.3.3-3 would reduce potentially significant impacts on archaeological resources from implementation of the improvements because appropriate measures, such as coordination with the appropriate regional, state, and/or local agency(ies) and the Washoe Tribe to avoid, move, record, or otherwise treat the resource appropriately, would be taken to protect any identified archaeological resources, including tribal cultural resources, in the lakebed. 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 pier rebuild component would be reduced to a **less-than-significant** level.

***Conclusion***

The Conservancy has reviewed Mitigation Measure 5.3.3-3 and determined that because DPR will adhere to appropriate state laws related to the discovery of tribal cultural resources in the lakebed of Lake Tahoe and coordinate with the Washoe Tribe and appropriate public agencies to avoid, move, record, or otherwise treat the resource appropriately should a discovery occur, potential impacts to tribal cultural resources will be reduced to a **less-than-significant** level.

**SCENIC RESOURCES**

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

The improvements 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 onshore improvements would be **less than significant**. The pier rebuild component would result in a **significant** impact because it would result in a net increase in visible mass.

***Finding***

This significant impact of the pier rebuild component can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 5.3.12-2a: Reduce visible mass*.

Mitigation Measure 5.3.12-2a requires that DPR 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 the EIR/EIS. 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 the EIR/EIS, 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 requires no net increase in visible mass. To achieve the applicable reduction in visible mass, DPR 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.

Mitigation Measure 5.3.12-2a requires that the 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 improvements will have a **less-than-significant** impact on views from Lake Tahoe.

***Conclusion***

The Conservancy has reviewed Mitigation Measure 5.3.12-2a and determined that because the improvements will result in no net increase in

visible mass from Lake Tahoe, impacts on the effects on views from Lake Tahoe will be reduced to a **less-than-significant** level.

### **III. Conclusion**

The Conservancy has independently reviewed and analyzed each of the mitigation measures and alternatives identified in DPR's EIR/EIS. Implementation of the mitigation measures and alternatives are within the jurisdiction of DPR and other agencies. At the time DPR certified the EIR/EIS, the California State Park and Recreation Commission adopted a MMRP that identified the appropriate implementing agencies and specifically identified mitigation measures that apply to the construction of the improvements. Based on the Conservancy's findings related to the improvements, the Conservancy hereby finds, pursuant to CEQA Guidelines section 15096(h) that all impacts are mitigated to a less than significant impact.