

SP05-0001 – As recommended by the Planning Commission July 12, 2007

1.0 CEQA Findings

1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091

Pursuant to section 21081(b)(2)(A) of CEQA, and section 15091 of the CEQA Guidelines, CEQA requires that an EIR identify significant environmental effects that cannot be avoided through mitigation or alternatives. However, each of the identified Alternatives, including the proposed project as described in Exhibit E to the CEQA Staff Report, are not expected to result in any significant environmental effects that cannot be avoided through the mitigation measures. Through inclusion of the mitigation measures and design features, no significant direct or cumulative effects are expected to result from implementation of the proposed project or alternatives.

1.1.1 CONSIDERATION OF THE EIR AND COMPLIANCE WITH CEQA

The El Dorado County Board of Supervisors has reviewed and considered the Final Master Plan EIR/EIS/EIS (EIR), together with the staff reports and comments received during the public review process, and finds that the EIR is adequate and complete and fully complies with all requirements of CEQA and the CEQA Guidelines. The County Board of Supervisors has considered the information in the EIR in making its decision on the project in conjunction with the public testimony provided at the public hearing for the project. The EIR reflects the independent judgment and analysis of the County Board of Supervisors and has been completed in compliance with CEQA. The conclusions contained in the EIR represent the independent judgment of the County

1.1.2 FULL DISCLOSURE

The County Board of Supervisors finds that the Final EIR constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Planning Services, located at 2850 Fairlane Court, Building C, Placerville, CA 95667.

1.2 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final EIR for the 05 MPA does not identify any environmental impacts that cannot be mitigated to a less than significant level.

1.3 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR identified several subject areas, which the project is considered to cause or contribute to significant, but mitigable, environmental impacts. Sections 5.5 and 5.6 of Chapter 5 (Mitigation and Monitoring Plan) provide a detailed description of the environmental impacts, required mitigation, responsible lead agency, and monitoring timeline (Exhibit Q). Through feasible conditions and mitigation placed upon the project, impacts on the environment relating to water resources, earth, air quality, noise, transportation, vegetation, wildlife, fisheries, visual resources, cultural resources, land use recreation, and socioeconomics have been eliminated or reduced to a less than significant level. Each of these impacts is summarized below, along with the mitigation measures intended to reduce these impacts to a less than significant level for consistency with CEQA Guideline 15091(1)(a):

- 1. Water Resources – Hydrology, Water Quality, and Cumulative Watershed Effects:** The Final EIR identifies four potentially significant, but mitigable impacts to water resources within the project area pertaining to percentage of road acreage within affected watersheds (Impact WATER-1 on FEIR page 3.1-59), peak and total runoff increases due to vegetation removal and impervious surface construction (Impact WATER-2 on FEIR page 3.1-63), and potential noncompliance with State surface water quality standards and thresholds (Impacts WATER-3 and WATER-4 on FEIR pages 3.1-66 and 3.1-74). Mitigation measures include a revised Construction Erosion Reduction Program from the 1996 Master Plan, a revised Cumulative Watershed Effects Restoration Program from the 1996 Master Plan, a revised Collection and Monitoring Agreement (Heavenly and U.S.D.A. Forest Service), installation of BMPs and infiltration facilities, and erosion control applications for ski run improvements. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.1-61 for Impact WATER-1, FEIR page 3.1-65 for Impact WATER-2, FEIR page 3.1-71 for Impact WATER-3 and FEIR page 3.1-82 for Impact WATER-4.
- 2. Stream Environment Zones, Jurisdictional Wetlands and Waters:** The Final EIR identifies six potentially significant, but mitigable impacts within the project area pertaining to Stream Environment Zones (Impacts SEZ-1, SEZ-3 and SEZ-5 on FEIR pages 3.2-13, 3.2-23 and 3.2-37) and Federal jurisdictional wetlands and waters of the U.S. (Impacts SEZ-2, SEZ-4 and SEZ-6 on FEIR pages 3.2-22, 3.2-35 and 3.2-49). These impacts have potential to result from existing Heavenly facilities (No Action Alternative), and new land uses proposed with the action

alternatives of the 05 MPA. The identified mitigation measures include a combination of continued mitigation from the 1996 Master Plan and new mitigation measures prescribed for the 05 MPA. Mitigation measures require the avoidance where possible, and creation and restoration of these sensitive water resources where avoidance is not possible. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.2-21 for Impact SEZ-1, FEIR page 3.2-23 for Impact SEZ-2, FEIR page 3.2-31 for Impact SEZ-3, FEIR page 3.2-36 for Impact SEZ-4, FEIR page 3.2-43 for Impact SEZ-5, and FEIR page 3.2-49 for Impact SEZ-6.

3. **Water Use, Water Rights, and Groundwater:** The Final EIR identifies two potentially significant, but mitigable impacts within the project area pertaining to changes in stream flow and lake levels (Impact WATER USE-1 on FEIR page 3.3-24) and groundwater levels (Impact WATER USE-2 on FEIR page 3.3-27). Mitigation measures include requirements to maintain water rights and water use entitlements, and maintain stream flows within project area drainages. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.3-26 for Impact WATER USE-1 and FEIR page 3.3-28 for Impact WATER USE-2.
4. **Earth:** The Final EIR identifies two potentially significant, but mitigable impacts within the project area pertaining to land coverage impacts to earth resources (Impact EARTH-1 on FEIR page 3.4-7 and Impact EARTH-2 on FEIR page 3.4-9). These impacts have potential to result from existing and new permanent land coverage within the Tahoe Basin portion of the project area. Mitigation measures include removal, restoration, and relocation of existing land coverage within the Master Plan project area. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.4-9 for Impact EARTH-1 and FEIR page 3.4-14 for Impact EARTH-2.
5. **Air Quality:** The Final EIR identifies three potentially significant, but mitigable impacts within the project area pertaining to air pollutant concentrations associated with 05 MPA (Impact AQ-1 on FEIR page 3.5-17, Impact AQ-5A on FEIR page 3.5-22 and Impact AQ-5B on FEIR page 3.5-23). Potentially significant air quality impacts include change in carbon monoxide concentrations, and change in particulate matter concentrations (PM_{2.5} and PM₁₀). Mitigation measures are intended to target a reduction of vehicle emissions, and reduction and control of fugitive dust. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.5-18 for Impact AQ-1, FEIR page 3.5-22 for Impact AQ-5A and FEIR page 3.5-24 for Impact AQ-5B.
6. **Noise:** The Final EIR identifies five potentially significant, but mitigable noise impacts within the project area pertaining to increased snowmaking (Impact NOISE-1 on FEIR page 3.6-8), increased snow grooming (Impact NOISE-2 on FEIR page 3.6-10), increased snowmobile operations (Impact NOISE-3 on FEIR

page 3.6-11), increased rock busting (Impact NOISE-4 on FEIR page 3.6-12), and new noise from amphitheatre concerts (Impact NOISE-5 on FEIR page 3.6-13). Mitigation measures for snowmaking include use of fan gun technology for sound reduction, and limiting the hours of snowmaking operation. Snow grooming noise mitigation includes avoidance of equipment use within 85 feet of a TRPA Plan Area Statement (PAS) boundary, to comply with TRPA noise standards. Snowmobile noise mitigation includes replacement of older model snowmobiles with quieter four-stroke engine models, and avoidance of PAS boundaries for compliance with TRPA noise standards. Mitigation for rock busting noise includes continuation of the mitigation measures required with the 1996 Master Plan, which is intended to control the number, size, and location of rock busting blasts to comply with TRPA noise standards. Finally, mitigation of amphitheatre noise includes restricting the hours of amphitheatre operations to comply with TRPA noise standards. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.6-10 for Impact NOISE-1, FEIR page 3.6-11 for Impacts NOISE-2 and NOISE-3, FEIR page 3.6-12 for Impact NOISE-4, and FEIR page 3.6-15 for Impact NOISE-5.

7. **Transportation:** The Final EIR identifies four potentially significant, but mitigable impacts within the project area pertaining to increase of summer vehicle miles of travel (Impact TRANS-1 on FEIR page 3.7-17), decreased level of service (Impact TRANS-2 on FEIR page 3.7-19), increased parking demand (Impact TRANS-3 on FEIR page 3.7-25), and increased pedestrian congestion (Impact TRANS-4 on FEIR page 3.7-26). Mitigation measures include expanded bus and shuttle access, implementation of the Coordinated Transportation System, and improved pedestrian safety at the Gondola crosswalk. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.7-18 for Impact TRANS-1, FEIR page 3.7-25 for Impact TRANS-2, FEIR page 3.7-26 for Impact TRANS-3, and FEIR page 3.7-27 for Impact TRANS-4.
8. **Vegetation:** The Final EIR identifies three potentially significant, but mitigable impacts within the project area pertaining to loss of habitat of endangered, threatened, or rare plant species (Impact VEG-1 on FEIR page 3.8-23), permanent loss of native or sensitive plant communities, or the creation of forest openings larger than 5 acres (Impact VEG-2 on FEIR page 3.8-37), and the removal of native live trees larger than 24-inch diameter breast height and late seral habitat as defined by TRPA and Sierra Nevada Forest Plan Amendment (Impact VEG-3 on FEIR page 3.8-40). Mitigation measures include implementation of a long-term conservation strategy for Tahoe Draba populations, noxious weed management, minimize loss and degradation of sensitive plant species, minimize removal and modification of deciduous trees, wetlands, and meadows, and late seral/old growth forest enhancement.

Mitigation for special status and sensitive plant species includes comprehensive plant surveys prior to siting of proposed facilities, establishment of a 100-foot buffer from sensitive species, and avoidance or minimization of disturbance of riparian and old growth habitats.

For late seral, old growth habitat impacts (FEIR Figure 3.8-1), Heavenly Mountain Resort (HMR) will conduct or fund forest enhancement and restoration projects. The acres of habitat enhanced and restored will be at least a 2 to 1 ratio for each acre disturbed. Preferred locations for forest enhancement and restoration shall be within the HMR project area, and secondary locations shall be directly south of the project area in the High Meadows area. Enhancement and restoration shall occur within the Tahoe Basin for impacts within the Basin. Monitoring of enhancement and restoration sites shall be performed every 5 years and shall be reported to the LTBMU and TRPA. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.8-36 for Impact VEG-1, FEIR page 3.8-39 for Impact VEG-2, and FEIR page 3.8-58 for Impact VEG-3.

9. **Wildlife and Fisheries:** The Final EIR identifies three potentially significant, but mitigable impacts within the project area pertaining to habitat of special status fish and wildlife species (Impact BIO-1 on FEIR page 3.9-33); active raptor nests, migratory bird nests, and wildlife nursery sites (Impact BIO-2 on FEIR page 3.9-34); and impacts to sensitive wildlife individuals or habitat (Impact BIO-4 on FEIR page 3.9-37). Mitigation measures include restricting vehicle traffic within the Master Plan area; monitoring and protection of nesting and fledgling bird species; Active Raptor and Migratory Bird Nest Site Protection Program; minimize removal and modification of deciduous trees and riparian habitats; and monitoring and protection of Northern Goshawk. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.9-33 for Impact BIO-1, FEIR page 3.9-36 for Impact BIO-2, and FEIR page 3.9-63 for Impact BIO-4.
10. **Visual Resources:** The Final EIR identifies five potentially significant, but mitigable impacts within the project area pertaining to creation of new forest clearings for ski trails (Impact SCENIC-6 on FEIR page 3.10-42), and visibility of new facilities (Impacts SCENIC-3 on FEIR page 3.10-28, SCENIC-4 on FEIR page 3.10-32, SCENIC-6 on FEIR page 3.10-37, and SCENIC-8 on FEIR page 3.10-51). Mitigation measures include minimizing visibility of new facilities and ski trails, and compliance with TRPA height limitations, exterior lighting, and scenic and design review requirements. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.10-28 for Impact SCENIC-3, FEIR page 3.10-33 for Impact SCENIC-4, FEIR page 3.10-38 for Impact SCENIC-5, FEIR page 3.10-44 for Impact SCENIC-6, and FEIR page 3.10-53 for Impact SCENIC-8.

11. **Cultural Resources:** The Final EIR identifies one potentially significant, but mitigable impact within the project area pertaining to potential disturbance of known cultural resources (Impact CULT-1 on FEIR page 3.11-10). Mitigation measures include evaluation and monitoring of known archaeological resources within the Comstock Logging Historic District. The mitigation measures reduce the potential impact to a less than significant level, as explained on FEIR page 3.11-14 for Impact CULT-1.
12. **Land Use:** The Final EIR identifies two potentially significant, but mitigable impacts within the California side of the project area pertaining to consistency with the LTBMU Land and Resource Management Plan (Forest Plan), which prohibits skier access to Management Prescription 9 Lands and consistency with the Alpine County General Plan and Zoning Ordinance. For consistency with the Forest Plan, HMR shall prohibit skier access from the Gondola Mid Station by posting ski area boundary markers and roping the perimeter of the facility. For consistency with Alpine County regulations, the County is amending the General Plan land use designation for the Master Plan area from Open Space to Recreational Site, and the County is changing the existing zoning from Agriculture to Agriculture-Commercial Recreation. These mitigation measures reduce the potential impact to a less than significant level, as explained on FEIR page 3.12-17 for Impact LU-2 and FEIR page 3.12-19 for Impact LU-3.
13. **Recreation:** The Final EIR identifies one potentially significant, but mitigable impact within the project area pertaining to the need for an allocation of PAOTs for additional summer day use activities (Impact REC-2 on FEIR page 3.13-6). Prior to construction of new summer day use facilities, Heavenly shall apply for and obtain TRPA approval of a summer day use PAOT allocation equal to the number of PAOTs calculated to use new summer day use areas at the HMR. The mitigation measures reduce the potential impact to a less than significant level, as explained on FEIR page 3.13-6 for Impact REC-2.
14. **Socioeconomics:** The Final EIR identifies one potentially significant, but mitigable impact within the project area pertaining to increased pressure on affordable housing supply (Impact SOCIO-3 on FEIR page 3.14-14). Mitigation measures include the provision of employee housing. The mitigation measures reduce the potential impact to a less than significant level, as explained on FEIR page 3.14-15 for Impact SOCIO-3.

The proposed project is not expected to have a significant effect on the environment, based on the analysis contained in the Final EIR and the mitigation measures identified therein. No significant, unavoidable impacts are identified in the Final EIR.

1.4 FINDING THAT MITIGATION OF CERTAIN IMPACTS ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

Chapters 1 and 5 of the Final EIR/EIS/EIS identify the lead and responsible agencies for the 05 MPA, and provide a discussion for consistency with local, State, Federal, and Regional regulations for the project. Local agencies with regulatory jurisdiction within the California side of the HMR project area include El Dorado County, City of South Lake Tahoe, and Alpine County. Federal agencies with regulatory jurisdiction include, but are not limited to, the LTBMU and U.S. Army Corps of Engineers. At a regional level, the TRPA has regulatory jurisdiction within the Tahoe Basin.

The State of California Water Quality Control Board (WQCB), Lahontan Region (Lahontan) has a responsible agency role in the physical development of the MPA 05 (the issuance of waste discharge permits that may include discharge standards, Total Maximum Daily Loads (TMDL) for Heavenly Valley Creek, or National Pollutant Discharge Elimination System permits). Water quality requirements of the creeks within the California portion of Heavenly are under the jurisdiction of the Lahontan RWQCB and are governed by the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) adopted March 31, 1995.

State agencies with trustee responsibility in the Heavenly Mountain Resort 05 MPA Development Area include, but are not limited to: California Department of Transportation (parking, traffic and transit operations and pedestrian circulation); California Division of Forestry (tree removal and forest resource concerns); California State Historic Preservation Office (cultural resources); California Department of Fish and Game (wildlife resources); and Nevada Department of Conservation and Natural Resources (Divisions of State Lands, Environmental Protection, Historic Preservation and Archaeology, Forestry, and State Parks). These agencies act as Trustee agencies by providing comments and recommendations for implementation of the Heavenly Mountain Resort Master Plan during the environmental review process.

1.5 FINDING THAT IDENTIFIED PROJECT ALTERNATIVES AND MITIGATION MEASURES ARE NOT FEASIBLE

The Final EIR evaluated a no action alternative and five action alternatives, which were all found to be feasible alternatives for the 05 MPA. The County finds that all mitigation measures identified within the Final EIR are feasible.

1.6 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR does not identify any significant environmental impacts that cannot be mitigated to a less than significant level. Thus, the County has not made any overriding considerations in approving this project.

1.7 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project, which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation, and mitigation or avoidance of significant effects on the environment.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed uses of the 05 MPA are consistent with the Adopted Plan (Heavenly Ski Resort Master Plan and TRPA Regional Plan) land use designations of the 2004 General Plan, based on the analysis contained in this staff report and the Final EIR and mitigation measures identified therein.
- 2.2 The proposed Phase I uses of the project within County jurisdictional parcels are consistent with the applicable policies of the General Plan as they apply to the Tahoe Basin.

3.0 ZONING FINDINGS

- 3.1 The proposed Phase I uses of the project within County jurisdictional parcels are subject to the approval of a special use permit by Section 17.62.040(G) of the El Dorado County Code.
- 3.2 The proposed buildings and site improvements shall comply with the development standards contained in Chapters 17.14, 17.22, and 17.62 of the El Dorado County Zoning Ordinance.
- 3.3 *Section 17.22.665 Findings Required. The Board of Supervisors may adopt a proposed specific plan only after a determination that the plan:*

1. *Is consistent with and implements the El Dorado County General Plan;*

The proposed uses of the 05 MPA are consistent with the Adopted Plan (Heavenly Ski Resort Master Plan and TRPA Regional Plan) land use designations of the 2004 General Plan, based on the analysis contained in the staff report and the Final EIR and mitigation measures identified therein.

2. *Is consistent with any applicable airport land use plan, pursuant to California Government Code Section 65302.3;*

HMR is not located within an airport land use plan, or within the overflight safety zones of the South Lake Tahoe Airport. The 05 MPA is not expected to affect, or be affected by the operations and uses associated with the South Lake Tahoe Airport.

3. *Will not have a significant effect on the environment, or a statement of overriding consideration has been made for the proposed specific plan pursuant to the provisions of California Code of Regulations Section 15093 (CEQA guidelines.) (Ord. 4589 Sec. 2, 5, 2001);*

Pursuant to Section 15093 of CEQA Guidelines, the Final EIR does not identify any significant environmental impacts that cannot be mitigated to a less than significant level, based on the analysis contained in the staff report and the Final EIR and mitigation measures identified therein.