

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: July 12, 2007
Item No.: 8
Staff: Steven Hust

ENVIRONMENTAL IMPACT REPORT

FILE NUMBER: SP05-0001/ Heavenly Mountain Resort (HMR) Master Plan Amendment (MPA) 2005

APPLICANT: Heavenly Valley Limited Partnership

AGENT: Andrew Strain, Heavenly Mountain Resort Vice President of Planning and Governmental Affairs

REQUEST: Recommendation for certification of the Final Environmental Impact Report for the 2005 HMR MPA.

LOCATION: In the vicinity of South Lake Tahoe at the terminus of Wildwood Avenue, and including all properties within the California side of the HEAVENLY Mountain Resort Master Plan area, Supervisorial District V, as shown in Exhibit A.

APN: California Parcels include: 028-030-01, 029-240-07, 029-240-12, 029-260-19, 029-260-25, 029-260-27, 029-260-27, 029-260-29, 029-260-32, 029-320-01, 029-320-02, 029-320-03, 029-320-04, 029-320-05, 029-320-09, 029-320-11, 030-100-01, 030-110-01, 030-120-01, 030-020-01, 030-331-02, 030-331-03, 030-040-01, 030-050-01, 030-060-01, 030-070-01, 030-080-01, 030-090-01, 030-370-04, 030-370-06, 030-390-10, 030-390-13, 030-390-42, 030-390-43, 030-390-47

ACREAGE: Approximately 3,950 acres

GENERAL PLAN: Adopted Plan, Heavenly Ski Resort Master Plan, Resolution No. 213-96 (Exhibit B)

ZONING: Tahoe Agricultural District (Exhibit C)

ENVIRONMENTAL DOCUMENT: Final Environmental Impact Report (EIR)

SUMMARY RECOMMENDATION: Staff recommends the Planning Commission make a recommendation of approval to the Board of Supervisors, to certify the Final EIR

BACKGROUND: This Environmental Impact Report/Environmental Impact Statement/Environmental Impact Statement (EIR/EIS/EIS) serves as a joint document that will meet the environmental review requirements of the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and the Tahoe Regional Planning Compact. The EIR/EIS/EIS analyzes all projects and proposed actions included in the 05 MPA on a programmatic level, in order to determine what impacts may result and if projects can be permitted under current environmental regulations and laws. The analysis in the 05 MPA EIR/EIS/EIS tiers from and references, the analysis included in the 95 Draft and 96 Final EIR/EIS/EIS documents that were prepared for the adopted 1996 Heavenly Ski Resort Master Plan.

The 05 MPA EIR/EIS/EIS will be utilized by a number of regulatory agencies in order to consider approval of the projects proposed in the MPA. Tahoe Regional Planning Agency (TRPA), El Dorado and Alpine Counties, and the U.S.D.A. Forest Service are the lead agencies responsible for analyzing the direct, indirect, and potential impacts that may result from implementation of the programmatic 05 MPA. However, the NEPA analysis will only review the Phase I projects. In accordance with TRPA Regional Plan environmental documentation requirements, the TRPA EIS is the environmental document that the TRPA Governing Board will consider for its approval of the 05 MPA, associated Regional Plan amendments, and approval of Phase I projects (see Project Description for further discussion). In accordance with NEPA requirements, the EIS serves as the environmental document that the U.S.F.S. will use to base its final decision in a forthcoming Record of Decision, issue a Forest Plan Amendment, and approve Phase I projects. In accordance with CEQA requirements, the EIR serves as the environmental document that the El Dorado County Board of Supervisors will consider for approval of the 05 MPA, and certification of the Final EIR. The EIR also serves as the environmental document that the Alpine County Board of Supervisors will consider for certification of the Final EIR, and amendment of the County General Plan land use designation and Zoning Ordinance (See Volume I, Chapter 1, Section 1.5 of the Final EIR/EIS/EIS for further discussion).

The 05 MPA has gone through a Draft EIR/EIS/EIS environmental documentation process between the U.S.F.S., TRPA, El Dorado County, and Alpine County as the lead agencies for the project. A public meeting for the 05 MPA and Final EIR/EIS/EIS was held with the TRPA Advisory Planning Commission on February 14, 2007, which made a unanimous recommendation to the TRPA Governing Board (GB) for approval of the 05 MPA (No Action and Action Alternatives), certification of the EIS, approval of the amendments to Plan Area Statements (PAS) 086 and 087, and approval of phase 1 projects. A public meeting was subsequently held with the TRPA GB on February 28, 2007, which acted to approve Alternative 4 of the MPA, certify the EIS, amend PAS 086 and 087, and approve the phase 1 projects. At both the APC and GB meetings, much of the

discussion focused on the impacts of the 05 MPA to late seral old growth stands and the potential water quality impacts of the alternatives on the Edgewood Creek watershed in Nevada.

At the TRPA GB meeting, after considerable deliberation, a vote was taken among the GB members for Alternative 4A, which did not pass. Ultimately, after further deliberation, Alternative 4 was narrowly approved with the minimum number of votes necessary for approval.

Following the February 28, 2007, GB decision to approve the 05 MPA, three TRPA Board members asked for a reconsideration of the vote. Board members Mara Bresnick, Norma Santiago, and Jerome Waldie requested the reconsideration of the GB decision for approval of Alternative 4, and approval of the MPA as it relates to or is affected by the North Bowl lift alignment, and the project was rescheduled to go before the GB for reconsideration of the North Bowl lift alignment alternatives. At the March 28, 2007, GB meeting, public comments focused on the environmental consequences associated with the different North Bowl lift alignments (primarily Alternative 4, 4A, and 5), including grading impacts and loss and disturbance of late seral old growth trees. After debating the environmental benefits and consequences of the different North Bowl lift alignments, the GB ultimately acted to have the entire project reconsidered at the following April 25, 2007, GB meeting.

At the April 25, 2007, GB meeting, public comments again were primarily focused on impacts to water quality and late seral old growth trees associated with the North Bowl lift alignments, including some miscellaneous comments pertaining to traffic and parking pertaining to the overall project. No particular comments with regard to the CEQA analysis were raised at the meeting. After a lengthy public comment period, the GB ultimately acted to approve the 05 MPA, certify the EIS, approve the amendments to PAS 086 and 087, and approve the phase 1 projects. The GB's approval of the 05 MPA included the approval of the Alternative 4a and 5 North Bowl lift alignments, but did not include a phase I project level permit approval. There was concern among the GB members that the mitigation measures identified in the EIS/EIS were not adequate for the other North Bowl lift alignment alternatives. HMR will require additional GB approval with regard to the North Bowl lift alignment permit, which will be limited to the lift alignments associated with Alternatives 4A or 5, or an alternative that is substantially similar to these alternatives. The absence of a permit approval by the GB for the North Bowl lift alignment is not expected to affect the County's approval of the 05 MPA, since the use is entirely located within the State of Nevada, which is not anticipated to affect the California side of the MP area, under the purview of the County. Since the action alternatives of the 05 MPA were substantially similar with the exception of the North Bowl lift alignment alternatives, the GB was able to approve the project without acting on a particular action alternative. The proposed amphitheatre on the California side of HMR was approved with a 1,100 person capacity, which was another minor difference among the action alternatives.

At the May 23, 2007, GB meeting, the GB approved a North Bowl lift alignment substantially similar to the Alternative 5 lift alignment, to include the ski run improvements proposed with Alternative 4A, as a project level permit approval.

The U.S.F.S. is expected to certify the Final EIS following the GB's approval of the North Bowl lift permit approval. Alpine County is expected to present the 05 MPA to the County Board of

Supervisors at the June 19, 2007, Board meeting. See Exhibit P for an expanded discussion of the joint EIR/EIS/EIS process for the 2005 HMR MPA.

STAFF ANALYSIS

Project Description: The 05 MPA proposes a long-term range of resort improvements to be phased (Phases 1, 2, and 3) over the life of the Master Plan. Phase 1 projects with the action alternatives were identified as priority projects that are intended for immediate implementation following the approval of the project and certification of the Final EIR/EIS/EIS. Therefore, Phase 1 projects were analyzed to such a degree to allow for concurrent project approval and permitting by the regulatory agencies.

There are six project alternatives proposed with the 05 MPA, including the No Action Alternative (Alternative 1, Exhibit D), the Proposed Action (Alternative 2, Exhibit E), and Alternatives 3, 4, 4A, and 5, which are reduced action alternatives. Phase 1, 2, and 3 projects are substantially similar with all the proposed action alternatives, with the exception of the North Bowl Chair Lift alignments on the Nevada side of the project area (Exhibit E). Figure 2-5 and Figure 2-6 of Chapter 2 of the Final EIR/EIS/EIS illustrates the differences with the North Bowl Chair Lift alignments and associated ski runs for all project Alternatives.

Alternative 1 (No Action Alternative)

Alternative 1 is a continuation of the existing 1996 Master Plan.

Alternative 2 (Proposed Action)

The overall concept of Alternative 2 is to improve rather than expand the resort capacity, by emphasizing improved distribution and utilization of existing facilities with augmentation through implementation and/or relocation of proposed facilities (Exhibit E). Exhibit F identifies phase 1, 2, and 3 projects proposed with Alternative 2. Section 2.4 of the Final EIR/EIS/EIS provides a detailed description of the phase I projects with Alternative 2. Chapter 2 identifies the following land uses within the County jurisdictional parcels (California Base Lodge and parking lot):

Phase I Projects

- *Install BMPs for California Base Lodge and parking lot.

Phase II Projects

- Relocate Lower California Maintenance Shop to off-site location.

Phase III Projects

- *Replace California Base Lodge
- *Relocate California Snowmaking Building
- Replace and relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift

- *Kids Camp (California Base)
 - *Replacement of Ski Lift K (Perfect Ride), **Ski Lift L (Cal Ski School), and Ski Lift M (Enchanted Forest)
 - *Ski Runs K1, L1, and M1
- * Projects already approved with the 1996 Master Plan.
**Minor lift alignment modification is proposed from previous 1996 Master Plan.

Compliance with State and Regional water quality requirements for the California Base Lodge and parking lot was incorporated into the 1996 Master Plan, and stems from a long history of regulation by the Lahontan Regional Water Quality Control Board (LRWQCB) from the early 1970s. HMR has been implementing BMPs at the California Base Lodge facility as a requirement of updated State waste discharge requirements. The Lahontan Updated Discharge Permit requires installation of BMP retrofits at the California Base Lodge parking lot to commence by October 15, 2006, and compliance with discharge to surface water effluent limitations by 2008. These BMP requirements are intended to update BMPs installed in the mid-1990s. HMR is currently operating under an Interim Operations and Facilities Maintenance Plan to treat runoff at the California Base Lodge and parking lot. Mitigation measures, monitoring, and restoration programs from the 1996 Master Plan are retained as part of the Mitigation and Monitoring Plan for the 2005 MPA. [See Exhibits L and Q](#) for additional discussion.

Under Alternative 2, the total PAOT (people at one time) capacity of HMR would remain at the approved MP 96 level of 16,125, while the skier at one time (SAOT) would decrease slightly from 18,100 to 18,096. There would be an increase of “in-basin” PAOT/SAOT and a decrease of “out-of-basin” PAOT/SAOT. The MPA proposes a build out level of 37 lifts (23 aerial lifts and 14 surface lifts) with a total hourly uphill capacity of 52,020 persons per hour (that is similar to the MP 96) 10 support facilities, four maintenance facilities, 812.5 acres of ski trails, and 528.4 acres of ski trails with snow making. A breakdown of lifts, facilities, and acreages according to State in-basin and out-of-basin classifications are presented in Exhibit G, and the locations of proposed facilities are shown in Exhibit E (Proposed Action).

Alternative 3

Alternative 3 was developed based on public comment and input from the regulatory agencies. This Alternative would reduce impacts to an identified late seral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage. Alternative 3 includes all the components identified in Alternative 2 (Proposed Action) with proposed modifications to four projects (see Figure 2-5, Chapter 2, Final EIR/EIS/EIS), three of which are slated for Phase I MPA implementation (North Bowl Ski Lift, Ski Trail S9 and Ski Trail S10). In comparison to Alternative 2, the four changes with Alternative 3 include:

- revised alignment for the North Bowl Ski Lift;
- reduced capacity for the Performance Amphitheater;
- revised alignment and construction method (glading) for Ski Trail S10; and
- glade Ski Trail S9 by retaining 50% of the trees.

Alternative 4

Alternative 4 was developed based on public comment and input from the regulatory agencies during formal environmental scoping in late 2005. This Alternative would reduce impacts to the identified late seral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage, through glading of Ski Trails S9 and S10 (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). Glading of Ski Trails S9 and S10 would also decrease the visual impact of constructing these ski trails as viewed from offsite viewpoints identified in the Carson Valley, by retaining 50% of the trees within the ski trail alignments. Alternative 4 would include all the components identified in Alternative 2 with proposed modifications to two projects, one of which is slated for implementation in MPA Phase I (Ski Trail S10). In comparison to Alternative 2, the two changes with Alternative 4 include:

- reduced capacity for the Performance Amphitheatre; and
- glade Ski Trails S9 and S10 by retaining 50% of the trees.

Alternative 4A

Alternative 4A was generated based on comments received from the public during circulation of the Draft EIR/EIS/EIS for the 05 MPA. Comments that drove the modification of Alternative 4 centered on reducing impacts to the late seral/old growth stand that the North Bowl Chair Lift (as aligned in Alternative 2, 3, and 4) would bisect. Alternative 4A would include all the components identified in Alternative 4 with the exception of the revised alignment of the North Bowl Chair Lift (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). Glading of Ski Trails S9 and S10 would remain as proposed in Alternative 4, as would a reduced capacity for the amphitheater (1,100 people).

Alternative 5

Development of Alternative 5 was based on public comments received regarding impacts to the late seral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage. By utilizing the existing alignments for both the North Bowl and Olympic Ski Lifts, no additional tree clearing would be required as compared to the Alternative 2 North Bowl Ski Lift alignment (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). In comparison to Alternative 2, the changes with Alternative 5 include:

- upgrading North Bowl and Olympic Ski Lifts in their existing locations,
- reduced capacity for the Performance Amphitheater; and
- revised alignment and construction method (glading) for Ski Trail S10.

Agency Jurisdictional Project Area Description: The HMR master plan boundary is a multi-jurisdictional project area within the States of California and Nevada (Exhibit H). Within the State of Nevada, the Master Plan area includes the jurisdictions of the U.S.F.S. and unincorporated Douglas County. Within the State of California, the Master Plan area includes the jurisdictions of the U.S.F.S., City of South Lake Tahoe, unincorporated El Dorado County, unincorporated Alpine County, and California Tahoe Conservancy lands. Although the TRPA is not a land owner, the Regional Plan also has jurisdiction over all project area lands within the Tahoe Basin. The project area is located in Supervisor District 5 of El Dorado County.

Adjacent Land Uses: The California side of the HMR Master Plan boundary is adjacent to the Nevada State line (U.S.F.S. land within non-jurisdictional Douglas County) to the north, Alpine County to the east, U.S.F.S. land to the south, and CSLT and U.S.F.S. lands to the west.

The TRPA Regional Plan prescribes Plan Area Statements (PAS) for the project area within the Tahoe Basin to function as Regional Plan zoning districts. The California side of the HMR Master Plan boundary is adjacent to Recreation and Conservation PASs to the north, Residential and Conservation PASs to the west, and a Conservation PAS to the south. Within the master plan area, the eastern limits of the TRPA jurisdictional boundary follow the El Dorado and Alpine County line. In general, Conservation and Recreation PASs adjacent to the project area are representative of public lands. The City of South Lake Tahoe has adopted the TRPA Plan Area Statements for City zoning purposes. See Exhibit I for adjacent zoning and General Plan information.

ENVIRONMENTAL ANALYSIS

Approximately 3,950 acres of HMR is within El Dorado County, and approximately 370 acres is within Alpine County. As such, the EIR for the MPA is prepared in accordance with the CEQA Statutes (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Administrative Code Section 15000 et seq.). The documents purpose is to disclose the environmental consequences of implementing the 2005 MPA Proposed Action and Alternatives. Although the HMR master plan boundary occurs within the States of California and Nevada, the CEQA review of the proposed project is limited to the California area within the master plan boundary, pursuant to Section 15277 of CEQA Guidelines.

Key environmental issues addressed in the 05 MPA EIR/EIS/EIS include those related to the cumulative build out of the proposed MPA 05, and project-related issues associated with the construction of the Phase I projects proposed for implementation beginning in 2007 (see Vol. 1, Section 2.4). The EIR/EIS/EIS analyzes all projects and proposed actions included in the MPA 05 on a programmatic level, in order to determine what impacts may result, and if projects can be permitted under current environmental regulations and laws. This document also serves as project specific environmental review for the Phase I projects that are planned to be implemented during the 2007 grading season. All other projects, aside from those slated for Phase I implementation, will require additional environmental review, permitting, and approval by the appropriate agencies. Issues raised during scoping of the 05 MPA are included in the Scoping Summary Report (see Appendix 1-A) and include potential water quality impacts related to new ground disturbance,

potential visual impacts from new facilities visible from key viewpoints within the Lake Tahoe Region, and potential biological resource impacts from loss of TRPA defined “old growth” habitat.

Issues that are associated with the 05 MPA and that were found to have been adequately addressed by the 95 Draft EIR/EIS/EIS and 96 Final EIR/EIS/EIS prepared for the 96 MP, are not further analyzed in this document. These issues include public safety, and public services. The proposed MPA 05 does not propose any expansion of capacity of the resort beyond what was approved (16,125 PAOT) in the 96 MP. Since the capacity of the resort does not increase, there would be no additional impacts or needs for additional public safety measures and public services. The analysis for build-out of the 96 MP is expected to be sufficient for the proposed MPA 05.

Based on comments received from the public during circulation of the Draft EIR/EIS/EIS for the 05 MPA, Alternative 4A was generated and included in the Final EIR/EIS/EIS. Alternative 4A would include all the components identified in Alternative 4 with the exception of the revised alignment of the North Bowl Chair Lift (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS).

The lead agencies have determined that adding Alternative 4A to the EIR/EIS/EIS does not require public recirculation of the Draft EIR/EIS/EIS, pursuant to NEPA, TRPA, and CEQA requirements. See Exhibit J for further discussion of Alternative 4A and related CEQA findings.

Summary of Potential Effects and Mitigation Measures

Table Summary 2, in the Executive Summary of the Final EIR/EIS/EIS summarizes the potential effects of the Proposed Action and Action Alternatives and lists the mitigation measures and design features incorporated into the Alternatives to eliminate or reduce the potential effects [to a less than significant level](#). The environmental analysis for the Draft EIR/EIS/EIS identified the following potentially significant impacts associated with the 05 MPA:

- Water Resources – Hydrology, Water Quality, Cumulative Watershed Effects
- Stream Environment Zones, Federal Jurisdictional Wetlands and Waters
- Water Use, Water Rights, and Groundwater
- Earth Resources
- Air Quality
- Noise
- Transportation
- Vegetation
- Wildlife and Fisheries
- Visual Resources
- Cultural Resources
- Land Use
- Recreation
- Socioeconomics

Effects and mitigation measures for the No Action Alternative are addressed in the 95 Draft and 96 Final EIR/EIS/EIS that was prepared for the 96 MP. Many mitigation measures from the 96 MP have been revised based upon the proposed 05 MPA. Several of these mitigation measures include the term “Revised” in the title. Chapter 5 of the Final EIR/EIS/EIS contains the Mitigation and Monitoring Plan for the 05 MPA ([Exhibit Q](#)). The detailed description of the 96 MP mitigation measures or 05 MPA design features, can be found in Chapter 5 using the number and title referenced in Table Summary 2. An analysis of these potential environmental effects by alternative can be found in Section 2.13 (Table 2-7) of the Final EIR/EIS/EIS.

Conclusion: Through inclusion of the mitigation measures and design features into the [No Project and Action Alternatives](#), all potentially significant impacts are expected to be reduced to a less than significant level.

See Exhibit L for a discussion of affected resources within jurisdictional lands of El Dorado County.

CEQA Findings

Chapter 4 of the Draft EIR/EIS/EIS includes environmental analysis mandated by CEQA, TRPA, and NEPA. These Sections include:

- significant and unavoidable adverse impacts;
- relationship between local short-term use of the environment and maintenance and enhancement of long-term productivity;
- irreversible and irretrievable commitments of resources;
- growth-inducing effects of the proposed action and alternatives; and
- CEQA environmentally superior alternative and NEPA/TRPA environmentally preferable alternative.

See Exhibit M for discussion of CEQA findings for the project.

Consistency with Local, State, Federal, and Regional Regulations

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.

The lead agencies and associated management plans for the project include:

- Lake Tahoe Basin Management Unit (LTBMU), Land and Resource Management Plan (1988 Forest Plan)
- Tahoe Regional Planning Agency, 1987 Regional Plan
- El Dorado County, 2004 General Plan and Tahoe Agricultural Zone District
- Alpine County, 2005 General Plan and Agricultural Zone District

Approximately 7,020 acres of HMR is located within National Forest lands. The Responsible Official under NEPA is the LTBMU Forest Supervisor, who will issue a Record of Decision (ROD) once the Final EIS is completed. The decisions in the ROD will include:

- selection of an Alternative to implement Phase I site-specific projects; and
- whether to amend the Forest Plan with a site-specific Forest Plan amendment depending on the Alternative selected.

Approximately 6,470 acres of HMR is located within the Tahoe Basin, and within the jurisdiction of TRPA and the Regional Plan. For consistency with the Regional Plan, TRPA will need to amend PAS 086 and 087 for the proposed uses of the 05 MPA. Other prominent management plans and programs prescribed by the Regional Plan include, but are not limited to, the Regional Transportation Plan/Air Quality Plan, Water Quality Management Plan (208 Plan pursuant to Section 208 of the Federal Clean Water Act), and Scenic Quality Improvement Program.

For consistency with the Alpine County General Plan and County Zoning Ordinance within the HMR area, the following amendments will need to be made:

- amendment of the existing General Plan land use designation from Open Space to Recreational Site; and
- zone change from Agriculture to Agriculture-Commercial Recreation.

El Dorado County analysis includes consistency with the General Plan and Tahoe Agriculture Zone District. See Exhibit N for further discussion of consistency with General Plan and Zoning requirements.

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 be 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 HMR 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.

Conclusion: The applicable agencies have reviewed the project for consistency with applicable local, State, Federal, and Regional regulations. The 05 MPA has been conditioned for consistency with all applicable regulations and mitigation measures.

Agency and Public Comments: A 60-day public comment period was conducted for the 05 MPA Draft EIR/EIS/EIS. During circulation of the Draft EIR/EIS/EIS (see Appendix 7-A of Volume II of Final EIR/EIS/EIS), 116 unique letters of comment were received. In addition, over 440 copies of three versions of a form letter were received (see Appendices 7-B, 7-C, and 7-D of Volume II of Final EIR/EIS/EIS), which are organized in numerical order by comment letter number. The following themes summarize the comments received on the 05 MPA Draft EIR/EIS/EIS, which requested additional environmental analysis, new mitigation measures, or the consideration of new alternatives:

- Runoff from the California base area and parking lot is causing erosion control and water quality impacts to adjacent residences.
- Do not allow the removal of old growth trees for the construction of the North Bowl Express Lift, North Bowl ski trails, and other 05 MPA facilities, because of effects to wildlife, water quality, scenic quality, and recreational experience.
- The analysis of the proposed 05 MPA must demonstrate that it will result in a net improvement to water quality and erosion.
- Performance standards are missing to determine whether mitigation measures are effective. Without them, there is no consequence for failing to mitigate effects of new development. Phases II and III projects should not be allowed until monitoring demonstrates that Phase I development projects meet the established performance standards.
- New disturbance proposed within the Edgewood Creek watershed should not be allowed (and TRPA Plan Area policies should not be removed), until it is demonstrated that existing watershed conditions are improved to meet standards.
- Analysis in the DEIR/EIS relies on flawed models (e.g., CWE and WEPP) to predict water quality effects.
- Analysis of increased traffic and air quality effects from increased visitation to Heavenly are not properly disclosed. Analysis must justify why increased visitation will not occur over 96 MP levels, and address cumulative totals and not just peak day considerations.
- Analysis of a connected action to the 05 MPA and the Stagecoach Base residential and commercial project approved by Douglas County, is not included in the Draft EIR/EIS and must be added. Further, the Draft EIR/EIS must be re-circulated.

- Additional alternatives (e.g. kinked or angled lift) that reduce the number of old growth trees removed for the proposed North Bowl Express Lift and North Bowl Ski Trails (S9 and S10) should be analyzed as required by NEPA, including removal from the 05 MPA.
- The 05 MPA is not consistent with TRPA vegetation goals, ordinances and standards, and the Sierra NV Forest Plan Amendment, and mitigation measures to offset the effects on late seral forests are not adequate.
- The existing and proposed parking numbers for the Nevada and California base areas are understated, and therefore conclusions of potential parking effects are not correct.
- Additional alternatives (e.g. removal of proposed ski trails or glading of proposed ski trails) that reduce the number of total acres of proposed ski trails in the 05 MPA should be analyzed. The need for each of the ski trails included in the MPA 05 should be provided to justify why they are included.

Exhibit O identifies the unique letters submitted by agency, organization, and public commenters for the Draft EIR/EIS/EIS for the 05 MPA, which are organized in numerical order by comment letter number. Responses to comments are provided in Section 7.4 of the Draft EIR/EIS/EIS.

Additional issues may be raised as a result of the public notice for the County Planning Commission meeting.

ENVIRONMENTAL REVIEW

This EIR is considered a “program” EIR under Section 15168 of CEQA Guidelines. Subsequent activities (in this case, approval of future special use permits required for the California Base Lodge) must be evaluated in the context of the EIR and a determination made as to whether additional environmental documentation is required. Either of two actions can be followed:

- if the activities proposed by the special use permit would have effects that were not considered in the EIR, a new Initial Study would need to be prepared and either an EIR or Negative Declaration prepared, or;
- if it is determined that the special use permit would not result in any new effects or that no new mitigation measures would be required, the special use permit could be approved by the Planning Commission as including activities, which have been analyzed and if necessary, mitigated by the program EIR, and a new environmental document would not be required.

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project.

This fee, less \$50.⁰⁰ processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of approval to the Board of Supervisors, to certify the Final EIR, based on the findings in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Findings
Attachment 2	Volume 1, Final EIR/EIS/EIS
Attachment 3	Volume 2, Final EIR/EIS/EIS
Exhibit A (Figure 1-1)	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D (Figure 2-1)	2005 Existing Conditions
Exhibit E (Figure 2-2)	Alternative 2 Proposed Action
Exhibit F	Phase I, II, and II Projects
Exhibit G	Alternative 2 Facilities Summary at Build Out
Exhibit H	Agency Jurisdictional Map
Exhibit I	Adjacent Land Uses to Master Plan Boundary
Exhibit J	Addition of Alternative 4A with Final EIR/EIS/EIS
Exhibit L	Affected Resources Within County Jurisdictional Lands
Exhibit M	CEQA Findings
Exhibit N	General Plan and Zoning Analysis
Exhibit O	Agency, Organization, and Public Commenters for the Draft EIR/EIS/EIS
Exhibit P	Project History
Exhibit Q	Summary of Mitigation Monitoring Plan

ATTACHMENT 1 FINDINGS

FILE NUMBER SP 05-0001

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

1.1.1 CONSIDERATION OF THE EIR

The Final Environmental Impact Report (EIR) will be presented to the El Dorado County Planning Commission for review and recommendation of the Final EIR, including its attachments and exhibits to the Board of Supervisors. In addition, the Planning Commission will review and consider all testimony and additional information presented at or prior to the public hearing on July 12, 2007.

1.1.2 FULL DISCLOSURE

Staff recommends the Planning Commission make a recommendation of approval to the Board of Supervisors that the Final EIR constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and to certify the Final EIR as completed in compliance with 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.

1.3.1 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). 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, peak and total runoff increases due to vegetation removal and impervious surface construction, and potential noncompliance with State surface water quality standards and thresholds. 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.
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 and Federal jurisdictional wetlands and waters of the U.S. 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 are intended to avoid, create, and restore these water resources.
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 levels, lake levels, and groundwater levels. Mitigation measures are targeted to maintain water rights and water use entitlements, and maintain stream flows within project area drainages.
4. **Earth:** The Final EIR identifies two potentially significant, but mitigable impacts within the project area pertaining to land coverage impacts to earth resources. 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.
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. 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.

6. **Noise:** The Final EIR identifies five potentially significant, but mitigable impacts within the project area pertaining to increased snowmaking, increased snow grooming, increased snowmobile operations, increased rock busting, and new noise from amphitheatre concerts. 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. Snow mobile 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. Mitigation of amphitheatre noise includes restricting the hours of amphitheatre operations to comply with TRPA noise standards.
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, decreased level of service, increased parking demand, and increased pedestrian congestion. Mitigation measures include expanded bus and shuttle access, implementation of the Coordinated Transportation System, and improved pedestrian safety at the Gondola crosswalk.
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, permanent loss of native or sensitive plant communities, creation of forest openings larger than 5 acres, 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. 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 (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 a 2 to 1 ratio for each acre removed. 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.

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; active raptor nests, migratory bird nests, and wildlife nursery sites; and impacts to sensitive wildlife individuals or habitat. Mitigation includes, but is not limited to, 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.
10. **Visual Resources:** The Final EIR identifies five potentially significant, but mitigable impacts within the project area pertaining to creation of new forest clearings, and visibility of new facilities and ski trails. Mitigation includes, but is not limited to, minimizing visibility of new facilities and ski trails, and compliance with TRPA height limitations, exterior lighting, and scenic and design review requirements.
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 (Figure 3.11-1). Mitigation includes evaluation and monitoring of known archaeological resources within Comstock Logging Historic District.
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, which prohibits skier access to Management Prescription 9 Lands. For consistency with the 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 existing General Plan land use designation for the Master Plan area will need to be amended from Open Space to Recreational Site, and the existing zoning will need to be changed from Agriculture to Agriculture-Commercial Recreation.
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. 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.

14. **Socioeconomics:** The Final EIR identifies one potentially significant, but mitigable impact within the project area pertaining to increased pressure on affordable housing supply. Mitigation includes providing employee housing.

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 be 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 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.

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.

1.7 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Staff requests the Planning Commission provide a recommendation of approval to the Board of Supervisors, to adopt the project description for the 05 MPA and conditions of approval, with the corresponding permit monitoring requirements, as the monitoring program for the project. The monitoring program is designed to ensure compliance during project implementation, and mitigation or avoidance of significant effects on the environment.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan Findings

1. The proposed uses of the 05 MPA are consistent with the Adopted Plan (TRPA Regional Plan) land use designation of the 2004 General Plan.
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.

2.2 Zoning Findings

1. All uses of the 05 MPA 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.
2. The proposed buildings and site improvements shall comply with the development standards contained in Section 17.62.050 and 17.14.170 of the El Dorado County Code.