

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

**Mitigation Monitoring and Reporting Program
SCH No. 2015122056**

Prepared for

California State Parks
7360 West Lake Boulevard
Tahoma, California

California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, California 96150

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

October 19, 2018

Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) for the Kings Beach SRA Preliminary General Plan Revision and Final EIR/Kings Beach Pier Rebuild Project Final EIR/EIS (Final EIR/EIS) is prepared for adoption by California State Parks (CSP) pursuant to Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. An MMRP must be adopted “when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 (of the CEQA Guidelines) relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. To ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

Background and Environmental Impact Conclusions

On May 1, 2018, CSP, the California Tahoe Conservancy (Conservancy), and the Tahoe Regional Planning Agency (TRPA) released the Draft EIR/EIS for public review to provide the public and responsible and trustee agencies with information about the potential environmental effects associated with implementation of the proposed General Plan revision and pier rebuild project and to seek their comments on environmental issues. The Final EIR/EIS was completed in **September 2018**; it included all public and agency comments along with responses to significant environmental points raised in those comments. The environmental impact analysis found that implementation of the proposed project would result in less-than-significant environmental impacts for all but five environmental effects: one each pertaining to biological and scenic resources, and three pertaining to cultural resources. For these potentially significant impacts, the environmental document identified mitigation measures capable of reducing these impacts to less-than-significant levels.

Environmental impacts related to implementation of the General Plan revision and the pier rebuild project are generally avoided or minimized through implementation of CSP Standard and Special Project Requirements. These mandatory requirements are elements of the proposed project and are described in Section 4.7, CSP Standard and Special Project Requirements, of the Draft EIR/EIS. These requirements would be implemented for any project implemented under the General Plan, and are also conditions of the TRPA permit for the pier rebuild project. These requirements include environmental protection measures and features that apply to the design, construction, and operation of projects that would be implemented at KBSRA.

Where potentially significant impacts cannot be entirely avoided, mitigation measures are required. In this case, mitigation measures are required for: Impact 5.3.2-1 (biological resources); Impacts 5.3.3-1, 5.3.3-2, 5.3.3-3 (cultural resources); and Impact 5.3.12-2 (scenic resources).

Mitigation Monitoring and Reporting Program

This MMRP includes the mitigation measures that will be adopted by CSP to reduce Impacts 5.3.2-1, 5.3.3-1, 5.3.3-2, 5.3.3-3, and 5.3.12-2a to less-than-significant levels. The MMRP fulfills CSP’s obligation as the CEQA lead agency to ensure the timely implementation of the mitigation measures identified in the EIR. The MMRP is presented in tabular format with the following information:

Adopted Mitigation Measure: Provides the text of the mitigation measures, each of which will be adopted by CSP and incorporated as conditions in the TRPA permit for the pier rebuild project.

Timing/Schedule: Lists the time frame during which the mitigation measure will be implemented.

Party Responsible for Implementing Mitigation: Identifies the entity responsible for implementing the mitigation measure. CSP and TRPA, at their discretion, may delegate implementation responsibility or portions thereof to qualified consultants or contractors.

Party Responsible for Confirming Implementation: Identifies the responsible party for confirming and reporting on implementation of the mitigation measures.

Required for Mitigation to be Complete: Identifies the action(s) that would demonstrate successful completion of the mitigation measure.

Date Completed: Identifies the date the completion action(s) for the mitigation measure were concluded.

Comments: Records any special comments regarding the completion of the mitigation measure.

Adopted Mitigation Measure	Implementation and Confirmation			Completion of Implementation		Comments
	Timing/Schedule	Party Responsible for Implementing Mitigation	Party Responsible for Confirming Implementation	Required for Mitigation to be Complete	Date Completed	
5.3.2 Biological Resources						
<p>Mitigation Measure 5.3.2-1: Compensate for Loss of Prime Fish Habitat</p> <p>If Alternative 2 is implemented, to compensate for the removal of up to 4,930 square feet of prime fish habitat (feed and cover) as a result of constructing the eastern pier, 7,395 square feet of in-kind feed and cover habitat shall be created or restored in the surrounding area through the development and implementation of a Compensatory Fish Habitat Replacement and Monitoring Plan. This amount of habitat creation or restoration equates to a 1.5 to 1 compensation ratio. The created/restored habitat would adjoin the existing feed and cover habitat. The plan will be developed and implemented in coordination with applicable regulatory agencies, including the California Department of Fish and Wildlife (CDFW), Lahontan Regional Water Quality Control Board (Lahontan RWQCB), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), and TRPA. Additionally, the plan will be coordinated and consistent with terms and conditions of other required permits and approvals, such as the lease agreement with the California State Lands Commission (CSLC) for construction and operation of the pier rebuild project. Applicable permits expected for the project include a Clean Water Act Section 404 permit from USACE, Clean Water Act Section 401 Water Quality Certification from Lahontan RWQCB, and a Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement from CDFW.</p> <p>The Compensatory Fish Habitat Replacement and Monitoring Plan will include design, implementation, and monitoring requirements for creating/restoring 7,395 square feet of feed and cover habitat and achieving no net loss of fish habitat function, and shall include:</p> <ul style="list-style-type: none">♦ identification of a specific habitat creation/restoration site that adjoins the existing feed and cover habitat in the area, and criteria for selecting the site;♦ specifications for habitat substrate type and size-class distribution, material sources, and construction/installation methods;♦ in-kind reference habitats for comparison with compensatory fish habitat/substrate (using performance and success criteria) to document success;♦ monitoring protocol, including schedule and reporting requirements;♦ ecological performance standards, based on the best available science and including specifications for habitat substrate condition and fish use of the created/restored area;♦ corrective measures if performance standards are not met;♦ responsible parties for monitoring and preparing reports; and♦ responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions. <p>The Compensatory Fish Habitat Replacement and Monitoring Plan must be prepared and approved by TRPA prior to TRPA permit acknowledgement. Implementation of mitigation to compensate for loss of prime fish habitat will occur as an element of pier construction.</p>	Prior to TRPA permit acknowledgement	CSP staff, as part of a new lease agreement with CSLC for construction and operation of the pier, and TRPA	CSP Sierra District Superintendent, as delegated to staff or construction manager, CSLC, and TRPA	TRPA approval of a Compensatory Fish Habitat Replacement and Monitoring Plan, and TRPA permit acknowledgement. Obtain Section 404 permit from USACE, Section 401 certification from Lahontan RWQCB, and Lake or Streambed Alteration Agreement from CDFW and implement all requirements. Habitat restoration construction has been completed and monitoring requirements have been fulfilled in accordance with the CSLC lease agreement for the pier.		
5.3.3 Cultural Resources						
<p>Mitigation Measure 5.3.3-1: Protect previously unidentified archaeological resources in the lakebed of Lake Tahoe</p> <p>Before activities could begin on individual components lakeward of the highwater line, a District Cultural Resource Specialist or a CSP-approved, professionally qualified archaeologist will complete a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged cultural resources.</p> <p>If potentially significant cultural resources are discovered by the Cultural Resource Specialist or archaeologist, appropriate protection or treatment measures shall be developed in consultation with CSP, TRPA, and other appropriate agencies and interested parties, such as the Washoe Tribe. The Cultural Resource Specialist or archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (DPR 523 Forms) and location information to the California Historical Resources Information Center office (North Central Information Center). The Cultural Resource Specialist or archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code [PRC] Section 5024.1; Title 14 of the California Code of Regulations [CCR], Section 4852) for California projects. CSP shall follow recommendations identified in the survey report, which may include designing and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, and preservation in place. Findings of the underwater archaeological surveys will be provided to the Washoe Tribe.</p>	Prior to and during construction-related earth-moving activities lakeward of Lake Tahoe's highwater line	CSP staff and contractors	CSP Sierra District Superintendent, as delegated to staff or construction manager	Pre-construction underwater archaeological survey has been completed and CSP has implemented recommendations provided in the survey report. Findings of the underwater survey provided to the Washoe Tribe.		

Adopted Mitigation Measure	Implementation and Confirmation			Completion of Implementation		Comments
	Timing/Schedule	Party Responsible for Implementing Mitigation	Party Responsible for Confirming Implementation	Required for Mitigation to be Complete	Date Completed	
<p>Mitigation Measure 5.3.3-2: Protect previously unidentified human remains in the lakebed of Lake Tahoe</p> <p>Before activities could begin on individual components lakeward of the highwater line, a District Cultural Resource Specialist or a CSP approved, professionally qualified archaeologist will complete a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged cultural resources.</p> <p>If human remains are discovered by the Cultural Resource Specialist or archaeologist, work will cease immediately in the area of the find and the project manager/site supervisor will notify the appropriate CSP personnel. Any human remains and/or funerary objects will be left in place or returned to the point of discovery and covered with soil. The CSP Chief Ranger (or authorized representative) will notify the County Coroner, in accordance with Section 7050.5 of the California Health and Safety Code, and the Native American Heritage Commission (NAHC) (or Tribal Representative). If a Native American monitor is on-site at the time of the discovery, the monitor will be responsible for notifying the appropriate Native American authorities. The local County Coroner will make the determination of whether the human bone is of Native American origin.</p> <p>If the Coroner determines the remains represent Native American internment, the NAHC in Sacramento and/or tribe will be consulted to identify the most likely descendants and appropriate disposition of the remains. Work will not resume in the area of the find until proper disposition is complete (PRC Section 5097.98). No human remains or funerary objects will be cleaned, photographed, analyzed, or removed from the site prior to determination.</p> <p>If it is determined the find indicates a sacred or religious site, the site will be avoided to the maximum extent practicable. Formal consultation with the State Historic Preservation Office (SHPO) and review by the Native American Heritage Commission/Tribal Cultural representatives will occur as necessary to define additional site mitigation or future restrictions. Findings of the underwater survey will be provided to the Washoe Tribe.</p>	Prior to and during construction-related earth-moving activities lakeward of Lake Tahoe's highwater line	CSP staff and contractors	CSP Sierra District Superintendent, as delegated to staff or construction manager	Pre-construction underwater archaeological survey has been completed and CSP has implemented recommendations provided in the survey report. County Coroner has been notified of potential human remains, if any are discovered, and has made a determination as to whether the remains are of Native American origin. If applicable, consultation with the SHPO and review by NAHC/Tribal Cultural representatives has been completed.		
<p>Mitigation Measure 5.3.3-3: Protect previously unidentified tribal cultural resources in the lakebed of Lake Tahoe</p> <p>With respect to performing a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged tribal cultural resources, implement Mitigation Measure 5.3.3-1 described above.</p>	Prior to and during construction-related earth-moving activities lakeward of Lake Tahoe's highwater line	CSP staff and contractors	CSP Sierra District Superintendent, as delegated to staff or construction manager	Pre-construction underwater archaeological survey has been completed and CSP has implemented recommendations provided by the survey report. Findings of the underwater survey provided to the Washoe Tribe.		
Section 5.3.12 Scenic Resources						
<p>Mitigation Measure 5.3.12-2a: Reduce visible mass</p> <p>CSP will ensure that the pier rebuild would meet the minimum scenic mitigation requirements specified in the TRPA Code. The pier rebuild would include visible mass reduction or screening as required by the TRPA Ordinances that are in place at the time of a doption of this document. The mitigation requirement will be demonstrated in the TRPA project permit and the mitigation will need to be met before TRPA permit acknowledgement. At the time of preparation of this document, the current proposal for visible mass reduction mitigation as part of the proposed Shoreline Plan applicable to this project is at a 3:1 ratio. The current visible mass reduction mitigation in the existing Code of Ordinances applicable to this project requires no net increase in visible mass. To achieve the applicable reduction in visible mass, CSP will install additional visual screening in KBSRA to block views of human-made structures or remove existing structures that are visible from Lake Tahoe. All landscape screening shall be implemented consistent with current defensible space guidelines. The reduction in visible mass will be maintained in perpetuity.</p>	Prior to, during, and following construction	CSP staff and TRPA	CSP Sierra District Superintendent, as delegated to staff or construction manager, and TRPA	CSP has planned for and implemented all necessary visual mass reduction or screening or removal of existing structures visible from Lake Tahoe as required in the TRPA project permit. Successful TRPA final inspection and release of securities.		