

## EXHIBIT A

**Conservancy CEQA Findings  
Regarding the Tahoe Cross-Country Lodge Replacement and  
Expansion Project EIR  
State Clearinghouse No. 2018062045  
June 16, 2022**

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### **I. Introduction**

Pursuant to the California Environmental Quality Act (CEQA), these Findings support the California Tahoe Conservancy's (Conservancy) approval of a land exchange and transfer with the Tahoe City Public Utilities District (TCPUD), which is a component of the TCPUD's Tahoe-Cross Country Lodge Replacement and Expansion Project (Project).

The TCPUD is the lead agency under CEQA for the Project and had the responsibility for preparing and certifying the Environmental Impact Report (EIR). In preparation of these Findings, the Conservancy has utilized the Draft EIR, the Final EIR, the CEQA Findings of Fact made by the TCPUD Board of Directors in certifying the EIR, and the Mitigation Monitoring and Reporting Program (MMRP), as well as all other relevant material in the record.

CEQA Guidelines, section 15091, state that no public agency shall approve or carry out a project for which an environmental impact report 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.

## **II. Project Background**

The proposed Project has three distinct elements: (1) to relocate, expand, and adaptively reconstruct the historic Schilling residence into a new building (the Schilling Lodge), (2) to construct associated improvements, including a driveway and parking lot, utilities, landscaping, and outdoor community areas, and (3) to relocate the functions and operations of the Tahoe Cross-Country Center to a new location.

Implementation of the proposed Project would require development of a portion of the Schilling Lodge on property currently owned by the Conservancy (Assessment Number [AN] 093-160-064). The affected parcel is part of the proposed land exchange between the TCPUD and the Conservancy. The properties included in the proposed land exchange are referred to as the Highlands Properties, the Quail Properties, and the Tahoe Cedars Properties (see Figures 2-6 and 2-7 in the Draft EIR). The properties are located along the north and west shores of Lake Tahoe in Placer and El Dorado counties. As such, the TCPUD evaluated all of the elements related to the Project, including the proposed land exchange, in the EIR.

The proposed land exchange is a necessary component of the proposed Project, and will achieve management efficiencies, consolidate ownership, and increase the Conservancy's open space holdings. Creating land management efficiencies through the land exchange is important to both agencies for several reasons: (1) it consolidates the Highlands properties into TCPUD ownership for the TCPUD's management of the concession for a Nordic ski center and trailhead access; (2) it provides the TCPUD flexibility to maintain TCPUD-owned, and currently established, water utility infrastructure on the Tahoe Cedars properties; and (3) it enables the Conservancy to contemplate passive recreation opportunities on the Quail properties consistent with existing uses.

## **III. Environmental Review**

The TCPUD Board of Directors certified the EIR for the Project on February 25, 2021. At that time, the TCPUD Board of Directors also adopted Findings of Fact and a MMRP for the Project. Because the TCPUD determined that no significant or unavoidable impacts would remain after implementation of the MMRP, a Statement of Overriding Considerations was not necessary. The Draft EIR, Final EIR, MMRP, and Findings of Fact are available for review on the TCPUD's website at <https://www.tcpud.org/capital-improvement-projects/tahoe-cross-country-lodge-replacement-and-expansion> (Attachment 6 of the accompanying Staff Recommendation).

The Conservancy is a responsible agency under CEQA, based on its role in approving the land exchange component of the Project. As a responsible agency,

the Conservancy is required to make its own findings under CEQA Guidelines sections 15091 and 15096(h). To that end, these Findings provide the specific reasons for supporting the TCPUD's decisions under CEQA. The Findings are supported by substantial evidence, including the Draft and Final EIR, studies, reports, and other information from qualified experts. (CEQA Guidelines § 15096(f).)

The Conservancy must consider the environmental effects of the Project as shown in the EIR. (CEQA Guidelines § 15096(f).) However, as a responsible agency, the Conservancy's CEQA obligations are more limited than those of the lead agency. When considering alternatives and mitigation measures, the Conservancy "has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve." (CEQA Guidelines § 15096(g)(1).) The Conservancy may not approve the Project as proposed if it finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. (CEQA Guidelines § 15096(g)(2).)

Since the Final EIR was certified, there have been no substantial changes to the Project or the circumstances that would require major revisions to the Final EIR due to the involvement of significant new environmental effects or an increase in the severity of previously identified significant effects, and there is no new information of substantial importance that would change the conclusions set forth in the EIR. Accordingly, the Conservancy finds that a subsequent or supplemental EIR is not required pursuant to CEQA Guidelines sections 15162 or 15163.

Pursuant to CEQA Guidelines section 15096(i) and Public Resources Code section 21108, in adopting these Findings, the Conservancy will file a Notice of Determination with the State Clearinghouse.

#### **IV. Conservancy CEQA Guidelines Section 15091 Findings**

In accordance with CEQA Guidelines section 15096, the Conservancy has independently reviewed and considered the EIR, the CEQA Findings of Fact made by the TCPUD Board of Directors in certifying the EIR, the MMRP, and the other evidence in the record. The Conservancy finds that the TCPUD's Findings of Fact are supported by substantial evidence, and the Conservancy concurs with TCPUD's conclusions regarding significant impacts associated with the Project, as set forth in more detail below. The Conservancy hereby makes the following findings regarding the significant effects of the Project, pursuant to CEQA Guidelines, section 15091.

## BIOLOGICAL RESOURCES

### **Potentially Significant Effect: Disturbance or Loss of Special-Status Plants and Wildlife (Impact 3.3-1)**

Implementing the Project would result in construction and operation of new facilities in habitats that may provide suitable habitat for special-status plants. If special-status plants are present in the Project site, Project construction could cause the disturbance or loss of those species. Loss of special-status plants would be a **potentially significant** impact. For special-status animals, although implementation of the Project could disturb individuals and a small amount of potential habitat locally, the magnitude and intensity of potential adverse effects would be minor and are not expected to affect the species' distribution, active breeding sites, breeding productivity, viability, or regional populations.

#### *Finding*

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Conservancy, and have been adopted by such other public agency.

#### *Facts and Reasoning in Support of Finding*

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.3-1: Avoid, Minimize, and Compensate for Disturbance or Loss of Special-Status Plants.

Mitigation Measure 3.3-1 requires that a qualified botanist conduct protocol-level surveys for special-status plants in areas that were not surveyed previously and where potentially suitable habitat would be removed or disturbed by Project activities, before commencement of any Project construction for each phase of construction and during the blooming period for the special-status plant species with potential to occur on the Project site. If special-status plant species are found outside the Project footprint, the locations of these occurrences will be clearly marked with fencing, staking, flagging, or another appropriate material. All Project personnel and equipment will be excluded from these areas.

If special-status plant species are found that cannot be avoided during construction, the Tahoe Cross-Country Ski Education Association (TCCSEA) shall consult with the Tahoe Regional Planning Agency (TRPA) and/or the California Department of Fish and Wildlife, as appropriate depending on species status, to determine the appropriate mitigation

measures for direct and indirect impacts that could occur as a result of Project construction and will implement the agreed-upon mitigation measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, preserving and enhancing existing populations, creating offsite populations on Project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. The impact on special-status plants would be reduced to a **less-than-significant** level.

The Conservancy has reviewed and considered Mitigation Measure 3.3-1 and determined that because any special-status plants are avoided and protected from construction activities, or that TCCSEA compensates for those plants that are removed, the impact to special-status plants and wildlife will be reduced to a **less-than-significant** level.

**Potentially Significant Effect: Tree Removal (Impact 3.3-2)**

Construction of the Project would require the removal of an estimated 183 total trees. Because Project construction would be focused within areas subject to considerable levels of existing disturbances and habitat fragmentation, Project-related removal of native trees would not substantially affect common or sensitive biological resources or the surrounding environment. Because tree removal for the Project would not substantially degrade biological resources or conflict with TRPA's threshold standard for late seral/old growth ecosystems, tree removal required for the Project would not substantially affect the quality or viability of biological resources. However, the removal of 15 trees greater than 30 inches diameter at breast height (dbh) under the current Project design could conflict with TRPA policy to prohibit the removal of trees larger than 30 inches dbh in westside forest types in lands classified as recreation, without appropriate mitigation and approval by TRPA. This impact would be **potentially significant**.

***Finding***

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Conservancy, and have been adopted by such other public agency.

***Facts and Reasoning in Support of Finding***

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.3-2: Minimize Tree Removal, Develop and Implement a Tree Removal and Management Plan.

Mitigation Measure 3.3-2 requires that, where feasible, the Project will avoid and minimize the removal of trees, especially those larger than 30 inches diameter at breast height (dbh). This avoidance and minimization will be achieved through Project design to the greatest extent feasible and during the TRPA permitting process.

For any residual removal of trees larger than 30 inches dbh and for any tree removal determined to be substantial tree removal by TRPA, a limited forest plan pursuant to TRPA Code of Ordinances (TRPA Code) Section 61.1.4.C will be prepared by a qualified forester, vegetation ecologist, or other qualified environmental professional. TRPA approval of the limited forest plan will be required before permit issuance and project implementation. If a timber harvesting plan is required to be submitted to California Department of Forestry and Fire Protection and that timber harvesting plan meets the requirements of the limited forest plan described in this mitigation measure, the timber harvesting plan may be submitted to TRPA for review and approval in lieu of a separate limited forest plan.

All tree protection obligations required in the limited forest plan and/or the tree harvesting or harvest plan will be incorporated into construction contracts. Tree protection measures will be in accordance with TRPA Code and be installed and inspected by staff from TRPA before issuance of a grading permit. The impact on tree removal would be reduced to a **less-than-significant** level.

The Conservancy has reviewed Mitigation Measure 3.3-2, which will be implemented by TCCSEA and its construction contractor and a qualified forester, vegetation ecologist, or other environmental professional. The TCPUD and TRPA are charged with enforcement. The Conservancy has determined that because the TCPUD and TRPA would ensure compliance with existing TRPA regulations and policies to identify potentially significant tree removal and would minimize or avoid those impacts through the design and permitting process, the impact on tree removal will be reduced to a **less-than-significant** level.

**Potentially Significant Effect: Potential Establishment and Spread of Invasive Plants (Impact 3.3-3)**

Construction of the Schilling Lodge and associated facilities for the Project has the potential to introduce and spread noxious weeds and other invasive plants during construction and revegetation periods. These activities would temporarily create areas of open ground that could be colonized by nonnative, invasive plant species from inside or outside of the Project site. Noxious

weeds and other invasive plants could inadvertently be introduced or spread on the Project site during grading and construction activities, if nearby source populations passively colonize disturbed ground, or if construction and personnel equipment is transported to the site from an infested area.

Soil, vegetation, and other materials transported to the Project site from offsite sources for best management practices (BMPs), revegetation, or fill for Project construction could contain invasive plant seeds or plant material that could become established on the Project site. Additionally, invasive plant species currently present on or near the Project site have the potential to be spread by construction disturbances. The introduction and spread of invasive species would degrade terrestrial plant and wildlife habitats on or near the Project site. The TRPA Code specifically prohibits the release of nonnative species in the Tahoe Basin because they can invade important wildlife habitats and compete for resources. The potential introduction and spread of invasive plant species as a result of the Project would be a **potentially significant** impact.

#### *Finding*

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Conservancy, and have been adopted by such other public agency.

#### *Facts and Reasoning in Support of Finding*

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.3-3: Implement Invasive Plant Management Practices During Project Construction.

Mitigation Measure 3.3-3 requires that, in consultation with the TCPUD and/or TRPA, TCCSEA shall implement appropriate invasive plant management practices during Project construction. A qualified biologist will conduct a preconstruction survey to determine whether any populations of invasive plants are present within areas proposed for ground-disturbing activities. Before construction activities begin, invasive plant infestations will be treated where feasible. Vehicles and equipment will arrive at the Project site clean and weed-free. To ensure that fill material and seeds imported to the study area are free of invasive/noxious weeds, the Project will use onsite sources of fill and seeds whenever available. After construction is completed for each Project phase, the affected Project site shall be monitored on an annual basis for infestations of invasive weeds until the restored vegetation has become

fully established. The impact on potential introduction and spread of invasive plant species would be reduced to a **less-than-significant** level.

The Conservancy has reviewed Mitigation Measure 3.3-3 and determined that through implementation of invasive plant management practices during Project construction, which would prevent the inadvertent introduction and spread of invasive plants from Project construction, the impact on potential establishment and spread of invasive plants will be reduced to a **less-than-significant** level.

## **ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES**

### **Potentially Significant Effect: Impacts to Unique Archaeological Resources (Impact 3.4-2)**

The records search revealed one historic-era archaeological site on the Project site; the pedestrian survey identified no additional sites. The site has been evaluated for the California Register of Historical Resources and was not found to be eligible, and therefore is not considered a unique archaeological resource. However, Project-related ground-disturbing activities for the Project could result in discovery or damage of as-yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. With implementation of the Project this would be a **potentially significant** impact.

#### ***Finding***

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Conservancy, and have been adopted by such other public agency.

#### ***Facts and Reasoning in Support of Finding***

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.4-2: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features, Assess Discovery, and Implement Measures that will Mitigate Potential Impacts on Archaeological Resources.

Mitigation Measure 3.4-2 requires that in the event that any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction, the construction contractor shall halt all ground-disturbing activity within 100 feet of the resources and shall notify TRPA and the TCPUD. A qualified professional archaeologist shall be retained by TCCSEA to assess the significance of the find.



Specifically, the archaeologist shall determine whether the find qualifies as a historical resource, a unique archaeological resource, or tribal artifacts. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the TCPUD regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected.

Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, the TCPUD shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the artifact. The tribal representative will determine whether the artifact is considered a tribal cultural resource (TCR), as defined by PRC Section 21074. The potential impact to unique archaeological resources would be reduced to a **less-than-significant** level.

The Conservancy has reviewed Mitigation Measure 3.4-2 and determined that because it would require implementation of feasible, professionally accepted, and legally compliant procedures for the discovery of any previously undocumented unique archaeological resources, the potential impacts to archaeological resources will be reduced to a **less-than-significant** level.

**Potentially Significant Effect: Impacts to Tribal Cultural Resources or Ethnic and Cultural Values (Impact 3.4-3)**

The TCPUD sent notification for consultation to two tribes on April 13, 2018. No responses were received during the 30-day response period for AB 52 as defined in PRC Section 21080.3.1; therefore, no resources were identified as tribal cultural resources. Additional tribal outreach by the archaeologist resulted in concern expressed by the Washoe Tribe related to unanticipated discoveries. Because Project activities could still uncover or destroy previously unknown archaeological resources with ethnic or cultural values, this impact would be **potentially significant**.

***Finding***

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. Such changes or alterations are within the responsibility and jurisdiction

of another public agency and not the Conservancy, and have been adopted by such other public agency.

***Facts and Reasoning in Support of Finding***

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.4-3: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features, Assess Discovery, and Implement Measures that will Mitigate Potential Impacts on Archaeological Resources and Avoid Degradation of Ethnic and Cultural Values.

Mitigation Measure 3.4-3 requires implementation of Mitigation Measure 3.4-2, described above.

The Conservancy has reviewed Mitigation Measure 3.4-3, which requires implementation of Mitigation Measure 3.4-2, and determined that because it would require the construction contractor to avoid, move, record, or otherwise treat a discovered resource appropriately, in accordance with pertinent laws and regulations, and provide an opportunity to avoid disturbance, disruption, or destruction of sites, structures, and areas that have religious or sacred significance or other cultural significance to the Washoe people, the impact on tribal cultural resources will be reduced to a **less-than-significant** level.

## **TRANSPORTATION**

### **Potentially Significant Effect: Construction-Related Impacts on Traffic (Impact 3.5-5)**

Construction of the Project may require restricting or redirecting pedestrian, bicycle, and vehicular movements on local roadways to accommodate construction activities and modifications to existing infrastructure. Such restrictions could include lane closures, lane narrowing, and detours, and therefore, could result in temporarily degraded roadway operations. Additionally, the addition of heavy vehicles to the local roadway network in the surrounding residential neighborhood devoid of on-street bicycle and pedestrian facilities could potentially lead to a short-term temporary increase in traffic hazards. For these reasons, construction traffic impacts would be **potentially significant**.

***Finding***

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. Such changes or alterations are within the responsibility and jurisdiction

of another public agency and not the Conservancy, and have been adopted by such other public agency.

***Facts and Reasoning in Support of Finding***

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.5-5: Prepare and Implement a Temporary Traffic Control Plan.

Mitigation Measure 3.5-5 requires that TCCSEA and/or its construction contractor shall prepare a temporary traffic control (TTC) plan to the satisfaction of the Placer County Public Works Department before the beginning of construction or issuance of a building permit.

The Conservancy has reviewed Mitigation Measure 3.5-5 and determined that because it would require TCCSEA or its construction contractor to prepare and implement a TTC plan to the satisfaction of the Placer County Public Works Department that minimizes construction-related traffic impacts, construction traffic impacts of the Project would be reduced to a **less-than-significant** level.

**Significant Effect: Result in an Unmitigated Increase in Daily VMT (Impact 3.5-6)**

The Project would result in an increase in daily Vehicle Miles Traveled (VMT). The Project is estimated to generate an increase of approximately 1,140 VMT over the course of a peak summer day relative to existing conditions, and thus would not be consistent with the regional goal of reducing VMT. Therefore, implementation of the Project would result in a VMT impact, which 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. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Conservancy, and have been adopted by such other public agency.

***Facts and Reasoning in Support of Finding***

This significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.5-6: Incorporate Design Features and Purchase and Retire Carbon Offsets to Reduce Project-Related Greenhouse Gas Emissions to Zero.

Mitigation Measure 3.5-6 requires implementation of Mitigation Measures 3.7-1a and 3.7-1b, below. TCCSEA shall implement measures to reduce all GHG emissions associated with construction and operation of the Project to zero as detailed therein. More detail about the measures to reduce construction-related GHGs, operational GHGs, and the purchase of carbon offsets are provided in Mitigation Measures 3.7-1a and 3.7-1b.

Because the Draft EIR was released before July 1, 2020, when the requirements of CEQA Guidelines section 15064.3 went into effect, the VMT analysis in the EIR was based on the then-current TRPA interim guidance for addressing VMT impacts. The Conservancy has reviewed Mitigation Measure 3.5-6, which requires implementation of Mitigation Measures 3.7-1a and 3.7-1b. Those two Mitigation Measures require TCCSEA to implement measures to reduce all GHG emissions associated with construction and operation to fully mitigate GHG emissions, which includes offsetting any unmitigated GHG emissions to zero by purchasing carbon offsets. In combination with preparation and implementation of a Transportation Demand Management plan required as part of the Placer County development review process, VMT would be reduced to the extent feasible as part of the Project and all remaining GHG emissions would be reduced to zero. For these reasons, the Conservancy has determined that the Project would not result in an unmitigated increase in daily VMT and this impact would be reduced to a **less-than-significant** level.

## **GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE**

### **Potentially Significant Effect: Project-Generated Emissions of GHGs (Impact 3.7-1)**

The Project would result in construction-related GHG emissions totaling 841 MTCO<sub>2</sub>e/year over a period of up to 4 years and would generate operational emissions of 316 MTCO<sub>2</sub>e/year. These levels of emissions would not be consistent with Mitigation Measure 12-1 identified in the Placer County Tahoe Basin Area Plan EIR/Environmental Impact Statement, which indicates that projects should achieve a no net increase in GHG emissions to demonstrate consistency with statewide GHG reduction goals. Project-generated GHG emissions would be **potentially significant**.

#### ***Finding***

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Conservancy, and have been adopted by such other public agency.

***Facts and Reasoning in Support of Finding***

This significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.7-1a: Incorporate All Feasible Onsite Design Features to Reduce Project-Related Greenhouse Gas Emissions and Mitigation Measure 3.7-1b: Purchase Real, Quantifiable, Permanent, Verifiable, Enforceable, and Additional Carbon Offsets.

Mitigation Measure 3.7-1a requires TCCSEA to implement all feasible measures to reduce all GHG emissions associated with construction and operation of the Project to zero. The GHG reductions achieved shall be estimated by a qualified third-party selected by the Placer County as the agency responsible for building permit issuance. All GHG reduction estimates shall be supported by substantial evidence. Mitigation measures should be implemented even if it is reasonable that their implementation would result in a GHG reduction, but a reliable quantification of the reduction cannot be substantiated. TCCSEA shall incorporate onsite design measures into the Project and submit verification to Placer County prior to issuance of building permits.

Mitigation Measure 3.7-1b requires that if, following the application of all feasible onsite GHG reduction measures implemented under Mitigation Measure 3.7-1a, the Project would continue to generate GHG emissions in exceedance of a net-zero threshold, TCCSEA shall offset the remaining GHG emissions before the end of the first full year of Project operation to meet the net-zero threshold by funding activities that directly reduce or sequester GHG emissions or by purchasing and retiring carbon credits. Prior to issuing building permits for Project development, Placer County shall confirm that TCCSEA or its designee has fully offset the Project's remaining (i.e., after implementation of GHG reduction measures pursuant to Mitigation Measure 3.7-1a) GHG emissions.

The Conservancy has reviewed Mitigation Measures 3.7-1a and 3.71b and determined that because they require TCCSEA to prioritize onsite GHG reduction design features prior to the purchase of carbon offsets and ensure that the Project would further reduce the net increase in GHG emissions from the Project to achieve a net-zero increase in GHG emissions, potential impacts to Project-generated emissions of GHGs will be reduced to a **less-than-significant** level.

**NOISE**

**Significant Effect: Operational Noise (Impact 3.8-3)**

The character and levels of noise after project implementation would be similar to existing conditions. Long-term increases in noise would be

associated with outdoor recreational and sporting events at the Schilling Lodge. The increases in noise would not exceed applicable Area Plan noise standards (i.e., 55 dBA CNEL). Use of amplified sound would be required to comply with TCPUD rules and regulations and Placer County noise ordinance for operating hours; however, the use of amplified sound at the Schilling Lodge could result in exposure of sensitive receptors to noise levels that exceed the Placer County daytime (7:00 a.m. to 10:00 p.m.) noise standard of 50 dBA Leq for amplified sound sources. This impact would be **significant** for the Project.

***Finding***

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Conservancy, and have been adopted by such other public agency.

***Facts and Reasoning in Support of Finding***

This potentially significant impact can be reduced to a **less-than-significant** level through implementation of Mitigation Measure 3.8-3: Minimize Amplified Sound.

Mitigation Measure 3.8-3 requires that the building design and layout shall be such that any outdoor amplified speakers face away from offsite sensitive land uses and oriented/located such that the building structure is between the receiving land use and the attached speaker. Building design, layout, and final speaker location shall be identified in final site plans and approved by Placer County before issuance of building permits.

To ensure receiving land uses are not exposed to noise levels that exceed Placer County daytime noise standards of 50 dBA Leq, outdoor speakers shall be tuned such that combined noise levels from all proposed speakers do not exceed 71 dBA Leq at 50 feet from the source. Sound levels shall be measured in accordance with Placer County Code Chapter 9.36.040 and proof of acceptable noise levels shall be provided to Placer County at the time of final building inspection.

The Conservancy has reviewed Mitigation Measure 3.8-3 and determined that because it requires the building design to act as a barrier between amplified sound sources and receiving land uses, and additional requirements for speakers to meet performance standards (i.e., 71 dBA Leq for the Project) would ensure that noise levels would attenuate to below Placer County noise standards at receiving land uses, the impact on operational noise will be reduced to a **less-than-significant** level.

## **V. Alternatives**

The TCPUD's Draft EIR evaluated four alternatives to the Project: the No Project Alternative; the Site A – Full Project Alternative (Alternative A); the Site A – Modified Project Alternative; and the Site D – Reduced Project Alternative. The Project and Alternative A were analyzed at an equal level of detail. The Site A – Modified Project Alternative does not propose a land exchange with the Conservancy.

The EIR concluded that the No Project Alternative was the environmentally superior alternative, as it would result in no impacts, and that the proposed Project and the Site D – Reduced Project Alternative would have fewer potentially significant impacts as compared to Alternative A and the Site A – Modified Project Alternatives. Both the Site A alternatives would result in potential impacts to water supply that do not apply to the Site D alternatives. Further, Alternative A, the Site A – Modified Project Alternative, and the Site D – Reduced Project Alternative would not meet some of the basic Project objectives. Excluding the No Project Alternative, the EIR concluded that the Project would be the environmentally superior alternative.

The TCPUD found that the Project would best meet the project objectives for several reasons. Relative to the Site A alternatives, the Project and the Site D – Reduced Project Alternative would increase the distance between the lodge and the nearest homes and would allow for a shared parking agreement with North Tahoe High School. These factors, along with the provision of adequate parking, would meet the project objectives to minimize the effects on the neighborhood and remedy inadequate parking. The Project and the Site D – Reduced Project Alternative would also best meet the objectives to maximize the base elevation of the lodge site and create more user-friendly access to the trail system. Connections between the Site A alternatives and the trail network are exposed and at lower elevation, and the melted snow serves as a barrier to the trail network. Finally, the lodge size associated with the Project and Alternative A best meet the objective to address operational deficiencies, by providing adequate space for all Tahoe Cross-Country Ski Area operations. The Site D – Reduced Project Alternative would be approximately 3,900 sq. ft. smaller than the Project and would not meet this objective well.

The Conservancy has independently reviewed and analyzed each of the alternatives identified in the EIR. Implementation of each of the alternatives is within the jurisdiction of the TCPUD and not the Conservancy. The Conservancy finds that none of the alternatives examined in the EIR, except for the No Project Alternative, would avoid all of the identified significant impacts. The Site A alternatives would have greater impacts than the Project, and the TCPUD appropriately concluded that the Site D - Reduced Project Alternative would not meet some of the Project objectives as well as the Project from a functional

perspective. Consistent with CEQA Guidelines, section 15096(g)(2), the Conservancy does not find any feasible alternative within its powers that would substantially lessen or avoid any significant effect the Project would have on the environment.

#### **VI. Mitigation Measures and MMRP**

The Conservancy has independently reviewed and analyzed each of the mitigation measures identified in the TCPUD's EIR. As stated in the findings listed above, implementation and enforcement of the mitigation measures are within the jurisdiction of the TCPUD and other agencies. The Conservancy is not responsible for implementing any mitigation measures in the EIR. At the time the TCPUD certified the EIR, the TCPUD Board of Directors adopted an MMRP that identified the appropriate implementing and enforcing agencies and specifically identified mitigation measures that apply to the construction of the improvements. The Conservancy has independently reviewed the MMRP adopted by the TCPUD and adopts the MMRP.

#### **VII. Conclusion**

The Conservancy has reviewed each of the mitigation measures and alternatives identified in the EIR and the implementation and monitoring responsibilities described in the MMRP. The Conservancy finds that each of the potentially significant impacts identified in these Findings of Fact can be mitigated to less than significant levels by the changes, alterations, or mitigation measures described in the MMRP and the EIR. The Conservancy does not find any feasible alternative or mitigation measures within its powers that would substantially lessen or avoid any significant effect that the project would have on the environment.