

ATTACHMENT "B"  
CEQA FINDINGS

**AMADOR COUNTY  
BOARD OF SUPERVISORS**

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**Responsible Agency Findings Relating to the Kirkwood Final Environmental Impact Report And Approval of the Kirkwood Specific Plan In Compliance with the California Environmental Quality Act.**

**I. INTRODUCTION**

The Amador County Board of Supervisors (“Amador County” or the “Board”) hereby adopts the following CEQA findings relating to: (1) Kirkwood Final Environmental Impact Report dated October 2002 (“2002 Final EIR”) certified by the Alpine County Board of Supervisors on October 28, 2002; (2) the June 2003 Addendum (“Addendum”) to the Final Environmental Impact Report analyzing the impacts of the Kirkwood Specific Plan as modified by “Revised Alternative E” (defined below in Section II.A.); and (3) approval of Revised Alternative E.

Amador County adopts these findings as a “responsible agency” as described in 14 C.C.R. § 15381 for purposes of compliance with the California Environmental Quality Act (“CEQA”). Section 15381 provides that a “responsible agency” is a public agency which proposes to approve a project for which a lead agency has prepared an EIR. 14 C.C.R. § 15096(h) requires responsible agencies to make findings for each significant effect of the project and a statement of overriding considerations if necessary. However, Amador County’s consideration of alternatives and mitigation measures is more limited than that of the lead agency. Amador County has responsibility for mitigating or avoiding *only the direct or indirect environmental effects of those parts of the project approved by Amador County*. [14 C.C.R. § 15096(g)].

**II. PURPOSE AND BACKGROUND**

**A. The Project**

These findings relate to an overall project (the “Project”) that includes three components. The three components are: (1) Kirkwood Mountain Resort’s (“KMR”) Specific Plan as modified by Revised Alternative E; (2) KMR’s proposed ski area Mountain Master Development Plan (“MMDP”); and (3) the Wastewater Treatment Plant (“WWTP”). Collectively, these three components constitute the “Project” for purposes of the 2002 Final EIR.

*The Specific Plan* proposes 1,503 single- and multi-family residential units at buildout, with associated commercial development and supporting infrastructure to accommodate a maximum overnight population of 6,558. Development would largely be complete within 20 years, although the pace of single-family residential construction is difficult to predict and the ultimate overnight population might not be achieved until 2045.

In response to the Board’s May 6, 2003 decision directing modifications to Alternative E, there is now a *Revised Alternative E*. As discussed in more detail below, Revised Alternative E decreases the Specific Plan’s impacts on geologic, water, air, biological, land use, cultural, noise, visual resources, and recreation

resources. [2002 Final EIR at pages 5-37 to 5-39; Addendum at 5-7].<sup>1</sup> Revised Alternative E achieves these reductions through the following modifications of the Specific Plan:

1. *Kirkwood North:* Revised Alternative E does not modify Alternative E's plan for Kirkwood North. Alternative E changes the Specific Plan's single-family zoning in Kirkwood North to Open Space zoning, thereby removing 18 single-family homes or approximately 98 persons. [2002 Final EIR at page 5-37]. Alternative E also reduces the number of multi-family units that the Specific Plan proposed for Kirkwood North by 28. [2002 Final EIR at 5-37]. The development limit for Kirkwood North will be 40 multi family units to include a bed & breakfast/lodging facility and employee housing
2. *Ski-In/Ski-Out North:* Revised Alternative E limits development such that buildings pads (i.e., subgrade elevations below the building footprint) in Ski In/Ski Out North as built do not exceed the 7900' elevation. Revised Alternative E also restricts the maximum height of the Timber Creek Lodge development to 45' above a plaza deck and 55' if there is no plaza deck and the multi-family residential development in S/I S/O North to 45':

128 multi family units

37 single family/duplex units

3. *Village:* Like Alternative E, Revised Alternative E relocates 20 of the 59 multi-family units that Alternative E removes from Ski-In/Ski-Out North, into structures previously planned for commercial use. [2002 Final EIR at pages 5-11, 5-37].
4. *Ski-In/Ski-Out South:* Revised Alternative E limits development such that buildings pads (i.e., subgrade elevations below the building footprint) in Ski In/Ski Out South as built do not exceed the 7975' elevation:

38 multi family units

50 single family units (existing 7 Palisades III units plus 43 additional units).

5. Increases some parking ratios;

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<sup>1</sup> Because Revised Alternative E further reduces the environmental impacts of the Specific Plan originally proposed in the Final EIR, the impacts associated with Revised Alternative E have already been evaluated. Nonetheless, to further ensure that Revised Alternative E's impacts were analyzed, the County has prepared and considered the Addendum to the Kirkwood Final Environmental Impact Report.

6. Requires all caretaker units be deed restricted employee housing units.
7. Adds to the Specific Plan Design Guidelines restrictions on interior and exterior lighting regulations similar to those contained in the Palisades design guidelines and KMOA guidelines.
8. Places a ceiling on the maximum amount of development allowed under the Specific Plan as follows:

The maximum amount of development allowed under the Specific Plan, as modified by Revised Alternative E contained in the FEIR is as follows:

a. *Residential Development:* 1413 dwelling units

b. *Commercial Development:* 195,000 GSF (Gross Square Feet)

c. *Population:*

Overnight Peak: 6558 persons, including overnight guests, residents, homeowners and employees

Winter Day Peak: 11,800 persons at one time (PAOT), including day visitors, employees, overnight visitors and all other persons within the resort

Skier Day Peak: 10,800 skiers at one time (SAOT)

Summer Day Peak: 9,800 persons at one time (PAOT) for the duration of special events only, otherwise the summer day peak is 6558 persons

d. *Residential Development Limits:*

Total residential development shall be limited as follows: 1413 dwelling units and accommodations for an overnight population of 6558 persons calculated by using the population estimate by unit type and land use contained in Section 4.10.1 of the Specific Plan and reproduced below for reference. Whichever limit is reached first (1413 dwelling units or 6558 overnight population capacity) shall determine the maximum amount of residential development allowable under the Specific Plan.

**Multi Family Units:**

Studio: 2.2 people per unit

1 bedroom: 2.2 people per unit  
2-bedroom: 4.3 people per unit  
3-bedroom: 6.5 people per unit  
4-bedroom: 8.6 people per unit

**Single Family and Duplex Units:**

All: 5.8 people per unit

***The MMDP:*** KMR must submit a master development plan outlining their planned activities on United States Forest Service (“USFS” or “Forest Service”) land and any adjoining private land that is part of the ski area. A ski area master development plan documents existing conditions and compares them to resort design guidelines to establish the rationale for the expansion and improvement of particular land areas or facilities. A master development plan is typically modified approximately every ten years to reflect changing conditions.

KMR’s MMDP documents long-term plans for investment in the resort’s facilities and improvements, primarily on USFS land managed under KMR’s permit. Improvement projects outlined in the MMDP involve chairlifts, terrain and trails, infrastructure, and snowmaking facilities.

***The proposed WWTP*** upgrade will add capacity to the existing wastewater treatment facilities. Upgrades analyzed in the 2002 Final EIR resulted from research and detailed technical reports commissioned by the Kirkwood Meadows Public Utility District (KMPUD) in response to concerns for future wastewater treatment capacity. At present, the wastewater treatment facility is designed to treat an average of 100,000 gallons per day (gpd). The upgraded facility will meet predicted treatment demand of 190,000 gpd and dispose of these additional amounts of effluent through the use of existing and proposed new absorption beds.

Both the WWTP and the MMDP are included within the Project’s definition to satisfy CEQA’s inclusive definition of “project.” [See 14 C.C.R. § 15378(a) (stating that “Project” means the whole of an action)]. However, Amador County does not have approval authority over the WWTP nor over the vast majority of the MMDP. The KMPUD has approval authority over the WWTP. Accordingly, the KMPUD is responsible under CEQA for exercising its own, independent analysis of the WWTP’s environmental impacts prior to any decision by KMPUD to approve the WWTP. The USFS has primary approval authority over the MMDP. The National Environmental Policy Act (“NEPA”) requires the USFS to review the environmental impacts of the MMDP prior to any decision by the USFS to approve the MMDP. Consequently, no decision regarding the MMDP will be made by the USFS solely on the basis of this CEQA process.

Amador County does have approval authority over the portions of the MMDP on private lands in Amador County.

## **B. Purpose of the EIR**

Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. and the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000 et seq. (collectively, "CEQA"), an EIR was prepared for the Project to analyze the environmental effects of the Project. The Recirculated Revised Draft EIR ("2002 Draft EIR") was circulated from April 5, 2002 through May 22, 2002 for public review and comment in accordance with CEQA. Responses to comments, together with other information, were prepared and contained in the Final EIR ("2002 Final EIR"). Alpine County is the CEQA Lead Agency for the Project, and prepared the EIR in cooperation with Cirrus Ecological Solutions, LC.

In addressing the Draft Plan, this EIR is considered a Program Environmental Impact Report. A Program Environmental Impact Report is appropriate under CEQA Guidelines (Section 15168(a)) when the agency proposes a program or series of actions that can be characterized as one large project and are related either (1) geographically; (2) as logical parts in the chain of contemplated actions; or (3) in connection with issuance of plans or other general criteria to govern the conduct of a continuing program.

## **C. Procedural Background**

Preparation of the 2002 Final EIR is one step in a six year process.

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### *The 1997 Draft Plan*

The process was initiated in 1996 when KMR submitted a draft specific plan to the Tri-County Technical Advisory Committee ("TC-TAC"), a group comprised of representatives from Alpine, Amador, and El Dorado Counties' planning departments and an ex officio USFS representative. TC-TAC review indicated the need for additional information, which was incorporated into a 1997 Draft Plan. No initial study of potential environmental impacts was completed because the need to prepare an EIR was recognized from the onset.

A Notice of Preparation was published on June 25, 1997, formally starting the EIR process for the 1997 Draft Plan. This notice informed agencies and interested parties that an EIR was being prepared and solicited comments on the scope of the EIR. This comment period lasted 30 days from the publication of the NOP. During the written comment period, a scoping meeting was held at Kirkwood on July 11, 1997, providing an additional opportunity for public input on issues and concerns to be addressed in the EIR for the 1997 Draft Plan.

Following consideration of the comments received after the first Notice of Preparation, KMR decided to withdraw the 1997 Draft Plan to address concerns raised during the comment process. These comments involved the need for additional information and some revision of the proposed development.

### *The 1998 Draft Plan*

A revised Draft Plan was released in 1998 (“1998 Draft Plan”) and a new NOP was circulated. The 30-day comment period for the second NOP opened on November 20, 1998.

A draft EIR was prepared following the second NOP review period and published on November 5, 1999 (“1999 Draft EIR”). A 60-day comment period followed publication of the 1999 Draft EIR and a hearing was held by the Alpine Planning Commission. After responses to comments received on the 1999 Draft EIR were prepared, a proposed Final EIR was published in November 2000 (“2000 Final EIR”). Public comments were received on the 2000 EIR.

### *The 2002 Draft Plan*

At that point in Spring 2001, a decision was made to revise the Draft EIR, in accordance with CEQA Guidelines, Section 15088.5. The Draft EIR was expanded to include the definition of the “project” to include the MMDP and the WWTP upgrade. The Specific Plan was also revised in 2001 and 2002 prior to release of the 2002 Draft EIR. The lead agency conducted a thorough public information program during the environmental review process for the 2002 Draft EIR. The following is a summary of that program.

1. The 2002 Draft EIR was published on April 5, 2002. A formal Notice of Availability (“NOA”) of the 2002 Draft EIR was prepared and circulated on April 5, 2002, as required by CEQA. The NOA was circulated to responsible agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice.
2. Approximately 40 copies of the 2002 Draft EIR were available and circulated for public review. A copy was sent to Amador County. In addition, the 2002 Draft EIR was made available for purchase either on disk or in hard-copy, and was available on Alpine County’s and on KMR’s web-sites. The public was invited to submit written comments on the 2002 Draft EIR. Interactions with the public have included two public hearings on the 2002 Draft EIR. In addition, the project proponents organized nine “town hall” meetings. These meetings were held throughout California to ensure that Kirkwood residents could attend. Listed below are the various meetings/hearings that have been held during this process. At these meetings/hearings, Alpine County and the project proponent provided information about the Project, the potential environmental impacts and the CEQA review process, as well as the schedule for Project implementation. At each meeting/hearing, members of the public had the opportunity to ask questions and express their concerns and interests regarding the Project.

**Public Meetings Held During the CEQA Process For**  
**The 2002 Draft EIR and the 2002 Final EIR**

Date	Event
November 7, 2001	KMR meeting with Kirkwood residents and interested persons, San Jose, CA
November 23, 2001	KMR meeting with Kirkwood residents and interested persons, Sun Meadows Conference Room, Kirkwood
December 5, 2001	KMR meeting with Kirkwood residents and interested persons, Oakland, CA
December 12, 2001	KMR meeting with Kirkwood residents and interested persons, Stockton CA
December 28, 2001	KMR meeting with Kirkwood residents and interested persons, Sun Meadows Conference Room, Kirkwood
January 16, 2002	KMR meeting with Kirkwood residents and interested persons, Alameda, CA
January 31, 2002	KMR meeting with Kirkwood residents and interested persons, Saratoga, CA
February 7, 2002	KMR meeting with Kirkwood residents and interested persons, Belmont, CA
July 6, 2002	KMR meeting with Kirkwood residents and interested persons, Red Cliffs Lodge, Kirkwood
October 28, 2002	Alpine County Board Final Certification hearing.
November 21, 2002	Alpine County Planning Commission holds noticed hearing regarding Specific Plan.
December 5, 2002	Alpine County Planning Commission holds noticed hearing regarding Specific Plan.
December 17, 2002	Amador County Planning Commission holds noticed hearing to discuss recommendation to the Amador County Board of Supervisors with respect to the Specific Plan.
January 21, 2003	Amador County Planning Commission holds noticed hearing to discuss the Specific Plan.



January 22, 2003	Alpine County Planning Commission votes 5-0 to recommend to the Board of Supervisors approval of the Specific Plan as modified by Alternative E.
February 8, 2003	Amador County Planning Commission holds a preannounced site visit open to the public.
February 11, 2003	Amador County Planning Commission holds noticed meeting and votes 4-1 to recommend to Board approval of Specific Plan as modified by Alternative E and subject to amendments regarding parking ratios, maximum building heights, and employee units
March 18, 2003	Tri-County Board of Supervisors (Alpine, Amador and El Dorado Counties) holds noticed meeting in Placerville to discuss the Specific Plan.
April 22, 2003	Amador County Board of Supervisors holds noticed meeting and public hearing to discuss the Specific Plan. After testimony, the Board closes the public hearing and continues the matter until May 6, 2003.
May 6, 2003	Amador County Board of Supervisors holds noticed meeting to discuss the Specific Plan and votes to instruct staff to prepare findings and related documents for Revised Alternative E.

3. The comment period for the 2002 Draft EIR was from April 5, 2002 to May 22, 2002. During that time, 77 letters were received. Of those 77 letters, seven were from agencies, 7 were from organizations, and 63 were from individuals. Two of the letters were received after the comment period had closed.
4. In response to the comments received concerning the 2002 Draft EIR, the 2002 Final EIR was issued on October 8, 2002. Volume I of the 2002 Final EIR is a blacklined version of the 2002 Draft EIR. Volume II of the 2002 Final EIR includes the Response to Comments and the comment letters themselves.
5. Copies of the Final EIR were sent to responsible agencies including but not limited to Amador County, adjacent property owners and interested parties, including any person who filed a written request for such a notice as well as any person who commented on the Draft EIR. In addition, The Final EIR was offered on CD-ROM and was available on Alpine County's and KMR's websites.

6. Approximately 40 copies of the Final EIR were available and circulated for public review.
7. Throughout the above process including the preparation of the 1999 and 2002 Draft EIRs Amador County staff was involved in numerous meetings and discussions regarding the EIRs and the Specific Plan.

### **III. DESCRIPTION OF THE RECORD**

For purposes of CEQA and these findings, the record before Amador County includes, without limitation, the following:

- A. All applications for approvals related to the Project;
- B. The 1997 Draft Plan, the 1998 Draft Plan, the 2002 Draft Plan;
- C. The 1999 Draft EIR, the 2000 EIR, the 2002 Draft EIR, including all appendices, the Revisions to Alternative E, as well as the 2003 Kirkwood Mountain Resort Kirkwood Specific Plan Fiscal Impact Analysis (April 2003) ("Fiscal Impact Analysis");
- D. The 2002 Final EIR, all appendices to the 2002 Final EIR, and the 2003 Addendum;
- E. All Notices of Availability, the Notice of Determination, staff reports and presentation materials related to the Project prepared for Amador County;
- F. All studies conducted for the Project and contained in, or referenced by, staff reports prepared for Amador County, the 2002 Draft EIR, or the 2002 Final EIR and the March and April 2003 letters from KMR;
- G. All public reports and documents related to the Project prepared for Amador County;
- H. For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area; and
- I. Any additional items not included above if they are required by law.

### **IV. GENERAL FINDINGS**

#### **A. Certification of Final EIR**

In accordance with CEQA, in adopting these findings, Amador County has considered the environmental effects as shown in the 2002 Final EIR prior to approving the Project. These findings represent the independent judgment and analysis of the Board.

The remainder of these findings are organized as follows:

Section V: the findings regarding the Project impacts that are less than significant prior to mitigation;

Section VI: the findings regarding the Project impacts that are potentially significant prior to mitigation but that are reduced to a level less than significant by mitigation;

Section VII: the findings regarding the Project's cumulative impacts;

Section VIII: the findings regarding the Project's alternatives;

Section IX: the findings regarding the Project's significant and unavoidable adverse impacts;

Section X: a statement of overriding considerations; and

Section XI: the findings regarding the Mitigation and Monitoring Plan.

The above sections only cover the environmental effects of the portion of the Specific Plan in Amador County per 14 CCR Section 15096(g).

#### **B. Changes to the 2002 Draft EIR**

In the course of responding to comments received during the public review and comment period on the 2002 Draft EIR, certain portions of the 2002 Draft EIR have been modified and some new information has been added. The changes made to the 2002 Draft EIR do not reveal the existence of:

- (1) A significant new environmental impact that would result from the Project or an adopted Mitigation Measure;
- (2) A substantial increase in the severity of an environmental impact that is not reduced to a level less than significant by adopted Mitigation Measures;
- (3) A feasible project alternative or Mitigation Measure not adopted that is considerably different from others analyzed in the 2002 Draft EIR that would clearly lessen the significant environmental impacts of the Project; or
- (4) Information that indicates that the public was deprived of a meaningful opportunity to review and comment on the 2002 Draft EIR.

The County finds that the amplifications and clarifications made to the 2002 Draft EIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5.

#### **C. The Addendum**

The County finds that the Addendum results in only minor changes in the severity of the impacts and, as a result, satisfies 14 C.C.R. §§ 15162, 15163 and 15164. In addition, the revisions to

Alternative E that are the subject of the Addendum do not represent a substantial modification of Alternative E pursuant to Govt. Code §§ 65350 et seq.

#### **D. Evidentiary Basis for Findings**

These findings are based upon substantial evidence in the entire record before the Board as described in Section III. The references to the 2002 Draft EIR, the 2002 Final EIR, and the Addendum set forth in the findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

#### **E. Findings Regarding Mitigation Measures**

##### **1. Mitigations Adopted.**

Except as otherwise noted, the Mitigation Measures herein referenced are those identified in the 2002 Final EIR.

##### **2. Effect of Mitigations.**

Except as otherwise stated in these findings, in accordance with CEQA Guidelines Sections 15091, 15092, and 15093, the Board finds that the environmental effects of the Project:

- (1) will not be significant; or
- (2) will be mitigated to a less than significant level by the Mitigation Measures adopted by Amador County; or
- (3) can and should be mitigated to a less than significant level by the Mitigation Measures within the jurisdiction of another public agency; or
- (4) will remain significant after mitigation, but specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects.

Except as otherwise stated in these findings, the Amador County Board of Supervisors finds that the Mitigation Measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not already analyzed in the Draft EIR.

#### **F. Location and Custodian of Records**

Pursuant to Public Resources Code Section 21081.6 and 14 C.C.R. §15091, Susan Grijalva of the Amador County Planning Department is the custodian of the documents and other material that constitute the record of proceedings upon which the Amador County Board of Supervisor's decision is based, and such documents and other material are located at 500 Argonaut Ln., Jackson, CA 95642.

V. FINDINGS REGARDING LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS

The EIR identifies the thresholds of significance utilized to determine the impacts in the various resource categories discussed below. The EIR also identifies the following environmental impacts that are less than significant, and therefore do not require mitigation. These impacts are:

- Potential for Increased Flooding as a Result of Impacts to Wetlands and Floodplains;
- Increase in Carbon Monoxide
- Effects on Adjacent Land;
- Changing Zoning Designations to Ski-In/Ski-Out
- Effects of Increased Housing and Development Within Kirkwood;
- Traffic Noise;
- Population and Employment;
- Explosives Storage
- Effects of Increased Construction and Traffic on Recreation
- Family Services;
- Parks and Recreation;
- Snow Removal;
- Telecommunications; and
- Solid Waste

Although CEQA does not require mitigation for the following impacts because they are less than significant prior to mitigation, the Mitigated Project incorporates mitigation measures to achieve a more environmentally protective result than is mandated by CEQA:

- Shrink/Swell Potential of Soils;
- Increased Future Water Demands and Resultant Consumptive Use
- Reductions in Groundwater Surface Elevations and Supplies;

- Reduced Infiltration Rates and Recharge of The Kirkwood Valley Groundwater Basin;
- Impacts to Threatened, Endangered or Sensitive Species;
- Increase in SO<sub>x</sub> and NO<sub>x</sub>;
- Prehistoric Resources;
- Effects of Kirkwood North Development on Traffic;
- Snowmaking Activities; and
- Water Supply.

## **GEOLOGY/SOILS**

### **A. Shrink/Swell Potential of Soils**

1. Potential Impacts. Although there is a low possibility of soil shrinking and swelling and, therefore, the impact is less than significant, it is possible that the Project's implementation may result in the shrinking and swelling of soils in the lakebed deposits at the southern end of Kirkwood Meadow. Modification of the Specific Plan pursuant to Alternative E would decrease the potential for the Project to result in the shrinking and swelling of soils because Alternative E reduces the areas to be disturbed by the Project's construction by 7.1 acres. [2002 Final EIR at 5-37]. By prohibiting construction above the 7975' and 7900' elevations in Ski-In/Ski-Out South and North respectively, the areas to be disturbed by the Project under Revised Alternative E are further reduced.
2. Mitigation Measure. The Mitigated Project will incorporate measure 4.1(r) to further minimize the possibility of shrinking or swelling of soils. Mitigation Measure 4.1(r) provides that, if shrink/swell soils are discovered at proposed building sites, such soils should be avoided by relocating the proposed facility, or the material should be removed and replaced with non-expansive soils. [2002 Final EIR at 4-29].
3. Findings.
  - a. Regardless of whether the Specific Plan is modified by Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
  - b. Effect of Mitigation. Because the impact of implementing the Project is less than significant prior to mitigation, the Mitigation

Measure reduces the impact but does not affect the impact's significance.

- c. Facts and Reasoning that Support Finding. Although the possibility of encountering soil that shrinks or swells is low, and consequently, the Project's impact is less than significant, it is possible that soil that shrinks or swells may occur in the lakebed deposits at the southern end of Kirkwood Meadow. [2002 Final EIR at 4-25]. However, Mitigation Measure 4.1(r) provides mitigation for such soils. Modification of the Project pursuant to either Alternative E or Revised Alternative E would further decrease the potential for the Project to result in the shrinking and swelling of soils because Alternative E reduces the areas to be disturbed by the Project's construction by 7.1 acres. [2002 Final EIR at 5-37] and Revised Alternative E further reduces the areas to be disturbed. [Addendum at 3]. Accordingly, the Project will not result in any significant impacts regarding the shrink/swell potential of soils.

## **WATER RESOURCES**

### **B. Increased Future Water Demands and Resultant Consumptive Use**

1. Potential Impacts. The Project may result in increased future water demands and resultant consumptive use. However, this impact is less than significant and does not require mitigation because there is adequate water for the future demand. Modifying the Project according to either Alternative E or Revised Alternative E would not impact the potential for the Project to increase future water demand. [2002 Final EIR at 5-37].
2. Mitigation Measure. Although the Project would result in less than significant impacts upon future water demands and resultant consumptive use, the Mitigated Project incorporates the following Mitigation Measures, which will further reduce any impact upon future water demands. The Mitigated Project will incorporate measures 4.2(e), 4.2(f), 4.2(g), and 4.2(h), which provide for the implementation of maximum water conservation measures and the establishment and implementation of a Water Stage Alert System that provides a sliding scale from voluntary to required water conservation measures. [2002 Final EIR at 4-52]. The measures also provide that KMPUD will limit or cease pumping from Well 2 when the Water Stage Alert System is triggered. [2002 Final EIR at 4-52.]

3. Findings.

- a. The potential impact, regardless of whether the Specific Plan is modified by either Alternative E or Revised Alternative E, is less than significant and does not require mitigation.
- b. Effect of Mitigation. Because the Project's impact is less than significant prior to mitigation, the mitigation measures further reduce the Project's impacts but do not affect the significance of the impacts.
- c. Facts and Reasoning that Support Finding. Adequate sustainable water supplies are presently available within the upstream watershed and Kirkwood Meadow aquifers from normal year snowmelt and runoff. [2002 Final EIR at 4-45]. Temporary shortages, insignificant streamflow reduction, or small amounts of groundwater drawdown could occur during extended periods of drought. However, the estimated capacity of the underlying aquifer (1,100 acre feet), the runoff from Kirkwood Creek during normal and drought years (5,665 and 1,869 acre-feet respectively), and the anticipated recharge rates within Kirkwood Valley are projected to be adequate to meet the predicted demands associated with the Project during any single year or recorded historical sequence of years. Considering the amount of pumping capacity and emergency storage KMPUD has available, and assuming that Well 2 is returned to service as expected, the existing supplies will be capable of sustaining 100% of Kirkwood's ultimate buildout demand. Moreover, Mitigation Measures 4.2(e), 4.2(f), 4.2(g), and 4.2(h) ensure that restrictions on water use will be available to ensure that the Project's impacts upon future water demands and resultant consumptive use are less than significant. Modification of the Specific Plan pursuant to either Alternative E or Revised Alternative E would further reduce this impact because both Alternative E and Revised Alternative E reduce the population by 386 persons, thereby decreasing water demand. [2002 Final EIR at 5-9, 5-37; Addendum at 2].

**C. Reductions In Groundwater Surface Elevations and Supplies**

1. Potential Impacts. The Project may result in reductions in groundwater surface elevations and supplies. Modifying the Specific Plan according to either Alternative E or Revised Alternative E would not change the Specific Plan's impact to groundwater surface elevations and supplies. [2002 Final EIR at 5-37].



2. Mitigation Measure. The Mitigated Project will incorporate measures 4.2(e), 4.2(f), and 4.2(g), which provide for the implementation of maximum water conservation measures, reclamation of wastewater if necessary, and KMPUD's development of a Water Stage Alert System that provides a sliding scale from voluntary to required water conservation measures. [2002 Final EIR at 4-53].
3. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Project's potential impact is less than significant and does not require mitigation.
  - b. Effect of Mitigation. Because the Project's impact is less than significant regardless of whether the Specific Plan is modified by Alternative E or Revised Alternative E, the mitigation measures reduce the impacts but do not affect the significance of the impacts.
  - c. Facts and Reasoning that Support Finding. Groundwater recharge is tied directly to runoff in Kirkwood Valley. [2002 Final EIR at 4-45]. Runoff from the basin decreases significantly during drought years relative to normal years (1,869 acre-feet versus 5,665 acre-feet in Kirkwood Valley), but is still much greater than the future annual water demand, especially if both recharge sources are tapped. [2002 Final EIR at 4-45.] Based on runoff estimates, the annual mean precipitation in the Kirkwood watershed during a normal year would exceed the amount required to completely recharge the aquifer following a drought year. [2002 Final EIR at 4-45.] Moreover, Mitigation Measures 4.2(e), 4.2(f), and 4.2(g) ensure that restrictions on water use will ensure that the Project's impacts upon reductions in groundwater surface elevations and supplies remain less than significant. [2002 Final EIR at 4-45.] Modifying the Specific Plan according to either Alternative E or Revised Alternative E would not change the Specific Plan's impact to groundwater surface elevations and supplies. [2002 Final EIR at 5-37; Addendum at 2].

#### **D. Reduced Infiltration Rates and Recharge of the Kirkwood Valley Groundwater Basin**

1. Potential Impacts. Although not significant, the Project may result in reduced infiltration rates and recharge of the Kirkwood Valley Groundwater Basin. Modifying the Project according to either Alternative E or Revised Alternative E may reduce such impacts.

2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.2(i), 4.2(j), and 4.2(k), which provide for the minimization of impervious soils, disturbed soils, soil compaction, and mechanisms to retard and capture runoff from impermeable surfaces. [2002 Final EIR at 4-53].
3. Findings.
  - a. The potential impact is less than significant and does not require mitigation regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.
  - b. Effect of Mitigation. Because the Project would result in less than significant impacts, the mitigation measures reduce the impacts upon infiltration rates and recharge of the Kirkwood Valley groundwater basin but do not affect the significance of those impacts.
  - c. Facts and Reasoning that Support Finding. Development that results in increases in impervious surfaces and compaction of disturbed soils could reduce infiltration rates and resultant recharge of the Kirkwood Valley groundwater basin. [2002 Final EIR at 4-46]. This potential adverse effect would be partially compensated as impervious and disturbed areas are rehabilitated and revegetated, or lessened through impervious area reductions. [2002 Final EIR at 4-46]. Also, because some groundwater recharge occurs through interchange with Kirkwood Creek, and some of the runoff from the impermeable and compacted areas would percolate downslope at favorable alternative infiltration sites, all water acting as runoff would not be considered lost from groundwater recharge. [2002 Final EIR at 4-46]. The localized decreases in infiltration are likely in the Timber Creek Village/service area, Kirkwood North, Ski-In/Ski-Out North, Ski-In/Ski-Out South, and the Meadows subareas due to increases in impervious surfaces. [2002 Final EIR at 4-46]. However, the *net* potential decrease in infiltration is considered to be less than significant. [2002 Final EIR at 4-46]. Moreover, Mitigation Measures 4.2(i), 4.2(j), and 4.2(k) will minimize the extent of impervious surfaces that will result and will provide additional permeable surfaces. Modification of the Specific Plan pursuant to Alternative E will reduce these impacts because Alternative E reduces the amount of land disturbed by construction by 7.1 acres. [2002 Final EIR at 5-37]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction

achieved under Alternative E. [Addendum at 4]. Accordingly, the Project will only result in less than significant impacts upon infiltration rates and recharge of the Kirkwood Valley groundwater basin regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E. [2002 Final EIR at 4-53].

## BIOLOGICAL RESOURCES

### E. Impacts to Caples Creek Aquatic Resources

1. Potential Impacts. Implementation of the Project would have no significant impact upon aquatic resources in Caples Creek. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would reduce such impacts.
2. Findings.
  - a. The potential impact upon aquatic resources in Caples Creek is less than significant and does not require mitigation regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because, based on the amount of construction disturbance at Kirkwood North (approximately 24 acres), the resultant sedimentation would not be substantially greater than that which Caples Creek already experiences during peak runoff. [2002 Final EIR at 4-16]. Therefore, any sedimentation impacts to fish populations in Caples Creek would be minor.

Flows in the 1.5 mile reach of Caples Creek between the dam and Kirkwood Creek confluence could be slightly reduced as a result of snowmaking operations and reduced dam spill events. [2002 Final EIR at 4-60]. However, flows in this reach are regulated by releases from the dam and minimum flows are mandated by the Federal Energy Regulatory Commission to protect Caples Creek aquatic resources. [2002 Final EIR at 4-61]. Therefore, any flow reduction would result in minor impacts, if any, to aquatic resource in Caples Creek. A full analysis of the impacts of snowmaking can be found in the Final Environmental Impact Report and Environmental Assessment for Public Comment: Kirkwood Water Rights and Snowmaking Project in Alpine and Amador Counties, CA (Simpson 1995d).

Modification of the Specific Plan pursuant to Alternative E would decrease the potential for the Project to adversely affect Caples Creek aquatic resources because Alternative E reduces the areas to be disturbed by the Project's construction by 7.1 acres and therefore reduces the risk of sedimentation. [2002 Final EIR at 5-37]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3-4].

Because these impacts to aquatic resources in Caples Creek are already less than significant, no additional mitigation is necessary regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **F. Impacts To Threatened, Endangered Or Sensitive Species**

1. Potential Impacts. The Project may result in impacts to threatened, endangered, or sensitive species. However, this impact is less than significant and does not require mitigation. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may further reduce such impacts.
2. Mitigation Measure. Although the Project's impact upon threatened, endangered, or sensitive species is less than significant, the Mitigated Project incorporates the following Mitigation Measures, which will further reduce any adverse impact upon threatened, endangered, or sensitive species. The Mitigated Project incorporates measures 4.3.2(h), 4.3.2(i), and 4.3.2(j). These Mitigation Measures provide for biological and botanical surveys, and, if listed species are found, obtaining a 2081 Permit from CDFG and/or consulting with USFWS. Also, as applicable, obtaining a Streambed Alteration Agreement as well as all appropriate permits from the Corps of Engineers. [2002 Final EIR at 4-78 to 4-79]. In addition, these measures provide for the minimization of wetlands disturbance during construction by restricting soil disturbance close to wetlands, and designing stream crossings to avoid and mitigate disturbance of wetlands. [2002 Final EIR at 4-62, 4-79]. Finally, these measures provide for the avoidance of, and mitigation for, activities that cause sedimentation in Kirkwood Creek. [2002 Final EIR at 4-62, 4-79].
3. Findings.
  - a. The potential impact is less than significant and does not require mitigation regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

- b. Effect of Mitigation. Because the Project's impact is less than significant prior to mitigation, the mitigation measures reduce the impacts but do not affect their significance.
- c. Facts and Reasoning that Support Finding. The Project is unlikely to have any adverse impacts upon threatened, endangered or sensitive species regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E. The bald eagle, the only federally threatened wildlife species with the potential to occur in the Project area, is unlikely to be directly impacted by the Project's implementation. [2002 Final EIR at 4-75]. Since there are no nesting eagles in the vicinity of the lake or Project area, impact to the population is unlikely. [2002 Final EIR at 4-75]. If eagles were discovered nesting in the Project area, appropriate management action would be required by the appropriate land management agency to restrict access and disturbance to the nest site. [2002 Final EIR at 4-75]. Moreover, Mitigation Measures 4.3.2(h), 4.3.2(i), and 4.3.2(j) ensure that the impacts upon threatened, endangered, or sensitive species are less than significant. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely affect threatened, endangered, or sensitive species because Alternative E reduces the areas to be disturbed by the Project's construction by 7.1 acres and therefore reduces the risk of disturbance. [2002 Final EIR at 5-38]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E while still allowing two significant wetland features to remain as important hydrological features. [Addendum at 4].

## WETLAND RESOURCES

### **G. Potential For Increased Flooding As A Result Of Impacts To Wetlands And Floodplains**

1. Potential Impact. The Project would have no significant impact upon increased flooding as a result of impacts to wetlands and floodplains. [2002 Final EIR at 4-87]. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may decrease the potential for such impacts.

2. Findings.

- a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact upon increased flooding as a result of impacts to wetlands and floodplains is less than significant and does not require mitigation.
- b. Facts and Reasoning that Support Finding. The potential impact for increased flooding resulting from impacts to wetlands and floodplains would be less than significant. [2002 Final EIR at 4-87]. This is because the area extent of disturbance and impervious surfaces would not be great enough to increase the potential for flooding and because no significant amount of development or development related impacts would occur within any floodplains. [2002 Final EIR at 4-87]. Modification of the Project pursuant to Alternative E would decrease the potential for the Project's implementation to adversely affect wetland resources because Alternative E reduces the areas to be disturbed by the Project's construction by 7.1 acres. [2002 Final EIR at 5-38]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land disturbed by construction beyond the reduction achieved under Alternative E while still allowing two significant wetland features to remain as important hydrological features. [Addendum at 4]. Because the impact is already less than significant, no additional mitigation is necessary or proposed.

## AIR QUALITY

### **H. Increase In Carbon Monoxide**

1. Potential Impact. The Project would have no significant impact upon carbon monoxide levels. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would not affect these impacts.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because the predicted one hour CO concentration from the total impact of all vehicles that would be present at full buildout is less than the one hour state air quality

standard, and, also, the predicted CO concentration from the MU powerplant and the KMPUD generators, combined with background concentrations measured at the monitoring sites, is less than the 1-hour state air quality standard. [2002 Final EIR at 4-106 to 4-107]. Modification of the Specific Plan pursuant to Alternative E would result in an increase in emissions due to the increase in the number of day visitors, and a decrease in emissions due to the decrease in population. [2002 Final EIR at 5-38]. As a result of this offset, modification of the Project pursuant to Alternative E would not affect air quality impacts. [2002 Final EIR at 5-38]. The number of day visitors and population under Revised Alternative E are the same as for Alternative E. [Addendum at 2]. Because the CO impact is already less than significant, no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **I. Increase In SO<sub>x</sub> and NO<sub>x</sub>**

1. Potential Impact. The Project would have no significant impact upon SO<sub>x</sub> and NO<sub>x</sub> levels. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
2. Mitigation Measure. Although the Project's impact on SO<sub>x</sub> and NO<sub>x</sub> levels is less than significant, Mitigation Measure 4.4(b) will reduce any impact upon SO<sub>x</sub> and NO<sub>x</sub> levels. [2002 Final EIR at 4-111 to 4-112]. Mitigation Measure 4.4(b) provides that MU will continue to operate the power generation plant with the SCR (Selective Catalytic Reduction) system in place as required by the GBUAPCD. [2002 Final EIR at 4-112].
3. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
  - b. Effect of Mitigation. Because the impact of implementing the Project is less than significant prior to mitigation, the mitigation measures further reduce the impacts but do not affect the significance of the impacts.
  - c. Facts and Reasoning that Support Finding. The Project, regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, is unlikely to have any significant impact upon SO<sub>x</sub> and NO<sub>x</sub> levels. To make a determination of whether the powerplant and KMPUD impacts might exceed an AAQS

standard, the incremental impacts were added to background concentrations and compared to the standards. [2002 Final EIR at 4-109]. The results indicate that no AAQS exceedances would occur when emissions from the powerplant and KMPUD generators are added to background conditions. [2002 Final EIR at 4-110]. The Kirkwood monitoring station provides a conservative background value because it is directly impacted by emissions from the existing powerplant. [2002 Final EIR at 4-110]. Total concentrations of the gaseous pollutants are still less than the AAQS standards. [2002 Final EIR at 4-110]. Likewise, the dispersion modeling study (ALG 2001) also demonstrated that significant impact levels would not be exceeded beyond the boundaries of the Project area. [2002 Final EIR at 4-110]. Mitigation Measure 4.4(b) will further ensure that the Project's SO<sub>x</sub> and NO<sub>x</sub> levels are less than significant. Modification of the Specific Plan pursuant to Alternative E would result in an increase in emissions due to the increase in the number of day visitors, and a decrease in emissions due to the decrease in population. [2002 Final EIR at 5-38]. As a result of this offset, modification of the Specific Plan pursuant to Alternative E would not affect air quality impacts. [2002 Final EIR at 5-38]. The number of day visitors and population is the same under Alternative E and Revised Alternative E [Addendum at 2]. Therefore, modification of the Specific Plan pursuant to Revised Alternative E would not affect air quality impacts.

## **CULTURAL RESOURCES**

### **J. Impacts Upon Prehistoric Resources**

1. **Potential Impact.** The Project would have no significant impact upon prehistoric resources. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. **Mitigation Measure.** Although the Project's impact upon prehistoric resources is less than significant, Mitigation Measures 4.5(a), 4.5(b), 4.5(c), and 4.5(d) would further reduce any impact upon prehistoric resources. These measures include surveying prior to ground-disturbing activities, and if significant cultural resources are found, the development of mitigation measures in consultation with the most likely Native American descendants is required. [2002 Final EIR at 4-122].



3. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
  - b. Effect of Mitigation. Because the impact of implementing the Project is less than significant prior to mitigation, the Mitigation Measures do not affect the significance of the impacts.
  - c. Facts and Reasoning that Support Finding. Based on known conditions, the Project would not result in significant impacts to prehistoric cultural resources. [2002 Final EIR at 4-121]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely affect prehistoric resources because Alternative E would: (1) reduce the potential for indirect impacts associated with human traffic, especially in Kirkwood North; and (2) reduce the areal extent of ground disturbance thereby reducing the risk of construction related disturbance to buried cultural artifacts. [2002 Final EIR at 5-38]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 4]. Nonetheless, should known sites be disturbed during construction or previously undiscovered prehistoric cultural resources be encountered during Project implementation, and the resources are evaluated as significant, Mitigation Measures 4.5(a), 4.5(b), 4.5(c), and 4.5(d) will ensure that the Project, regardless of whether it is modified pursuant to Alternative E or Revised Alternative E, would result in impacts to prehistoric resources that are less than significant.

## LAND USE

### **K. Effects on Adjacent Land**

1. Potential Impact. The Project would have no significant impact upon adjacent land. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.

- b. Facts and Reasoning that Support Finding. Although the Project would have minor effects on existing uses of adjacent areas of the ENF, such as Kirkwood Lake and the Caples Creek roadless area, the Project is compatible with land use management planning for these areas and, therefore, the Project's impact upon land uses is less than significant. [2002 Final EIR at 4-130 to 4-131]. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would further decrease the potential for such impacts because the conversion of the single family/duplex residential zone in Kirkwood North to open space will result in a minor population decrease and therefore decreased use of Kirkwood Lake and Caples Creek roadless area. [2002 Final EIR at 5-38 to 5-39]. Relative to Alternative E, Revised Alternative E would not change the population and, as a result, would not affect impacts on adjacent land. [Addendum at 5]. Because the impact upon land use is already less than significant, no additional mitigation is necessary or proposed.

#### **L. Impacts On Zoning Designations Of Ski-In/Ski-Out**

1. Potential Impact. The Project would have no significant impact upon zoning designations of Ski-In/Ski-Out. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Findings
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. Although some of the area underlying the proposed Ski-In/Ski-Out areas is currently designated in the 1988 Master Plan for parking and high density condominium development, most of the area will be changed from recreation to residential. [2002 Final EIR at 4-132]. The development of these areas would not significantly affect the overall availability of lands for dispersed recreation in the vicinity of Kirkwood, and the development would be compatible with other existing and proposed land uses at Kirkwood. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would further decrease the potential for the Project to adversely affect the zoning designations in the Ski-In/Ski-Out areas because both Alternative E and Revised Alternative E decrease the number of units developed in Ski-In/Ski-Out. Consequently, the impact on the zoning designations of Ski-In/Ski-Out is less than significant.

Relative to Alternative E, Revised Alternative E further reduces the area to be zoned Ski-In/Ski-Out. [Addendum at 5]. Because the impact is already less than significant, no additional mitigation is necessary or proposed.

#### **M. Effects Of Increased Housing And Development Within Kirkwood**

1. Potential Impact. The Project would have no significant land use impact related to increased housing and development within Kirkwood. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential land use impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. Compared to existing conditions, both the 1988 Master Plan and the Project provide for increased residential, commercial, and other developments at Kirkwood. [2002 Final EIR at 4-132]. These changes would result in more housing structures, residents, and commercial facilities than are currently present, and less undeveloped land. [2002 Final EIR at 4-132]. This would continue the trend of changing the Kirkwood area from a rural area to a developed resort environment. [2002 Final EIR at 4-132]. Although this may be considered adverse by some people, much of the trend toward resort development has already occurred. [2002 Final EIR at 4-132]. The development that would occur under the Draft Plan would not alter the overall land use of Kirkwood, is compatible with its purpose as a resort, and is consistent with all applicable land use plans. [2002 Final EIR at 4-132]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to result in adverse impacts as a result of increased housing and development because Alternative E decreases the number of single-family units by 23, decreases the number of multi-family units by 66, and decreases the population by 386 persons. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E has the same reductions in units and persons as Alternative E. [Addendum at 2]. Consequently, the increased housing and development impacts of implementing the Project are less than significant regardless of whether it is modified by Alternative E or Revised Alternative E. Because the impact is already less than significant, no additional mitigation is necessary or proposed.

## TRAFFIC AND CIRCULATION

### **N. Effects Of Kirkwood North Development on Traffic**

1. Potential Impact. The Project would not result in Kirkwood North development that would cause significant traffic impacts. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Mitigation Measure. Although the effect of the Kirkwood North development on traffic is less than significant, the Mitigated Project incorporates Mitigation Measure 4.7(e), which will further reduce any impact upon traffic and circulation. [2002 Final EIR at 4-143]. Mitigation Measure 4.7(e) provides that Caltrans design requirements shall be used to develop the final SR 88 intersection layout. [2002 Final EIR at 4-144].
3. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
  - b. Effect of Mitigation. Because the impact of implementing the Project is less than significant prior to mitigation, the Mitigation Measures do not affect the significance of the impacts.
  - c. Facts and Reasoning that Support Finding. The Project is unlikely to have any significant impact upon traffic as a result of the Kirkwood North Development. Trip generation was calculated from the ITE trip generation rates for recreational residences and commercial space. [2002 Final EIR at 4-134]. Year 2020 peak-hour traffic was calculated to be 219 trips. [2002 Final EIR at 4-142]. The overall LOS at the intersection of SR 88 and the Kirkwood North access road would be C for southbound traffic on the Kirkwood North access road, and A for SR 88 traffic. [2002 Final EIR at 4-142]. The LOS analysis assumed no separate turn lanes at the intersection. [2002 Final EIR at 4-142]. Because these LOS levels are at or above the significance level of "C," [2002 Final EIR at 4-134] the impact is less than significant. In addition, signs along SR 88 reduce the safety concern by warning drivers of horse and pedestrian traffic. [2002 Final EIR at 4-143]. Moreover, Mitigation Measure 4.7(e) further ensures that the impact of the Project's development north of SR 88 upon traffic is less than significant. [2002 Final EIR at 4-144]. Modification of the Specific Plan pursuant to Alternative E would further decrease the

potential for the Kirkwood North development to adversely impact traffic because Alternative E would remove eighteen single-family and twenty-eight multi-family units from Kirkwood North. [2002 Final EIR at 5-37]. Revised Alternative E does not change the population or the number of units in Kirkwood North, and, as a result, would not affect traffic. [Addendum at 5].

## NOISE

### **O. Impacts Of Traffic Noise and Ambient Noise**

1. Potential Impact. The Project would have no significant impact related to traffic noise and ambient noise. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Findings.
  - a. The potential impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. Although traffic is expected to increase on SR 88, Kirkwood Meadows Drive, and the associated intersection with or without the Project, this increase would result in a minor increase in noise levels. [2002 Final EIR at 4-165]. At buildout in 2020, the projected peak-hour skier generated vehicular trips would be less than double the current level. [2002 Final EIR at 4-166]. Conservatively doubling traffic by 2020, increased noise due to the increased traffic remains less than significant for even the nearest residential areas. [2002 Final EIR at 4-166]. In addition, for new development in proximity to SR 88, and for noise-sensitive developments, setback requirements will attenuate noise exposure. [2002 Final EIR at 4-166]. Where adequate setbacks do not reduce the exposure to noise, design techniques such as berms, barriers, and/or landscaping would be used to reduce indoor and outdoor noise exposure to acceptable levels. [2002 Final EIR at 4-166]. Sound walls along SR 88 would not be constructed due to potential visual impacts and the Scenic Highway/Byway status of SR 88. [2002 Final EIR at 4-166]. However, proper site planning and construction techniques, coupled with enforcement of speed limits, would aid in alleviating the incremental adverse impact to ambient noise levels that traffic produces. [2002 Final EIR at 4-166]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to increase traffic and ambient

noise because Alternative E would remove 23 single-family and 66 multi-family units. [2002 Final EIR at 5-37]. Revised Alternative E does not change the population and, as a result, would not affect traffic noise. [Addendum at 5]. However, because the impact is already less than significant, no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **P. Noise Impacts Associated With Snowmaking Activities**

1. Potential Impact. The snowmaking activities associated with the Project would not result in significant noise impacts. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would not affect the noise impacts of the snowmaking activities.
2. Mitigation Measure. Although the noise impact of snowmaking activities is less than significant, the Mitigated Project incorporates Mitigation Measure 4.9(b), which will further reduce any impact upon noise resources. [2002 Final EIR at 4-169]. Mitigation Measure 4.9(b) provides that KMR will implement the Snowmaking Noise Management Program, which was adopted when the snowmaking project was approved. [2002 Final EIR at 4-169]. This incorporates several features, including restrictions on the type of nozzle, shielding of nozzles, and acceptable time of operation. [2002 Final EIR at 4-169].
3. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential snowmaking noise impact is less than significant and does not require mitigation.
  - b. Effect of Mitigation. Because the Project's impact is less than significant prior to mitigation, the mitigation measures do not affect the significance of the impacts.
  - c. Facts and Reasoning that Support Finding. The Project is unlikely to have any significant impact upon noise as a result of snowmaking activities. The noise impacts associated with snowmaking have been previously evaluated pursuant to CEQA in an EIR (Simpson 1995d). [2002 Final EIR at 4-167]. Although the noise generated by snowmaking was assessed as potentially exceeding Alpine and Amador County noise standards, both outdoors and within some residential areas, the impacts were considered to be less than significant. [2002 Final EIR at 4-167]. The primary reasons, which are also relevant to the Specific Plan,

were that (1) the noise impacts are considered seasonal temporary (primarily during November and December if natural snow is not adequate to open the ski area); (2) most people affected by snowmaking noise in a ski resort setting are expected to be supportive of snowmaking since they will benefit from it; and (3) the noise levels would not have significant public health or safety impacts. [2002 Final EIR at 4-167]. A number of mitigation measures were recommended in the Final EIR in the Kirkwood Water Rights and Snowmaking Project (Simpson 1995d), including preparation and implementation of a Snowmaking Noise Management Program, which would be updated annually as needed to account for any substantial noise problems during the previous year's monitoring and input from homeowner's associations. [2002 Final EIR at 4-167].

The Specific Plan includes compliance with all of the mitigation measures included in the Snowmaking Final EIR and Addendum. [2002 Final EIR at 4-167]. In addition, noise from existing snowmaking operations is permitted by the counties as a seasonal and temporary exceedance (Alpine County), and as a use consistent with ski resort operation (Amador County). [2002 Final EIR at 4-167].

Modification of the Specific Plan pursuant to Alternative E would not affect the potential for the Project to increase the noise associated with snowmaking. [2002 Final EIR at 5-39]. For the purpose of noise associated with snowmaking, there is no difference in Alternative E and Revised Alternative E.

## **SOCIOECONOMICS**

### **Q. Population And Employment**

1. Potential Impact. The Project would have no population and employment impacts that are significant under CEQA. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential population and employment impacts are less than significant and do not require mitigation.

- b. Facts and Reasoning that Support Finding. The potential impacts are less than significant because effects analyzed under CEQA must be related to a physical change in the environment. [14 C.C.R. § 15064(e)]. Economic and social effects are not considered environmental effects under CEQA, and need only be considered in an EIR: (1) if they would lead to a physical change; or (2) they are indicators of the significance of a physical change. [14 C.C.R. § 15064(e)]. Any such environmental impacts are addressed under the Noise, Traffic and Circulation, and/or Public Services section of the 2002 Final EIR. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project to adversely affect population and employment because Alternative E would reduce the population by 386 persons. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reductions in population as Alternative E. [Addendum at 2]. Because impacts on population and employment are already less than significant for purposes of CEQA, no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E. In addition, growth inducement was analyzed in the EIR at pages 6-2 and 6-3 [2002 Final EIR], per 14 CCR Section 15126.2(d), and was determined to not be significant.

## HAZARDOUS MATERIALS

### **R. Explosives Storage**

1. Potential Impact. The Project would have no significant impact upon explosives storage. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would have no impact upon explosives storage.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact of explosives is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because the Project would have no impact on the risk associated with explosives stored for avalanche control. The increased trail acreage could necessitate additional avalanche control work, but the increase would not be substantial from what currently occurs at the ski area. [2002 Final EIR at 4-187]. The potential for accidents associated with explosives will be



minimized because access to the explosives would continue to be given only to individuals with training in the use of explosives and avalanche control. [2002 Final EIR at 4-187]. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would have no impact on the storage of explosives. Because the impact is already less than significant, no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## RECREATION

### **S. Effects Of Increased Construction And Traffic On Recreation**

1. Potential Impact. The Project would have no significant recreation impacts related to increased construction and traffic. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would not affect these impacts.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because, although construction could interfere temporarily with recreational activities, these interferences would likely exist as minor inconveniences such as impeded trailhead access. [2002 Final EIR at 4-196]. Moreover, the MMDP projects are primarily winter-oriented, and the majority of construction would occur during the off-season. [2002 Final EIR at 4-196]. Traffic on Kirkwood Meadows Drive does not interfere with recreational activities, and the increase in traffic on the paved roads within Kirkwood would not impact existing or future recreational opportunities. [2002 Final EIR at 4-196]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely affect recreation because Alternative E would remove 23 single-family and 66 multi-family units from the Project thereby reducing construction impacts. [2002 Final EIR at 5-37]. Moreover, Alternative E would increase the recreational opportunities in Kirkwood North by converting residential areas to open space. [2002 Final EIR at 5-39]. Revised Alternative E contains the same reductions in units and additionally increases the amount of open space over that in Alternative E. [Addendum at 3].

Because the impact is already less than significant, no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## **PUBLIC SERVICES**

### **T. Impacts on Family Services**

1. Potential Impact. The Project would have no significant impacts on family services. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Findings
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because the Project will not change the availability of family services such as social services, family counseling, and shelters. [2002 Final EIR at 4-208]. Persons desiring such assistance would still be required, as they currently are, to travel outside the Kirkwood area to communities such as Markleeville or South Tahoe. [2002 Final EIR at 4-208]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely affect family services because Alternative E would reduce the population by 386 persons, thereby reducing the demand for services. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. Because the impact is already less than significant, no additional mitigation is necessary or proposed.

### **U. Impacts On Parks And Recreation**

1. Potential Impact. The Project would have no significant impacts on parks and recreation. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would reduce these impacts.

2. Findings.

- a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
- b. Facts and Reasoning that Support Finding. The potential impact is less than significant because the Project would add more recreational facilities for use by Kirkwood residents and guests. [2002 Final EIR at 4-209]. These facilities would include swimming pools, hot tubs, an ice skating rink, and possibly a community/gymnasium/convention facility. [2002 Final EIR at 4-209]. To minimize impacts on recreation opportunities, new facilities should be located in areas that would not interfere with existing recreational opportunities, where possible. [2002 Final EIR at 4-209]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely affect parks and recreation because Alternative E would convert some of the residential development in Kirkwood North to open space, thereby increasing the availability of recreational resources. [2002 Final EIR at 5-39]. Revised Alternative E would further decrease the potential for the Project's implementation to adversely affect parks and recreation because Revised Alternative E increases the amount of open space over Alternative E. [Addendum at 4]. Because the impact is already less than significant, no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

**V. Impacts on Snow Removal**

1. Potential Impact. The Project would have no significant impacts on snow removal. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would further decrease the potential for these impacts.
2. Findings
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential snow removal impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because future snow removal for the proposed development meets the projected need. [2002 Final EIR at 4-209]. Modification of the Specific Plan pursuant to Alternative E would

not affect the impact upon snow removal. [2002 Final EIR at 5-9, 5-37]. For the purposes of snow removal, there is no difference between Alternative E and Revised Alternative E. Because the snow removal impact is already less than significant, no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## **W. Impacts on Telecommunications**

1. Potential Impact. The Project would have no significant impacts on telecommunications. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
2. Findings
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential telecommunications impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because Volcano Telephone has the capability and desire to serve Kirkwood as it continues to develop. [2002 Final EIR at 4-209]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely impact telecommunications because Alternative E reduces the population by 386 persons, thereby decreasing the demand for telecommunications services. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reductions in population as Alternative E. [Addendum at 2]. Because the impact is already less than significant, no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## **UTILITIES AND INFRASTRUCTURE**

### **X. Impacts on Water Supply**

1. Potential Impact. The Project would not result in a significant impact on water supply. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.

2. Mitigation Measure. Although the Project will result in a less than significant impact on water supply, the Mitigated Project incorporates Mitigation Measures 4.14(b), 4.14(c), and 4.14(d), which provide for the monitoring of water supply output [2002 Final EIR at 4-222], the implementation of best available technologies for water conservation [2002 Final EIR at 4-222], and a threshold at which KMPUD must connect a new well to the water supply system [2002 Final EIR at 4-222].
3. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential water supply impact is less than significant and does not require mitigation.
  - b. Effect of Mitigation. Because the Project's water supply impact is less than significant prior to mitigation, the mitigation measures do not affect the significance of the impacts.
  - c. Facts and Reasoning that Support Finding. The Project is unlikely to have any significant impact upon water supply. Adequate sustainable water supplies are presently available within the upstream watershed and Kirkwood Meadow aquifers from normal year snowmelt and runoff. [2002 Final EIR at 4-45, 4-214]. Temporary shortages, insignificant streamflow reduction, or small amounts of groundwater drawdown could occur during extended periods of drought. However, the estimated capacity of the underlying aquifer (1,100 acre feet), the simulated runoff from Kirkwood Creek during normal and drought years (5,665 and 1,869 acre-feet respectively), and the anticipated recharge rates within Kirkwood Valley are projected to be adequate to meet the predicted demands associated with the Project during any single year or recorded historical sequence of years. [2002 Final EIR at 4-45]. Considering the amount of pumping capacity and emergency storage KMPUD has available, and assuming that Well 2 is returned to service as expected, the existing supplies will be capable of sustaining 100% of Kirkwood's ultimate buildout demand. [2002 Final EIR at 4-45]. If needed, future wells would be constructed as growth occurs in general conformance with the following KMPUD policy: a new well would be connected to the system when the maximum daily demand exceeds the available supplies with the largest well out of service, such that emergency storage reserves would be depleted in 7 days of demands continued at the maximum rate. [2002 Final EIR at 4-219]. Moreover, Mitigation Measures 4.14(b), 4.14(c), and 4.14(d) further ensure that the impact to the water supply is less than significant. Modification of the Specific Plan pursuant to Alternative E would

further decrease the potential for the Project's implementation to adversely impact water supply because Alternative E reduces the population by 386 persons, thereby decreasing the demand for water supply. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

## **Y. Impacts on Solid Waste**

1. Potential Impact. The Project would have no significant impacts on solid waste. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
2. Findings
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential solid waste impact is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because the landfill currently used in Sacramento County has adequate capacity to receive the increased solid waste produced by the Project. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely impact solid waste because Alternative E reduces the population by 386 persons, thereby decreasing the impacts on solid waste. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. Because the impact is already less than significant no additional mitigation is necessary or proposed regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.
  - c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified by Alternative E or Revised Alternative E.

## **Z. Irreversible Environmental Changes**

1. Potential Impacts. The Project will not contribute to significant irreversible environmental changes. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would further decrease the potential for such impacts.

2. Findings

- a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact is less than significant and does not require mitigation.
- b. Facts and Reasoning That Support The Finding. The Project will not contribute to significant irreversible environmental changes because the Project continues the 1988 Master Plan's commitment of the area as a ski resort. Moreover, the Project reduces commitments of environmental resources (water, soil, viewsheds, wetlands, aquatic resources) as compared to the commitments established by the 1988 Master Plan that is currently in effect. [2002 Final EIR at 5-26 to 5-29]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to result in irreversible environmental impacts because Alternative E reduces the population by 386 persons, decreases the single-family units by 23, decreases the multi-family units by 66 and decreases the construction area disturbed by 7.1 acres. [2002 Final EIR at 5-9]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E contains the same reductions in units as Alternative E, and further reduces the amount of land disturbed by construction beyond the reduction achieved under Alternative E while allowing two significant wetland features to remain as important hydrological features. [Addendum at 4].
- c. Any remaining impacts to irreversible environmental changes will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

**VI. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

The following findings are made with respect to potentially significant environmental effects analyzed in the 2002 Final EIR.

The 2002 Final EIR identified the following potentially significant impacts on the environment that are deemed to have less-than-significant impacts after the application of appropriate Mitigation Measures (Mitigated Project). These impacts are:

- Soil Disturbance and Erosion;
- Decreased Soil Productivity;

- Seismic Hazards;
- Rockfall and Unstable Slopes;
- Ground Settlement;
- Avalanches;
- Increased Surface Runoff Volumes And Erosion;
- Groundwater Contamination From Poor Quality Groundwater Seepage;
- Leakage or Spillage Of Untreated Wastewater;
- Groundwater Contamination From The Routine Discharge Of Treated Wastewater;
- Contamination From Treated Effluent Inadvertently Exceeding The Intended And Assimilable Waste Loads Discharged To Surface And Groundwaters;
- Contamination From Non-Point Source Emissions In Storm Water Runoff From Impervious And Disturbed Areas;
- Water Quality Degradation From Erosion And Sedimentation Resulting From Increased Flooding Or Increased Surface Runoff Velocities;
- Contamination Resulting From Excessive Treated Effluent Volumes;
- Kirkwood Creek Short-Term Sedimentation Impacts;
- Kirkwood Creek Long-Term Sedimentation Impacts;
- Kirkwood Creek Contamination Impacts;
- Potential Direct Impact To Waters Of The United States, Including Wetlands;
- Potential Indirect Impact To Waters Of The United States, Particularly Streams, From Decreased Water Quality Due To Sedimentation Associated With Disturbance In Upland;
- Direct And Indirect Impacts To The Vegetation Communities Due To Construction;



- Direct And Indirect Impacts To The Threatened, Endangered, And Special-Status Plants Due To Construction;
- Increase In Particulate Matter Emissions;
- Regional Haze;
- Effects Of Increased Traffic Volumes On SR 88/Kirkwood Meadows Drive;
- Adequacy Of Parking;
- Light And Glare;
- Construction Noise And Structures;
- Housing;
- Fuel Storage and Use;
- Police/Sheriff Protection;
- Fire Protection;
- Medical Services;
- School And Child Care;
- Energy; and
- Wastewater Treatment.

The Amador County Board of Supervisors finds as a responsible agency, pursuant to the Public Resources Code § 21081 and §§ 15091-15093 and 15096 of the CEQA Guidelines, that feasible changes or alterations have been required in or incorporated into the proposed project that avoid or substantially lessen the potentially significant impacts discussed in this Section VI and as identified in the EIR, to levels below the thresholds of significance identified in the EIR, regardless of whether the Mitigated Project is modified pursuant to Alternative E or Revised Alternative E. In the case of some of these impacts, some of the changes or alterations that avoid or lessen the potentially significant impacts to levels below the thresholds of significance identified in the EIR are within the responsibility and jurisdiction of another public agency and not Amador County. [14 C.C.R. § 15091(a)(2)]. In those circumstances, Amador County concludes that such changes either have been adopted by such other agency or can and should be adopted by such other agency. [14 C.C.R. § 15091(a)(2)].

## GEOLOGY, SOILS, AND GEOLOGIC HAZARDS

### **A. Soil Disturbance and Erosion**

1. Potential Impacts. The Project would result in significant impacts in soil disturbance and erosion. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures to minimize soil disturbance and erosion. Specifically, the Mitigated Project incorporates the following Mitigation Measures: 4.1(a), 4.1(b), 4.1(c), 4.1(d), 4.1(e), 4.1(f), 4.1(g), and 4.1(h), which ensure compliance with the Kirkwood erosion control ordinance [2002 Final EIR at 4-27 to 4-28], as well as 4.1(i), 4.1(j), 4.1(k), 4.1(l), 4.1(m) 4.1(mm) [2002 Final EIR at 4-28]. These mitigation measures provide for the avoidance and mitigation of erosion and sedimentation during construction [2002 Final EIR at 4-28].
3. Findings
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's potential impact on soil disturbance and erosion is less than significant.
  - b. Facts and Reasoning that Support Finding. Although the Project could result in soil disturbance and erosion, Mitigation Measures 4.1(a), 4.1(b), 4.1(c), 4.1(d), 4.1(e), 4.1(f), 4.1(g), 4.1(h), 4.1(i), 4.1(j), 4.1(k), 4.1(m), and 4.1(mm) minimize the impacts to soil disturbance, and provide that disturbed areas will be restored with stockpiled topsoil placed over subsoil fill [2002 Final EIR at 4-27 to 4-28]. Modification of the Specific Plan pursuant to Alternative E would further decrease the Project's impacts upon soil disturbance and erosion because Alternative E decreases the construction area disturbed by 7.1 acres [2002 Final EIR at 5-37]. In addition, Alternative E decreases the impacts to soil disturbance and erosion associated with human traffic by decreasing the population by 386 persons [2002 Final EIR at 5-9]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E contains the same reduction in population as Alternative E, and further reduces the amount of land disturbed by construction beyond the reduction achieved under Alternative E. Specifically, Revised Alternative E: (1) does not allow building on an additional approximately 18.9 acres within the Ski-In/Ski-Out areas; and (2) allows roadways to

be sited to take advantage of existing mountain maintenance trails and disturbed areas. [Addendum at 3].

- c. Mitigation 4.1(l) is within the responsibility and jurisdiction of KMPUD and KMPUD can and should adopt that mitigation measure.
- d. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## **B. Decreased Soil Productivity**

1. Potential Impacts. The Project would result in significant impacts of decreased soil productivity. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures to minimize any elements that might decrease soil productivity. Specifically, the Mitigated Project incorporates the following Mitigation Measures: 4.1(a), 4.1(b), 4.1(c), 4.1(d), 4.1(e), 4.1(f), 4.1(g), and 4.1(h), which ensure compliance with the Kirkwood erosion control ordinance [2002 Final EIR at 4-27 to 4-28], as well as 4.1(i), 4.1(j), 4.1(k), 4.1(l), 4.1(m), 4.1(mm), 4.1(n), 4.1(o), 4.1(p), and 4.1(q) [2002 Final EIR at 4-28 to 4-29]. These measures provide for the avoidance and mitigation of erosion and sedimentation during construction, using, for example, water bars, mulch, sediment basins, limiting soil disturbance areas and compacting similar to native soils.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's potential impact on decreased soil productivity is less than significant.
  - b. Facts and Reasoning that Support Finding. Soil productivity is highly dependent on soil stabilization. [2002 Final EIR at 4-28]. As a result, although the Project could result in some decreased soil productivity, Mitigation Measures 4.1(a), 4.1(b), 4.1(c), 4.1(d), 4.1(e), 4.1(f), 4.1(g), 4.1(h), 4.1(i), 4.1(j), 4.1(k), 4.1(m), 4.1(mm), 4.1(n), 4.1(o), 4.1(p), and 4.1(q), will minimize soil destabilization and therefore will minimize impacts to soil productivity to a less than significant level. [2002 Final EIR at 4-28]. Modification of the Specific Plan pursuant to Alternative E would further decrease

the potential for adverse impacts on soil productivity because Alternative E decreases the total construction area disturbed by 7.1 acres. [2002 Final EIR at 5-37] Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 4]. In addition, Alternative E decreases the impacts to soil productivity associated with population by decreasing the population by 386 persons. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E.

- c. Mitigation 4.1(l) is within the responsibility and jurisdiction of KMPUD and KMPUD can and should adopt that mitigation measure.
- d. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

### C. Seismic Hazards

- 1. Potential Impacts. The Project could result in significant impacts upon seismic hazards. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
- 2. Mitigation Measure. The Mitigated Project will incorporate mitigation measures to minimize seismic hazards. The Mitigated Project incorporates Mitigation Measures 4.1(s), 4.1(t), and 4.1(u) to ensure that the design and engineering of structures will minimize the structural effects of rockfall and avalanche. [2002 Final EIR at 4-29]. By increasing soil stability, these measures will also mitigate the seismic impacts.
- 3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's potential impact on seismic hazards is less than significant.
  - b. Facts and Reasoning that Support Finding. Although the Project's implementation could result in some seismic hazards, Mitigation Measures 4.1(s), 4.1(t), and 4.1(u) ensure that the seismic risk of sites will be identified, and that structures will be constructed to the appropriate standards relative to seismic risk, thereby minimizing structural effects to a less than significant level. [2002

EIR at 4-29 to 4-30]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to impact seismic hazards because Alternative E decreases the construction area disturbed by 7.1 acres. [2002 Final EIR at 5-37]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land disturbed by construction beyond the reduction achieved under Alternative E and relocates future development so that no residences are within an avalanche zone of any designation. [Addendum at 4].

- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **D. Rockfall and Unstable Slopes**

1. Potential Impacts. The Project may result in significant impacts upon rockfall and unstable slopes. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may decrease these impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.1(v), 4.1(w), and 4(x), which provide for the removal of loose rocks, the stabilization of slopes, and the certification of slope stability by a professional engineer.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's potential impact upon rockfall and unstable slopes is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation measures 4.1(v), 4.1(w), and 4.1(x) ensure that loose sediments and boulders will be removed or contained during excavation, and that a professional engineer or geologist will certify that the slopes associated with excavation are sufficiently stable. [2002 Final EIR at 4-29 to 4-30]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to impact rockfall and unstable slopes because Alternative E decreases the total change in construction area disturbed by 7.1 acres. [2002 Final EIR at 5-37]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E: (1) reduces the amount of land disturbed by construction beyond the reduction

achieved under Alternative E; and (2) relocates future development so that no residences are within an avalanche zone of any designation. [Addendum at 3-4].

- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## **E. Ground Settlement**

1. Potential Impacts. The Project may result in significant impacts upon ground settlement. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.1(y), 4.1(z), 4.1(aa), and 4.1(ab), which provide for the evaluation of the risk of ground settling, the removal of susceptible soils, and the incorporation of accepted engineering controls to minimize effects on structures. [2002 Final EIR at 4-29 to 4-30].
3. Findings
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified by Alternative E or Revised Alternative E, the potential impact of the Mitigated Project upon ground settlement is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation measures 4.1(y), 4.1(z), 4.1(aa), and 4.1(ab) ensure that ground with a high risk of settlement will be identified, susceptible soils will be removed, and appropriate engineering controls and design modifications will be made, or the site will be avoided. [2002 Final EIR at 4-30]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to impact ground settlement because Alternative E decreases the total change in construction area disturbed by 7.1 acres. [2002 Final EIR at 5-37]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3].
  - c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## F. Avalanches

1. Potential Impacts. The Project may result in significant impacts associated with avalanches. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.1(ac), 4.1(ad), 4.1(ae), and 4.1(af), which avoid development that concentrates human activity in areas designated as high hazard and, in zones of moderate hazard, incorporate (1) direct protection structures, (2) deflecting structures, (3) retarding mounds, or (4) catchment dams; continue the current avalanche forecasting and control program; and in mapped avalanche hazard zones display signs identifying the potential for this hazard. [2002 Final EIR at 4-30].
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact of implementing the Mitigated Project upon avalanches is less than significant.
  - b. Facts and Reasoning that Support Finding. The 2002 EIR conservatively identifies the Project's impact on avalanches as significant because of the high degree of uncertainty associated with specifying the behavior, impact pressures, flow path directions, and exact stopping positions of avalanche flows. [2002 Final EIR at 4-27]. Mitigation Measures 4.1(ac), 4.1(ad), 4.1(ae), and 4.1(af) ensure that areas with high risk of avalanche activity will be avoided, construction of structures within zones of moderate avalanche hazard will incorporate design elements to prevent damage from avalanches, avalanche hazards will be avoided by forecasting and control programs, and properties adjacent to avalanche hazard zones will provide notice of such. [2002 Final EIR at 4-30]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to result in impacts associated with avalanches because Alternative E decreases the number of single-family units by 23, decreases the number of multi-family units by 66, and decreases the population by 386 persons. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reductions in units and population as Alternative E, and further decreases the potential for the Project's impact by relocating future development so that no residences are within an avalanche zone of any designation. [Addendum at 4].

- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## WATER RESOURCES

### **G. Increased Surface Runoff Volumes, Velocities, Flooding and Erosion**

1. Potential Impacts. The Project may result in significant impacts of increased surface runoff volumes, velocities, flooding and erosion. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.2(a), 4.2(b), 4.2(c), 4.2(d), and 4.2(dd), which provide for the avoidance of and mitigation of activities contributing to runoff, erosion, and sedimentation. [2002 Final EIR at 4-52].
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impacts upon increased surface runoff volumes, velocities, flooding, and erosion, are less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.2(a), 4.2(b), 4.2(c), 4.2(d), and 4.2(dd) ensure that the extent, frequency, and duration of flooding and erosion due to potential increases in surface runoff velocities and flows caused by new structures and increases in the areal extent of impervious and disturbed areas will be less than significant, via, for example, use of detention basins, swales, vegetation, gravel, grazing management, and preserving floodplains. [2002 Final EIR at 4-42, 4-52]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to result in increased surface runoff volumes, velocities, flooding and erosion, because Alternative E decreases the total change in construction area disturbed by 7.1 acres. [2002 Final EIR at 5-37] Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3]. In addition, Alternative E decreases the erosion associated with human traffic by decreasing the population by 386 persons. [2002 Final EIR at 5-9]. Revised



Alternative E contains the same reduction in population as Alternative E.

- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **H. Groundwater Contamination From Poor Quality Groundwater Seepage**

1. Potential Impacts. The Project may result in significant impacts of groundwater contamination from poor quality groundwater seepage. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may decrease the potential for these impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measure 4.2(1), which provides for the use of sealed well casings and other wellhead protection measures to preclude any movement of poor quality groundwater (and surface water) into pumped aquifers. [2002 Final EIR at 4-53].
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential Mitigated Project's impact upon groundwater quality as a result of seepage is less than significant after mitigation.
  - b. Facts and Reasoning that Support Finding. Poor quality groundwater may be contained in the joints of ancient granitic rock formations lying adjacent to, or beneath, the high quality waters contained in the Kirkwood Valley Aquifer. [2002 Final EIR at 4-50]. The high quality aquifer is the source of groundwater accretions to Kirkwood Creek and interconnecting surface streams and springs. [2002 Final EIR at 4-50]. Impacts could potentially occur if the drilling of new wells caused water to flow from the older formations to the younger shallow aquifers, which are utilized for water supply. [2002 Final EIR at 4-50]. These effects could potentially degrade future sources of water supply for Kirkwood and downstream water users. [2002 Final EIR at 4-50]. The Project does not propose the drilling of new wells. Moreover, even if new wells were drilled, this potential impact would be avoided if future water supply wells were placed high on the west side of valley. [2002 Final EIR at 4-50]. Mitigation measure 4.2(1) ensures that the poor quality groundwater (and surface water) will not seep into aquifers, thereby ensuring that the Mitigated Project's impacts upon groundwater contamination as a

result of seepage is less than significant. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to result in groundwater contamination resulting from the seepage of poor quality groundwater, because Alternative E decreases the population by 386 persons, thereby decreasing the demand for groundwater. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **I. Leakage or Spillage of Untreated Wastewater**

1. Potential Impacts. Although unlikely, the Project may result in significant impacts due to the leakage and/or accidental spillage of untreated wastewater that could contaminate surface or subsurface water supplies, thereby resulting in a significant impact. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for these impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.2(m), 4.2(n), and 4.2(o), which provide for the installation of sewage spill catch basins at vulnerable locations located outside the flood plain, proven engineering design and construction features at flood-prone locations, particularly stream crossings, and the installation of backup pump systems, auxiliary power sources, and system failure alarms. [2002 Final EIR at 4-53].
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential impact of the Mitigated Project upon the leakage or spillage of untreated wastewater is less than significant after mitigation.
  - b. Facts and Reasoning that Support Finding. Mitigation measures 4.2(m), 4.2(n), and 4.2(o) will minimize the risk of any leakage or spillage of untreated wastewater, and provide for the installation of backup systems, thereby ensuring that the Mitigated Project's impacts upon leakage or spillage are less than significant. [2002 Final EIR at 4-50, 4-53]. These measures are within the responsibility and jurisdiction of KMPUD, rather than Amador County, KMPUD can and should be adopt these measures. [14

C.C.R. § 15091(a)(2)]. Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to result in leakage or spillage of untreated wastewater, because Alternative E decreases the population by 386 persons, thereby decreasing the wastewater load. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **J. Groundwater Contamination from the Routine Discharge of Treated Wastewater**

1. Potential Impacts. Although unlikely, the Project may result in significant impacts in the contamination of groundwater from the routine discharge of treated wastewater, thereby resulting in a significant impact. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such contamination.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.2(p), 4.2(q), 4.2(r), 4.2(s), 4.2(t), and 4.2(u). [2002 Final EIR at 4-53 to 4-54]. These measures provide for the avoidance of infiltration areas underlain by impermeable or poorly permeable soils, for the connection of pressure transducers to the existing absorption bed monitoring system in selected monitoring wells to monitor the projected increases in groundwater surface elevations, for the prevention of excessive infiltration of sewage collection and disposal systems by storm water, the policing and eradication of unauthorized discharges to the sewer system, the expansion of the wastewater absorption beds and the construction of new absorption beds in suitable areas, and the utilization of low flow water conserving plumbing fixtures wherever possible. [2002 Final EIR at 4-53 to 4-54]. In addition, more rapid rotation of the discharge to alternate beds and/or abandonment of individual absorption beds that may cause problems is required, if monitoring results indicate potential surfacing or near-surfacing effluent. [2002 Final EIR at 4-53 to 4-54].
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact upon the contamination of groundwater as a result of the routine discharge of treated wastewater is less than significant.

- b. Facts and Reasoning that Support Finding. Although the Project proposes *indirect* discharge, the discharged effluent will be conservatively designed to meet the more stringent *direct* discharge requirements. [2002 Final EIR at 4-48]. The Project plans that the effluent be treated to meet surface discharge criteria, and be followed by indirect discharge to the absorption beds for infiltration through the media and underlying soils to the underlying shallow aquifer. [2002 Final EIR at 4-48].

In addition, even if the discharge was not sufficiently treated, it is unlikely that the discharge would reach the water supply wells. Based on monitoring data and modeling results, Culp/Wesner/Culp (1984) concluded that chemical constituents of wastewater origin would not collect and/or reach high concentrations at any point in the aquifer, especially because of the bedrock slope with reference to the locations of the points of wastewater disposal and the water supply wells. [2002 Final EIR at 4-47]. All of the water supply wells (except for the emergency backup well, Well 1) are located up-gradient from the proposed infiltration beds and leach lines, and/or the path of subsurface flows leading away from them. [2002 Final EIR at 4-47].

Moreover, Mitigation Measures 4.2(p), 4.2(q), 4.2(r), 4.2(s), 4.2(t), and 4.2(u) will further minimize the risk of contamination of groundwater as a result of the routine discharge of treated wastewater, thereby ensuring that the Mitigated Project's impacts upon such contamination is less than significant. [2002 Final EIR at 4-53 to 4-54].

Mitigation Measures 4.2(r), (s), and (u) are required of the project by Amador County, as those measures are within the concurrent jurisdiction of Amador County and the KMPUD. Mitigation Measure 4.2(p), 4.2(q), and 4.2(t) are within the responsibility and jurisdiction of KMPUD, rather than Amador County, which can and should adopt these measures. [14 C.C.R. § 15091(a)(2)].

Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to result in the contamination of groundwater from the routine discharge of treated wastewater, because Alternative E decreases the population by 386 persons, thereby decreasing the demand for groundwater and the generation of wastewater. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

**K. Contamination from Treated Effluent Inadvertently Exceeding the Intended and Assimilable Waste Loads Discharged to Surface and Groundwaters**

1. Potential Impacts. Although unlikely, the Project may result in significant impacts of the contamination by treated effluent that inadvertently exceeds the intended and assimilable waste loads discharged to surface and groundwaters, thereby resulting in a significant impact. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such contamination.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.2(p), 4.2(q), 4.2(r), 4.2(s), 4.2(t), and 4.2(u). [2002 Final EIR at 4-53 to 4-54]. These measures provide for the avoidance of infiltration areas underlain by impermeable or poorly permeable soils, the prevention of excessive infiltration of sewage collection and disposal systems by storm water, the policing and eradication of unauthorized discharges to the sewer system, the expansion of the wastewater absorption beds and the construction of new absorption beds in suitable areas, the utilization of low flow water conserving plumbing fixtures wherever possible, and the connection of pressure transducers to the existing absorption bed monitoring system in selected monitoring wells to monitor the projected increases in groundwater surface elevations. [2002 Final EIR at 4-53 to 4-54]. In addition, avoidance actions such as more rapid rotation of the discharge to alternate beds and/or abandonment of individual beds that may cause problems, if monitoring results indicate potential surfacing or near-surfacing effluent is required. [2002 Final EIR at 4-53 to 4-54].
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the potential impact of implementing the Mitigated Project upon water contamination resulting from treated effluent inadvertently exceeding the intended and assimilable waste loads discharged to surface and groundwaters is less than significant after mitigation.
  - b. Facts and Reasoning that Support Finding. Mitigation measures 4.2(p), 4.2(q), 4.2(r), 4.2(s), 4.2(t), and 4.2(u) will minimize the risk of contamination of groundwater resulting from treated effluent inadvertently exceeding the intended and assimilable waste loads discharged to surface and groundwaters, thereby ensuring that the Mitigated Project's impacts upon surface and

groundwater due to such contamination is less than significant. [2002 Final EIR at 4-49, 4-50, and 4-54]. The Mitigated Project is required by Amador County to comply with Mitigation Measures 4.2(r), (s) and (u), as such measures are within the concurrent jurisdiction of Amador County and the KMPUD. Mitigation Measures 4.2(p), 4.2(q), and 4.2(t) are within the responsibility and jurisdiction of KMPUD, rather than Amador County, which can and should adopt these measures. [14 C.C.R. § 15091(a)(2)]. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to result in water contamination by treated effluent that inadvertently exceeds the intended and assimilable waste loads discharged to surface and groundwaters, because Alternative E decreases the population by 386 persons, thereby decreasing the generation of wastewater and the demand for groundwater. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

#### **L. Contamination From Non-Point Source Emissions In Storm Water Runoff From Impervious And Disturbed Areas**

1. Potential Impacts. The Project may cause significant impacts of contamination from non-point source emissions in storm water runoff from impervious and disturbed areas, thereby resulting in a significant impact. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such contamination.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.2(v), 4.2(w), 4.2(x), and 4.2(y). [2002 Final EIR at 4-54]. These measures provide for street sweeping twice a year, the development of drainage systems for parking lots that collect runoff from impermeable surfaces and channel it to settling basins or through drainage filter strips, grassy swales, sand traps, or alternative sediment control features, minimization of salting and/or sanding of parking lots or other impervious surfaces within 100 feet of the floodplain, and adherence to KMR's landscape and revegetation guidelines (KMR 1998) to limit the use of traditional manicured lawns in landscaping; to limit fertilizer use to direct application to plants installed during revegetation efforts; and to limit the use of herbicides, pesticides, and fungicides by individual property owners to direct applications to control exotic species. [2002 Final EIR at 4-54.]

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the potential impact of implementing the Mitigated Project upon contamination from non-point source emissions in storm water runoff from impervious and disturbed areas is less than significant after mitigation.
- b. Facts and Reasoning that Support Findings. By conducting street sweeping when build up of loose materials occurs, by developing drainage systems for parking lots, and by limiting the use of fertilizers, herbicides, pesticides, salt, and sand, the Mitigated Project will ensure that contamination from non-point source emissions in storm water runoff will be less than significant. [2002 Final EIR at 4-50, 4-54]. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to result in contamination from non-point source emissions in storm water runoff from impervious and disturbed areas, because Alternative E decreases the population by 386 persons, thereby decreasing the generation of fertilizers, herbicides, pesticides and other contaminants. [2002 Final EIR at 5-9]. In addition, Alternative E decreases the total construction area disturbed by 7.1 acres thereby reducing runoff. [2002 Final EIR at 5-37]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3].
- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

**M. Water Quality Degradation From Erosion And Sedimentation Resulting From Increased Flooding or Increased Surface Runoff Velocities**

1. Potential Impacts. The Project may have a significant impact on water quality as a result of erosion and sedimentation resulting from increased flooding or increased surface runoff velocities, thereby resulting in a significant impact. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts on water quality.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.2(z), which combines 4.1(a), 4.2(a), and 4.2(b) as well as

implementation of surface and channel erosion control measures such as rock placement, bank stabilization, geotextiles, sedimentation basins and traps, porous barriers (e.g., hay bales) and earthen benches, and will also incorporate Mitigation Measure 4.2 (aa). [2002 Final EIR at 4-54]. These measures require compliance with the Kirkwood erosion control ordinance, implementation of grading measures to retard and reduce runoff (e.g., minimize slopes, construct detention basins, and design swales to diffuse runoff and absorb excessive energy) and the use of geotextiles, rock, gravel, and other surface treatments to retard and absorb runoff. [2002 Final EIR at 4-54]. In addition, monitoring for total suspended solids in Kirkwood Creek will ensure that construction activities are monitored so as to implement necessary sediment prevention measures. [2002 Final EIR at 4-54].

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the potential impact of the Mitigated Project's implementation upon water quality as a result of erosion and sedimentation resulting from increased flooding or increased surface runoff velocities is less than significant.
- b. Facts and Reasoning that Support Finding. Mitigation measures 4.2(z), 4.1(a), 4.2(a), 4.2(b), and 4.2(aa) ensure that the extent, frequency, and duration of flooding and erosion due to potential increases in surface runoff velocities and flows caused by new structures and increases in the areal extent of impervious and disturbed areas, and consequently the impacts of flooding and erosion upon water quality, will be less than significant. [2002 Final EIR at 4-51, 4-54]. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely impact water quality as a result of erosion and sedimentation resulting from increased flooding or increased surface runoff velocities, because Alternative E decreases the total construction area disturbed by 7.1 acres thereby reducing runoff. [2002 Final EIR at 5-37]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3].
- c. Mitigation Measure 4.2(aa) is within the responsibility and jurisdiction of KMPUD rather than Amador County, and the KMPUD can and should adopt that measure.



- d. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

#### **N. Contamination Resulting From Excessive Treated Effluent Volumes**

1. Potential Impacts. The Project may have significant impact on water quality as the result of contamination from excessive treated effluent volumes. Modification of the Project pursuant to Alternative E or Revised Alternative E may decrease such impacts on water quality.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.2(ab), 4.2(ac), and 4.2 (ad). [2002 Final EIR at 4-54]. These mitigation measures provide wastewater storage or hauling in case of emergency situations, additional nitrate removal and implementation of grading measures to reduce runoff. [2002 Final EIR at 4-54]. In addition, the measures require the use of surface treatments to retard and absorb runoff, compliance with the Kirkwood erosion control ordinance, implementation of the grazing management practices outlined in the grazing plan, and the avoidance of creating future flow barriers in streams and gullies. [2002 Final EIR at 4-54]. The measures also provide that KMPUD will monitor for total suspended solids in Kirkwood Creek so as to implement necessary sediment prevention measures. [2002 Final EIR at 4-54]. Finally, the measures require the development of drainage systems for parking lots to channel runoff to settling basins.
3. Findings.
  - a. Effect of Mitigation. The potential impact of the Mitigated Project upon water quality as a result of contamination resulting from excessive treated effluent volumes is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation measures 4.2(ab), 4.2(ac), and 4.2(ad) ensure that adequate wastewater storage will be available in case of emergency situations, that nitrates will be adequately removed, and that non-point source and erosion will be limited, such that the Mitigated Project's impacts upon water quality as a result of contamination resulting from excessive treated effluent volumes is less than significant. Mitigation Measures 4.2(ab) and 4.2(ac) are within the responsibility and jurisdiction of KMPUD, rather than Amador County, therefore KMPUD can and should be adopt these measures. [14 C.C.R. § 15091(a)(2)]. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely impact water quality as a result of contamination resulting from excessive treated effluent

volumes, because Alternative E decreases the population by 386 persons, thereby reducing the amount of effluent. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## **BIOLOGICAL RESOURCES**

### **O. Short-Term Sedimentation Impacts Upon Aquatic Resources In Kirkwood Creek**

1. Potential Impacts. The Project may affect aquatic resources in Kirkwood Creek as a result of short-term sedimentation impacts. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.3.1(a), 4.3.1(b), and 4.3.1(c). [2002 Final EIR at 4-62]. These mitigation measures provide for the implementation of grading measures to reduce runoff, the use of surface treatments to retard and absorb runoff, compliance with the Kirkwood erosion control ordinance, and the avoidance of future flow barriers in streams and gullies. [2002 Final EIR at 4-62]. In addition, the measures provide for the implementation of grazing management practices outlined in the grazing plan, the development of drainage systems for parking lots to channel runoff to settling basins, the limitation of manicured lawns as well as fertilizer, herbicide, pesticide, and fungicide use, and the minimization of salting within 100 feet of the flood plain. [2002 Final EIR at 4-62]. The measures also limit the use of heavy construction equipment within the Kirkwood Creek floodplain or stream channel and provide that sediment control structures will remain in place until vegetation has been established. [2002 Final EIR at 4-62]. Finally, the measures provide for the installation of low-slope permeable swales and porous dams to retard and capture runoff from permeable surfaces and provide that KMPUD will monitor for total suspended solids in Kirkwood Creek so as to implement necessary sediment prevention measures. [2002 Final EIR at 4-62].
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the

Mitigated Project's short-term sedimentation impact upon aquatic resources in Kirkwood Creek is less than significant.

- b. Facts and Reasoning that Support Finding. Mitigation measures 4.3.1(a), 4.3.1(b), and 4.3.1(c) ensure that erosion and surface drainage entering into Kirkwood Creek will be minimized, and therefore, the short-term sedimentation impact upon aquatic resources in Kirkwood Creek will be less than significant. [2002 Final EIR at 4-62]. Mitigation Measure 4.2(aa), incorporated within Mitigation Measure 4.3.1(a) is within the responsibility and jurisdiction of KMPUD, rather than Amador County, therefore KMPUD can and should be adopt that measure. [14 C.C.R. § 15091(a)(2)]. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely affect aquatic resources in Kirkwood Creek as a result of short-term sedimentation impacts, because Alternative E decreases the total construction area disturbed by 7.1 acres and the population by 386 persons, thereby reducing the erosion and sedimentation associated with human activity. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reduction in population as Alternative E. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3].
- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

#### **P. Long-Term Sedimentation Impacts Upon Aquatic Resources In Kirkwood Creek**

1. Potential Impacts. The Project may cause significant impacts to aquatic resources in Kirkwood Creek as a result of long-term sedimentation. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.3.1(d), 4.3.1(e), 4.3.1(f), and 4.3.1(ff). [2002 Final EIR at 4-62]. These measures provide that construction will comply with the Kirkwood erosion control ordinance, sedimentation and construction activities will be monitored, utilities for new projects will be placed in a common trench whenever feasible, disturbed ground will be promptly revegetated, and salting and sanding will be minimized within 100 feet of the flood plain. In addition, these measures implement the site-specific recommendations from the *Kirkwood Creek Floodplain Study* such as: (1)

build a diversion structure between lifts 10 and 11; (2) prevent flooding in the area near Base Camp One condominiums by either clearing snow or constructing a low floodwall; (3) replace the two existing footbridges upstream of Kirkwood Meadows Drive, (4) prevent the overtopping of Kirkwood Meadows Drive by enlarging the bridge opening or constructing a floodwall along the east creek bank; (5) any proposed structures in this area shall be built a few feet above the floodplain elevation; and (6) channel work such as bank protection (subject to permit requirements), and (7) provide for the implementation of the grazing management plan.

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's long-term sedimentation impact upon aquatic resources in Kirkwood Creek is less than significant.
- b. Facts and Reasoning that Support Finding. Mitigation measures 4.3.1(d), 4.3.1(e), 4.3.1(f), and 4.3.1(ff) ensure that erosion and surface drainage entering into Kirkwood Creek will be minimized, and therefore, the long-term sedimentation impact upon aquatic resources in Kirkwood Creek will be less than significant. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely affect aquatic resources in Kirkwood Creek as a result of long-term sedimentation impacts, because Alternative E decreases the total construction area disturbed by 7.1 acres and the population by 386 persons, thereby reducing erosion and sedimentation associated with human activity. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reduction in population as Alternative E. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3].
- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

**Q. Kirkwood Creek Contamination Impacts**

1. Potential Impacts. The Project may cause a significant impact due to contamination of Kirkwood Creek. Modification of the Project pursuant

to Alternative E or Revised Alternative E would decrease the potential for such contamination.

2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measure 4.3.1(g) which incorporates measures 4.2(a), (b), (e) and (k). These measures provide for the implementation of grading measures to retard and reduce runoff, the use of geotextiles, rock, gravel, and other surface treatments to retard and absorb runoff, implementation of maximum water conservation and xeriscape landscape measures, and installation of low-slope permeable swales and porous dams to retard and capture runoff.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impacts upon Kirkwood Creek contamination are less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measure 4.3.1(g) ensures that erosion, surface drainage, and sedimentation in Kirkwood Creek will be minimized to ensure that the Mitigated Project's impacts upon contamination in Kirkwood Creek will be less than significant. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to increase contamination in Kirkwood Creek because Alternative E decreases the total construction area disturbed by 7.1 acres and the population by 386 persons, thereby reducing erosion and sedimentation associated with human activity. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reduction in population as Alternative E. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3].
  - c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## **R. Impacts to Kirkwood Lake Fisheries**

1. Potential Impacts. Implementation of the Project may cause significant impact to Kirkwood Lake Fisheries. Modification of the Project pursuant

to Alternative E or Revised Alternative E would decrease the potential for such impacts.

2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.3.1(h) and 4.3.1(i), which provide that: (1) KMR will assist in educating Kirkwood residents and visitors about fishing regulations at Kirkwood Lake and, with the permission of the USFS, post such regulations at angler access points to the lake; and (2) that KMR will not create additional parking for the purpose of facilitating access to Kirkwood Lake. [2002 Final EIR at 4-62.]
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impacts upon Kirkwood Lake fisheries are less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.3.1(h) and 4.3.1(i) ensure that Kirkwood visitors and residents will be educated about fishing regulations at Kirkwood Lake, and that no additional parking will be created that would facilitate access to Kirkwood Lake, thereby ensuring that the Mitigated Project's impacts upon Kirkwood Lake fisheries will be less than significant. The posting of signs at Kirkwood Lake is within the jurisdiction of the U. S. Forest Service ("USFS"). The USFS can and should allow the posting of such signs. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely impact Kirkwood Lake fisheries because Alternative E decreases the population by 386 persons. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].
  - c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## **S. Impacts to Wildlife at Kirkwood and Caples Lakes**

1. Potential Impacts. Implementation of the Project may cause significant impacts to wildlife resources at Kirkwood and Caples Lakes. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.

2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measure 4.3.2(g). Mitigation Measure 4.3.2(g) provides that KMR will retain a biologist to survey the basin immediately surrounding Kirkwood and Caples Lakes in early summer to determine the presence of special-status species. [2002 final EIR at 4-78.] After the initial monitoring survey, surveys will be performed every 3 years for a 6-year period (i.e., two additional surveys or as determined to be needed by the USFS). The summary results will be submitted within 60 days of the survey completion to the Amador Ranger District. If the wildlife populations or resources appear to be negatively affected, the USFS will develop management plans designed to mitigate the effects documented by the surveys. These plans will include specific measures such as trail re-routing, interpretive signing, protective fencing, area closures, and limits on user numbers or seasons of use. They may also call for KMR involvement in the development and implementation of an education program for Kirkwood visitors. The objective of the management plans will be to ensure that the pertinent statutory protections extended to special-status species (see Table 4.11 of the 2002 Final EIR) are met.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impacts upon wildlife resources at Kirkwood and Caples Lakes are less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measure 4.3.2(g) ensures the development of monitoring data, and the development of management plans to mitigate any negative effects, thus ensuring that the Mitigated Project's impacts to wildlife at Kirkwood Lake and Caples Lake will be less than significant. The survey review and potential management plans are within the jurisdiction of the USFS. The USFS can and should review such surveys and, as necessary, develop such plans. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely impact wildlife resources at Kirkwood and Caples Lake because Alternative E decreases the population by 386 persons, thereby reducing the wildlife impacts associated with human activity. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].
  - c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## WETLANDS

### **T. Potential Direct Impact To Waters Of The United States, Including Wetlands**

1. Potential Impacts. The Project may cause significant direct impacts to waters of the United States, including wetlands. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.3.3(a), 4.3.3(b), 4.3.3(c), 4.3.3(d), 4.3.3(e), 4.3.3(f), 4.3.3(g), 4.3.3(h), 4.3.3(i), 4.3.3(j), and 4.3.3(k). These measures provide that KMR will: (1) negotiate and abide by an acceptable Streambed Alteration Agreement prior to construction affecting streambeds; (2) obtain appropriate permits from the COE and comply with all terms of such permits; (3) during construction, place sidecast materials in upland areas to be used as backfill as soon as possible; (4) stockpile topsoil for use as revegetative media; (5) restrict construction activity in the vicinity of wetlands; (6) review proposed development plans with the county of jurisdiction or USFS, and COE, to ensure that specific projects have been designed to avoid and minimize impacts to wetlands; (7) review proposed stream crossings with COE and the county of jurisdiction or USFWS to identify the appropriate site; (8) develop and implement a mitigation plan to replace any wetland losses; (9) assist in educating Kirkwood residents and visitors about fishing regulations at Kirkwood Lake; (10) within the Project area, observe a 35-foot buffer of undisturbed vegetation between wetlands and perennial or intermittent streams with riparian vegetation, and disturbed areas or parking lots or other impervious areas, and, within the SUP area, observe the setback requirements of the Sierra Nevada Forest Plan Amendment; and (11) limit the use of fertilizer, herbicides, pesticides, and fungicides by individual property owners. [2002 Final EIR at 4-87.]
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's direct impacts to waters of the United States, including wetlands is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.3.3(a), 4.3.3(b), 4.3.3(c), 4.3.3(d), 4.3.3(e), 4.3.3(f), 4.3.3(g), 4.3.3(h), 4.3.3(i), 4.3.3(j), and 4.3.3(k) ensure that the Mitigated Project's direct impacts to waters of the United States will be limited, such that the impacts will be less than significant.



Modification of the Project pursuant to Alternative E would further decrease the potential for the Project to adversely impact waters of the United States, including wetland resources, because Alternative E decreases the total construction area by 7.1 acres and the population by 386 persons, thereby reducing the sedimentation, erosion, and fertilizer use associated with human activity. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reduction in population as Alternative E. Modification of the Specific Plan pursuant to Revised Alternative E may slightly increase these impacts because the relocation of the units within a smaller acreage precludes avoidance of some small drainages that were avoided under Alternative E. [Addendum at 4]. However, these impacts will be small in size (less than .25 acre) and will be subject to the mitigation provided in the Final EIR at pages 4-87 through 4-88 to ensure that they will be less than significant. [Addendum at 4]. As a result, this change is not a substantial increase in the severity of this previously identified significant effect.

- c. For areas within the National Forest, the USFS has the responsibility and jurisdiction and has adopted the setback requirements of Mitigation Measure 4.3.3(j) and can and should adopt measures 4.3.3(f) and (g).
- d. Any remaining impacts will be less than significant regardless of whether the Project is modified by Alternative E or Revised Alternative E.

**U. Potential Indirect Impact To Waters Of The United States, Particularly Streams, From Decreased Water Quality Due To Sedimentation Associated With Disturbance In Upland**

- 1. Potential Impacts. The Project may cause significant indirect impacts to waters of the United States. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
- 2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.3.3(a), 4.3.3(b), 4.3.3(c), 4.3.3(d), 4.3.3(e), 4.3.3(f), 4.3.3(g), 4.3.3(h), 4.3.3(i), 4.3.3(j), and 4.3.3(k). These measures provide that KMR will: (1) negotiate and abide by an acceptable Streambed Alteration Agreement prior to construction affecting streambeds; (2) obtain appropriate permits from the COE and comply with all terms of such permits; (3) during construction, place sidecast materials in upland areas to be used as backfill as soon as possible; (4) stockpile topsoil for use as revegetative media; (5) restrict construction activity in the vicinity of

wetlands; (6) review proposed development plans with the county of jurisdiction or USFS, and COE, to ensure that specific projects have been designed to avoid and minimize impacts to wetlands; (7) review proposed stream crossings with COE and the county of jurisdiction or USFWS to identify the appropriate site; (8) develop and implement a mitigation plan to replace any wetland losses; (9) assist in educating Kirkwood residents and visitors about fishing regulations at Kirkwood Lake; (10) within the Project area, observe a 35-foot buffer of undisturbed vegetation between wetlands and perennial or intermittent streams with riparian vegetation, and disturbed areas or parking lots or other impervious areas, and, within the SUP area, observe the setback requirements of the Sierra Nevada Forest Plan Amendment; and (11) limit the use of fertilizer, herbicides, pesticides, and fungicides by individual property owners. [2002 Final EIR at 4-87.]

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's indirect impacts to waters of the United States is less than significant.
- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.3.3(a), 4.3.3(b), 4.3.3(c), 4.3.3(d), 4.3.3(e), 4.3.3(f), 4.3.3(g), 4.3.3(h), 4.3.3(i), 4.3.3(j), and 4.3.3(k) ensure that the Mitigated Project's indirect impacts to waters of the United States will be limited, such that the impacts will be less than significant. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project to adversely impact waters of the United States, including wetland resources, because Alternative E decreases the total construction area by 7.1 acres and the population by 386 persons, thereby reducing the sedimentation, erosion, and fertilizer use associated with human activity. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reduction in population as Alternative E. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E while allowing two significant wetland features to remain as important hydrological features. [Addendum at 4].
- c. For areas within the National Forest, the USFS has the responsibility and jurisdiction and has adopted the setback requirements of Mitigation Measure 4.3.3(j) and can and should adopt measures 4.3.3(f) and (g).

- d. Any remaining impacts will be less than significant regardless of whether the Project is modified by Alternative E or Revised Alternative E.

## VEGETATION

### **V. Potential Direct And Indirect Impacts To The Vegetation Communities Due To Construction**

1. Potential Impacts. The Project may result in direct and indirect significant impacts to the vegetation communities due to construction. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.3.4(a), 4.3.4(b), and 4.3.4(c). These measures provide that KMR will follow the landscape and revegetation guidelines (KMR 1998) unless an item is specifically updated by requirements of the noxious weed control plan (2002 Final EIR Appendix B). In addition, the measures provide that KMR will implement the noxious weed control plan (see 2002 Final EIR at Appendix B) prior to construction of any elements approved in the 2002 Final EIR. The plan addresses weed issues of concern through measures such as requiring the use of approved, native seed, weed-free hay, and construction practices such as the cleaning of residual soil off of construction equipment transported from other areas prior to use at Kirkwood. As under Mitigation Measure 4.3.4(a), KMR will utilize current and approved seed mixes and revegetation techniques, outlined in the landscape and revegetation guidelines, except for specifically updated guidelines, as follows: (1) strongly recommended use of native grasses only including the modification of seed mix #1 in the landscape and revegetation guidelines by excluding *Dactylis glomerata* (Orchard grass); (2) as outlined under the El Dorado National Forest Seed, Mulch, and Fertilizer Prescriptions (USFS 1000), rice straw, (local) native grass straw, or pine needle mulch (if certified to be from a non-infected area) may be used in place of certified weed-free hay, pending development of the California certification program; (3) use of quick-release, inorganic fertilizers should be avoided, as their use tends to favor establishment of exotic weeds and grasses (USFS 2000). Finally, the measures provide that KMR will retain the services of a California Registered Professional Forester to assess forest conditions and meet the requirements for submitting timber harvesting plans. [2002 Final EIR at 4-100 and 4-101.]

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's direct and indirect impacts to the vegetation communities due to construction are less than significant.
- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.3.4(a), 4.3.4(b), and 4.3.4(c) ensure that impacts upon existing vegetation communities and the introduction of exotic species will be limited, and timber harvests controlled such that the Mitigated Project's impacts upon vegetation communities will be less than significant. Modification of the Project pursuant to Alternative E would further decrease the potential for the Project to adversely impact vegetation communities, because Alternative E decreases the total construction area by 7.1 acres and the population by 386 persons, thereby reducing the sedimentation, erosion, and increased fertilizer use associated with human activity. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 4].
- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

**W. Potential Direct And Indirect Impacts To Threatened, Endangered, and Special-Status Plants Due To Construction**

1. Potential Impacts. The Project may result in direct and indirect significant impacts to threatened, endangered, and special-status plants due to construction. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.3.4(d) and 4.3.4(e). These measures provide that KMR will obtain the services of a qualified botanist to conduct follow-up preconstruction surveys for special-status plant species if individuals could potentially occur in the area of proposed disturbance. A report outlining results of the surveys will be submitted to the respective county where construction is to take place within one month of completion of the survey and prior to construction activities. If sensitive species are found,

construction envelopes shall be redesigned (if feasible) to avoid the populations of sensitive plants. If not feasible, conformance with applicable state or federal policies and regulations shall be adhered to. If federally listed threatened or endangered species are found on federal land, the project proponent will enter into consultation with the USFWS. In addition, the measures provide for implementation of recommendations to minimize or eliminate impacts to special-status species, as cited in the botanical survey report (Jones and Stokes 2000), which include: using a helicopter lift to transport equipment and supplies, using stakes and flagging to carefully delineate and restrict the construction area, and notifying construction crews of the presence of the sensitive biological resource. [2002 Final EIR at 4-101.]

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's direct and indirect impacts upon threatened, endangered, and special-status plants due to construction is less than significant.
- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.3.4(d) and 4.3.4(e) ensure that impacts upon special-status species will be avoided, and, where unavoidable, will be mitigated such that the Mitigated Project's impacts upon special-status species will be less than significant. Modification of the Project pursuant to Alternative E would further decrease the potential for Project to adversely impact threatened, endangered, and special-status plants, because Alternative E decreases the total construction area by 7.1 acres. [2002 Final EIR at 5-9, 5-37]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 4].
- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## AIR QUALITY

### **X. Increase In Particulate Matter Emissions**

1. Potential Impacts. The Project may result in significant impacts in particulate matter emissions. Modification of the Project pursuant to

Alternative E or Revised Alternative E would not affect impacts to air quality.

2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.4(a) and 4.4(aa).
  - a. Mitigation Measure 4.4(a) provides that the counties will enact an ordinance to reduce particulate emissions from wood burning within Kirkwood. The ordinance should include the following elements: (a) incentives to eliminate or replace existing woodburning devices that do not comply with the EPA Phase II Certification requirement; (b) a requirement that all new residences previously approved for the installation of new woodburning devices incorporate EPA Phase II Certification; (c) a requirement that, upon installation of a new EPA Phase II Certified woodburning device, at least one noncompliant woodburning device be eliminated within the Kirkwood area; (d) a prohibition on installation of new woodburning devices that do not comply with EPA Phase II Certification requirements, except that one noncompliant open hearth-style fireplace will be allowed in a common lobby area located in a building containing more than four multi-family units within lodges, hotels, motels, bed and breakfast accommodations, or a public recreation/meeting facility, a bar/saloon or restaurant and outdoors in the Village plaza area.
  - b. Mitigation Measure 4.4(aa) provides that prior to the addition of a second diesel generator at the wastewater treatment plant, particulate matter source testing will be conducted on the first generator to determine its emissions with the catalytic soot filter in place. The results will be combined with estimates of emissions from the second generator and with the MU power plant expansion, to assess the potential cancer risk. Particulate matter source-testing will be conducted on the second generator once it is installed. Additional environmental controls, such as a catalytic soot scrubber on the second generator, will be installed as necessary to meet all applicable air quality standards. Any additional generators will need to meet the GBUAPCD performance standard of (currently) a cancer risk less than or equal to ten in one million.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact upon particulate matter emissions is less than significant.

- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.4(a) and 4.4(aa) ensure that the Mitigated Project's impacts upon particulate emissions will be reduced through the restriction of woodburning devices and by the meeting the GBUAPCD performance standard of a cancer risk less than or equal to ten in one million, and, accordingly, the Mitigated Project's impacts upon particulate emissions will be less than significant.
- c. Amador County will implement Mitigation Measure 4.4(a) in its county, Alpine and El Dorado counties can and should implement Mitigation Measure 4.4(a) in their respective counties. Mitigation Measure 4.4(aa) is within the responsibility and jurisdiction of KMPUD and KMPUD can and should adopt that mitigation measure.
- d. Modification of the Project pursuant to Alternative E would not affect the Project's impact on air quality. Although Alternative E reduces the single-family units by 23 and the multi-family units by 66, the slight reductions in air pollution resulting from decrease in local vehicle use will likely be offset by pollution from a corresponding increase in day visitors. [2002 Final EIR at 5-38]. Revised Alternative E contains the same reduction in units and increase in day visitors as Alternative E. [Addendum at 2].
- e. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## **Y. Increase Regional Haze**

- 1. Potential Impacts. The Project may result in significant impacts regarding regional haze. Modification of the Project pursuant to Alternative E or Revised Alternative E would not affect this impact.
- 2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.4(c), 4.4(d), and 4.4(e). These measures provide that EPA compliant wood burning fireplaces and stoves will be required in all new housing units, and that counties will develop and enact an ordinance to reduce particulate emissions from wood burning within Kirkwood. During summer months, the application of dust suppressants will be required in areas where earth-moving activities are conducted. Streets will be swept, curb to curb, by a vacuum sweeper during periods when road conditions are dry enough to allow the removal of anti-skid materials.

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact upon increases in regional haze is less than significant.
- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.4(c), 4.4(d), and 4.4(e) ensure that impacts upon regional haze will be limited such that the Mitigated Project's impacts upon regional haze will be less than significant.
- c. Amador County will implement Mitigation Measure 4.4(c) in its county, Amador and El Dorado counties can and should implement Mitigation Measure 4.4(c) in their respective counties.
- d. Modification of the Project pursuant to Alternative E would not affect the Project's impact on air quality. Although Alternative E reduces the single-family units by 23 and the multi-family units by 66, the slight reductions in air pollution resulting from decrease in local vehicle use will likely be offset by pollution from a corresponding increase in day visitors. [2002 Final EIR at 5-37, 5-38]. Revised Alternative E contains the same reduction in units and increase in day visitors as Alternative E. [Addendum at 2].
- e. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## CULTURAL RESOURCES

### **Z. Impacts Upon Historic Resources**

1. Potential Impacts. Implementation of the Project may have a significant impact on historic resources. Modification of the Project pursuant to Alternative E or Revised Alternative E would reduce the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.5(e), 4.5(f), 4.5(g), 4.5(i), and 4.5(j). These measures provide that any area ultimately identified for potential project development shall be surveyed for historic cultural resources by a qualified archaeologist prior to ground-disturbing activity. If historic cultural resources are found, and if the resource is determined to be a historic resource or "unique archaeological resource" under CEQA/CRHR criteria, mitigation through



data recovery or other appropriate measures shall be devised and carried out by a qualified archaeologist in consultation with all concerned parties. All such procedures shall be conducted within the context of CEQA Guidelines, Section 15064.5. In the event that construction personnel observe previously undiscovered subsurface historic archaeological deposits (e.g., concentrations of historic materials such as ceramics, glass, or other historic materials) in an area subject to development activity, work in the immediate vicinity of the find shall be halted and a professional archaeologist consulted.

KMR will mitigate indirect impacts to sites on the Emigrant Summit Trail by providing educational literature that will be developed by KMR to educate guests about the fragile and irreplaceable nature of cultural resources and the penalties for violation of state and federal laws related to cultural resources.

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact upon historic resources is less than significant.
- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.5(e), 4.5(f), 4.5(g), and 4.5(j) provide that historic cultural resources will be identified and avoided, and thus ensure that any potential impacts to historic resources will be less than significant. Modification of the Project pursuant to Alternative E would decrease the Project's impact on cultural resources because Alternative E reduces the single-family units in Kirkwood North by 18, reduces the area disturbed by construction in Kirkwood North by 2.5 acres. Additionally, Alternative E reduces the resort-wide population by 386 persons, thereby reducing the risk of impacts to cultural resources associated with construction and human traffic. [2002 Final EIR at 5-9, 5-37, 5-38]. Revised Alternative E contains the same reduction in units and population as Alternative E as well as a decrease in disturbed acreage. [Addendum at 2 and 4].
- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## TRAFFIC AND CIRCULATION

### **AA. Effects Of Increased Traffic Volumes On SR 88 and the Kirkwood Meadows Drive Intersection**

1. Potential Impacts. The Project may result in significant impacts associated with increased traffic volumes on SR 88 and Kirkwood Meadows Drive. Modification of the Project pursuant to Alternative E or Revised Alternative E would not affect such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.7(a), 4.7(b) and 4.7(c). These measures require a northbound to westbound left-turn acceleration lane on SR 88. The measures also provide for the monitoring of traffic and for traffic control by signalization, manual control, or other measures acceptable to Caltrans and all three counties, during peak periods at the SR 88/Kirkwood Meadows Drive intersection if traffic flows meet Caltrans minimum requirements for signalization. In addition, Alpine County can and should implement a traffic impact mitigation fee for future development within Kirkwood to mitigate traffic impacts on SR 88 both east and west of Kirkwood.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact on increased traffic volumes on SR 88 and the Kirkwood Meadows Drive intersection is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.7(a), 4.7(b) and 4.7(c) provide that improvements to the SR88/Kirkwood Meadows Drive intersection will ensure impacts to the SR88/Kirkwood Meadows Drive intersection will be less than significant. In addition, the traffic impact fees will mitigate the Project's impacts to SR 88 to below the level of significance. Amador County already requires a traffic impact fee for development. Alpine County can and should adopt a similar traffic impact fee for future Kirkwood development. Modification of the Project pursuant to Alternative E would not affect the Project's impacts associated with increased traffic volumes on SR 88/Kirkwood Meadows Drive. Although Alternative E reduces the single-family units by 23 and the multi-family units by 66, the slight reductions in local vehicle use will likely be offset by a corresponding increase in day visitors. [2002 Final EIR at 5-37, 5-

39]. Revised Alternative E contains the same reduction in units and increase in day visitors as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## **BB. Adequacy of Parking**

1. Potential Impacts. The Project may result in significant impacts on parking. Modification of the Project pursuant to Alternative E or Revised Alternative E may increase parking demand.
2. Mitigation Measure. The Project will incorporate Mitigation Measure 4.7(d). Mitigation Measure 4.7(d) provides that KMR will prepare an annual report that includes a detailed analysis of day-visitor parking during peak periods. The study will compare day-visitor parking demand during these periods to day-visitor parking capacity. The results will be reported to TC-TAC in June of each year. If the study shows that the number of day-visitor related vehicles parked within the resort exceeds the amount of parking spaces available for day visitors (approximately 2,500 spaces), TC-TAC will require KMR to implement a mitigation plan that will include one or more of the following standards: (1) provide additional parking spaces in surface lots or parking structures; (2) implement methods to provide greater efficiency in the use of existing parking lots; (3) reduce parking demand through greater utilization of mass transit, increased vehicle occupancy, car/van pools or other programs; and (4) restrict day-visitor use to a level that allows parking demand to be accommodated in existing day-visitor parking areas.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact upon parking is less than significant.
  - b. Facts and Reasoning that Support Finding. Modification of the Project pursuant to Alternative E may increase parking demand from day skiers. [2002 Final EIR at 5-39]. Although Alternative E may increase parking demand, this increase would be mitigated to a level less than significant by Mitigation Measure 4.7(d). Mitigation Measure 4.7(d) ensures that if increases in parking demand exceed the 2,500 parking spaces available for day visitors, KMR will implement a mitigation plan that either provides additional parking or reduces parking demand, such that the Mitigated Project's impact on parking will be less than significant.

Revised Alternative E contains the same number of day visitors as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## VISUAL AND AESTHETIC RESOURCES

### **CC. Light And Glare**

1. Potential Impacts. With the exception of Ski-In/Ski-Out South, Kirkwood North and the Caples Crest Restaurant, the impacts of the Project after mitigation, due to light and glare are less than significant. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts. (Light and glare impacts due to Ski-In/Ski-Out South, Kirkwood North, and the Caples Crest Restaurant remain significant after mitigation, and are discussed more specifically in Section IX below, Significant and Unavoidable Adverse Impacts.)
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.8(z), 4.8(aa), 4.8(ab). These measures provide that for working and public gathering areas, lighting levels will be 3.5 foot-candles average horizontal. In addition, fixtures will be required to minimize fugitive light into existing residential areas by using asymmetrical distribution, light shields, and vegetation. Finally, a lighting plan for all new development will be required, as outlined in the Specific Plan Design Guidelines, that will be reviewed by the counties when specific project level plans are submitted for review.
3. Findings.
  - a. Effect of Mitigation. Except for light and glare impacts in Ski-In/Ski-Out South, Kirkwood North, and the Caples Crest Restaurant, regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact upon light and glare is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.8(z), 4.8(aa), and 4.8(ab) ensure that fugitive light will be limited such that the Mitigated Project's impacts upon light and glare (except for Ski-In/Ski-Out South, Kirkwood North, and the Caples Crest Restaurant) will be less than significant. Modification of the Project pursuant to Alternative E would further decrease the Project's impacts associated with light and glare because Alternative E reduces the single-family units by 23 and reduces the

multi-family units by 66, thereby reducing the light and glare associated with that residential use. [2002 Final EIR at 5-37, 5-38]. Revised Alternative E contains the same reduction in units as Alternative E and further reduces visual impacts by: (1) shifting Ski-In/Ski-Out development significantly down the hill to elevations that are lower than the already existing homes; (2) shifting development at, or below, elevations proposed by public comments; and (3) maintaining the same visual treatment along Kirkwood Meadows. [Addendum at 6-7].

- c. Except for Ski-In/Ski-Out South, Kirkwood North, and the Caples Crest Restaurant, any remaining impacts will be less than significant regardless of whether the Project is modified by Alternative E or Revised Alternative E.

## NOISE

### **DD. Construction and Operational Noise**

1. Potential Impacts. The Project may result in significant impacts related to construction noise and due to the use of loudspeakers at special events. Modification of the Project pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.9(a) and 4.9(aa). These measures provide that construction activities that generate or produce noise that can be heard beyond the boundaries of a project site will be limited to the hours of 7 a.m. to 7 p.m. Exceptions are allowed for emergency repairs. In addition, loudspeaker use will continue to be allowed at special events related to ski area operation. Loudspeaker use will be limited to between the hours of 7 a.m. and 7 p.m.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact related to construction noise and loudspeakers is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.9(a) and 4.9(aa) ensure that construction and loudspeaker noise will be limited such that construction and loudspeaker noise will be less than significant. Modification of the Project pursuant to Alternative E would decrease the Project's noise impacts related to

construction activity by decreasing the single-family units by 23 and decreasing the multi-family units by 66. [2002 Final EIR at 5-37]. Revised Alternative E contains the same reduction in units as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## **SOCIO-ECONOMICS**

### **EE. Housing**

1. Potential Impacts. The Project may result in significant impacts related to housing. Modification of the Project pursuant to Alternative E or Revised Alternative E would not affect the impacts related to housing.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measure 4.10(a). This measure provides that the counties will enact an ordinance requiring employee housing to be provided at Kirkwood. The ordinance will, at a minimum, include the following elements: (1) a requirement that a specified percentage of the number of average peak-season employees be provided with employee housing concurrent with future development of the resort; (2) a method of ensuring that the amount of required employee housing will continue to be provided in the future; and (3) consideration of possible credit toward the employee housing requirement for housing units located outside of the Kirkwood area, which units are reserved for KMR employees and are subject to the criteria set forth in the Specific Plan.
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact related to housing is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measure 4.10(a) provides assistance for employee housing such that the Mitigated Project's housing impacts will be less than significant. For the project areas within the responsibility and jurisdiction of Alpine and El Dorado counties, these counties can and should adopt the ordinance envisioned in Mitigation Measure 4.10(a). Modification of the Project pursuant to Alternative E would not affect the Project's impacts related to housing. Although

Alternative E decreases the single-family units by 23 and the multi-family units by 66, this decrease in housing supply is offset by the corresponding decrease in housing need created by Alternative E's population reduction of 386 persons. [2002 Final EIR at 5-9, 5-37, 5-39]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

## HAZARDOUS MATERIALS

### **FF.Fuel Storage and Use**

1. Potential Impacts. The Project may result in significant impacts related to fuel storage and use. Modification of the Project pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.11(a), 4.11(b), 4.11(c), 4.11(d), 4.11(e), 4.11(f), 4.11(g), 4.11(h), 4.11(i), 4.11(j), 4.11(k). These measures provide that: (1) underground storage tanks or other hazardous material storage will not be sited within the Caltrans right-of-way; (2) Kirkwood Maintenance Shop and MU will maintain on file with the appropriate county, and update annually, spill preventions plans for all hazardous materials; (3) all existing and proposed fuel tanks will be maintained, operated and tested in accordance with local, state and federal regulations; (4) hazardous materials cleanup and containment supplies will be carried in any vehicle that transports fuel for refueling construction equipment; (5) hazardous materials cleanup and containment supplies will be present at any permanent location where refueling is done; (6) KMR, MU, and KMPUD will train all vehicle operators who will be participating in refueling activities in spill prevention and in the use of cleanup materials; (7) no motor fuel refueling will be conducted within 100 feet of Kirkwood Creek or any of its perennial tributaries, or within 50 feet of any occupied housing unit; (8) in the event that a hazardous material spill of a reportable quantity occurs, the responsible party will immediately notify the Department of Environmental Health of the affected county or counties, the CDFG and any other agencies as required under regulations applicable at the time of the spill, including the Amador Ranger District if the spill occurs on USFS land; (9) KMR and its agents and subcontractors will adhere to the reporting standards outlined in California Hazardous Materials Spill/Release Notification Guidance (Lercari 1999) established by the Governor's Office of Emergency services; (10) KMR, MU, and

KMPUD will comply with Title 22 for submission of business plans, inventory statements, explosive storage, and spill prevention control countermeasure plans, as may be required; (11) future development in portions of Alpine or Amador County where soil or groundwater contamination by petroleum products have been identified will at a minimum require approval from the applicable County Health Department and the CVRWQCB.

3. Findings.

- a. Effect of Mitigation. Regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact related to fuel storage and use is less than significant.
- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.11(a), 4.11(b), 4.11(c), 4.11(d), 4.11(e), 4.11(f), 4.11(g), 4.11(h), 4.11(i), 4.11(j), 4.11(k) provide for the minimization of any risk related to fuel and hazardous material storage and use to ensure that the Mitigated Project's impacts related to hazardous materials and fuel storage and use will be less than significant
- c. The portions of Mitigation Measure 4.11(f) and 4.11(j) applicable to the KMPUD are within the responsibility and jurisdiction of the KMPUD, which can and should adopt Mitigation Measure 4.11(f) and Mitigation Measure 4.11(j). Modification of the Specific Plan pursuant to Alternative E would reduce the impacts associated with fuel storage and use because Alternative E reduces the population by 386 persons thereby reducing fuel usage and reducing the number of people who may experience any risk related to fuel storage. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].
- d. Any remaining impacts will be less than significant regardless of whether the Project is modified pursuant to Alternative E or Revised Alternative E.

**RECREATION**

**GG. Recreational Impacts on Kirkwood Lake, Including Fishing**

1. Potential Impacts. Implementation of the Project may result in significant recreational impacts on Kirkwood Lake, including fishing. Modification



of the Specific Plan pursuant to Alternative E or Revised Alternative E would decrease the potential for such impacts.

2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measure 4.12(c). These measures provide that: (1) KMR will work with the USFS to develop and implement an instructional/interpretive program to inform Kirkwood visitors about sensitive resource issues at Kirkwood Lake; (2) KMR will assist in educating Kirkwood residents and visitors about fishing regulations at Kirkwood Lake, and with the permission of the USFS, will post such regulation at angler access points to the lake; (3) KMR will not create additional parking for the purpose of facilitating access to Kirkwood Lake.

3. Findings

- a. Effect of Mitigation. The Mitigated Project's impacts on Kirkwood Lake, including fishing, are less than significant.
- b. Facts and Reasoning that Support Finding. Expanded recreational opportunities of the Project would result in a positive effect on recreation. [2002 Final EIR at 4-198]. There would be an associated increase in population at Kirkwood and an increase in the number of users of the recreational areas, but facilities to handle these increases are planned to meet the new demands. Mitigation Measures 4.12(c) will minimize any risk associated with recreation, and, in particular, fishing, at Kirkwood Lake, thus ensuring that any impacts on recreation at Kirkwood Lake, including fishing, will be less than significant. The USFS can and should work with KMR to implement mitigation measure 4.12(c). Modification of the Specific Plan pursuant to Alternative E would further decrease the potential for the Project's implementation to adversely affect recreation resources at Kirkwood Lake because Alternative E would reduce the population by 386 persons and reduce development in Kirkwood North, thereby decreasing impacts on recreational resources at Kirkwood Lake. [2002 Final EIR at 5-39]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].
- c. Any remaining impacts will be less than significant.

## PUBLIC SERVICES

### **HH. Impacts on Police/Sheriff Protection**

1. Potential Impacts. The Project may result in significant impacts on police and sheriff protection. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measure 4.13(a), which provides that KMR will monitor the level of police protection services required as development proceeds and the resident population increases. Alpine County can and should, and Amador County will, add deputies as dictated by community needs. [2002 Final EIR at 4-210.]
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact on police and/or sheriff protection is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measure 4.13(a) ensures that the level of police protection services required as development proceeds will be monitored, and Alpine County can and should, and Amador County will, add deputies as dictated by community needs, thus ensuring the Mitigated Project's impacts upon police/sheriff protection will be less than significant. Tax revenues from the Project will be adequate to fund additional costs. For example, the Specific Plan's estimated impact on Amador County's annual *expenditures* by 2019/2020 (in 2002 dollars) is \$47,703.00 [2003 Fiscal Impact Analysis at 27, Table 15]. In contrast, the Specific Plan's estimated impact on the Amador County General Fund's *annual net revenues* by 2019/2020 (in 2002 dollars and assuming full build-out) is \$640,681.00 [2003 Fiscal Impact Analysis at 30, Table 17]. The net income can fund any necessary sheriff upgrades related to the Project. Modification of the Specific Plan pursuant to Alternative E would reduce the impacts upon police/sheriff protection because Alternative E reduces the population by 386 persons, thereby reducing the demand for police/sheriff protection. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

- c. Alpine County can and should adopt Mitigation Measure 4.13(a) for the portions of the Project that fall with the jurisdiction of Alpine County.
- d. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E.

## II. Impacts on Fire Protection

1. Potential Impacts. The Project may result in significant impacts on fire protection. Modification of the Specific Plan pursuant to Alternative E may reduce the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.13(b), 4.13(c), 4.13(d), and 4.13(e). These measures provide that: (1) all facilities adhere to the UBC; (2) KMR should continue to implement, maintain, and revise as needed, the Kirkwood Village Fire and Safety Plan and demonstrate that the development complies with the plan; (3) KMR will increase infrastructure and physical accommodations in the service district to support the level of fire protection required for the proposed development; and (4) KMR will monitor the level of firefighting services required as development proceeds and the resident population increase. KMPUD will add firefighters as dictated by community needs. [2002 Final EIR at 4-210.]
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact on fire protection is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.13(b), 4.13(c), 4.13(d), and 4.13(e) provide that fire risks will be minimized, the need for fire protection services will be monitored, and the infrastructure for fire protection will be increased, to ensure that the Mitigated Project's impact on fire protection will be less than significant. The Citygate Associates, LLC March 17, 2003 Review of the Kirkwood Meadows Fire Services Master Plan Adopted March 1998 ("Citygate Report") indicates that the built-in fire protection required in new development is the most effective fire loss prevention and reduction measure. [Citygate Report at page IV-2]. Modification of the Specific Plan pursuant to Alternative E would reduce the impacts upon fire protection because Alternative E reduces the population by 386 persons, thereby reducing the demand. [2002 Final EIR at 5-9]. Revised

Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. In addition, Revised Alternative E reduces impacts upon fire protection services by reducing the length of the cul de sacs in both Ski-In/Ski-Out North and Ski-In/Ski-Out South. [Addendum at 6].

- c. KMPUD can and should adopt the portion of Mitigation Measure 4.13(e) that is within KMPUD's responsibility and jurisdiction regarding adding firefighters.
- d. Any remaining impacts will be less than significant.

## **JJ. Impacts on Medical Services**

1. Potential Impacts. The Project may result in significant impacts on medical services. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.13(f) and 4.13(g). These measures provide that: (1) KMR will continue to maintain medical facilities during the ski season consistent with the requirements of the USFS special use permit issued for the ski area; and (2) KMR will monitor the level of medical services required as development proceeds and the resident population increases. If the increase in year-round population warrants, KMR will add medical services to meet community needs. [2002 Final EIR at 4-210.]
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact on medical services is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.13(f) and 4.13(g) provide that the need for medical services will be monitored, and medical services augmented to meet community needs to ensure that the Mitigated Project's impacts upon medical services will be less than significant. Modification of the Specific Plan pursuant to Alternative E would reduce the impacts upon medical services because Alternative E reduces the population by 386 persons, thereby decreasing the demand for services. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

**KK. Impacts on School and Child Care**

1. Potential Impacts. The Project may result in significant impacts on school and child care services. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measure 4.13(h). This measure provides that KMR will continue providing funding support of educational facilities for elementary school children (Grades K-6) at Kirkwood (e.g., continue financial support for rented facilities). This requirement will be reviewed every 5 years and a determination can and should be made by Alpine County as to whether the requirement should be continued, modified or eliminated. In addition, the proposed Project would expand child care services. [2002 Final EIR at 4-208.]
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impacts on school and child care services are less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measure 4.13(h) ensures that sufficient financial support for educational services will be available, thus ensuring that the Mitigated Project's impacts on schools and child care services will be less than significant. Modification of the Specific Plan pursuant to Alternative E would reduce the impacts upon school and child care services because Alternative E reduces the population by 386 persons, thereby decreasing the demand for services. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].
  - c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## UTILITIES AND INFRASTRUCTURE

### **LL. Impacts on Energy**

1. Potential Impacts. The Project may result in significant impacts on energy. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measure 4.14(a). This measure provides that MU will expand the existing electrical facility or construct a new facility to meet projected electrical demands as identified in section 4.14.4.1 of the 2002 Final EIR. As electrical requirements increase and the existing facility reaches capacity, expanded or new facilities must be developed. At the time a tentative development map is submitted, MU must provide the respective county with the current capacity of the electrical generation facility, the current electrical demand of the Kirkwood area, and the projected electrical requirements of the development. If the projected electrical need would not be met by the existing facility, improvements will also be provided and the schedule for completion will be identified. Expanded or new facilities must be in operation prior to electrical demands of the new development. [2002 Final EIR at 4-222.]
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact on energy is less than significant as Mitigation Measure 4.14(a) would mitigate this impact to a less than significant level.
  - b. Facts and Reasoning that Support Finding. Mitigation Measure 4.14(a) provides that electrical facilities will be increased to ensure that the Mitigated Project's impacts on energy will be less than significant. Modification of the Specific Plan pursuant to Alternative E would reduce the impacts upon electrical facilities because Alternative E reduces the population by 386 persons, thereby decreasing the demand for services. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].
  - c. Any remaining impacts would be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## MM. Impacts on Wastewater Treatment

1. Potential Impacts. The Project may result in significant impacts on wastewater treatment. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.
2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.14(e), 4.14(f), and 4.14(g). These measures provide: (1) for the monitoring of wastewater treatment operations and upgrades as appropriate with expansions or new facilities in operation prior to wastewater demands of the new development; (2) at the time a tentative development map is submitted, KMPUD will provide the respective county with the current capacity of the wastewater treatment facility, the current wastewater output of the Kirkwood area, and the projected wastewater requirements of the development; (3) for the planning and implementation of new development to ensure the use of best available technologies for water conservation, including, but not limited to, water conserving toilets, showerheads, faucets, and irrigation systems. [2002 Final EIR at 4-222.]
3. Findings.
  - a. Effect of Mitigation. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's impact wastewater treatment is less than significant.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.14(e), 4.14(f), and 4.14(g) ensure that water will be conserved, the demand for wastewater treatment will be monitored, and that expanded or new facilities must be in operation prior to the wastewater demands of a new project, thus ensuring that the Mitigated Project's impacts upon wastewater treatment will be less than significant. Modification of the Specific Plan pursuant to Alternative E would reduce the impacts upon wastewater treatment because Alternative E reduces the population by 386 persons, thereby decreasing the demand for wastewater treatment facilities. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].
  - c. KMPUD has the responsibility and jurisdiction over Mitigation Measures 4.14(e) and (f). KMPUD can and should adopt Mitigation Measures 4.14(e) and (f).

- d. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

## **GROWTH INDUCING IMPACTS**

1. **Potential Impacts.** The Project may facilitate population growth in surrounding areas. [14 CCR § 15126.2(d).]
2. **Mitigation Measure.** Mitigation Measure 4.10(a) provides that counties will enact an employee housing ordinance.
3. **Findings.**
  - a. **Effect of Mitigation.** Although the Project may facilitate population growth beyond what is planned for in the Specific Plan, the mitigated Project's impacts on growth are less than significant after application of Mitigation Measure 4.10(a) regarding employee housing. [2002 Final EIR at 4-182].
  - b. **Facts and Reasoning that Support Finding.** The Project would develop the Kirkwood area into a four-season, destination resort. As a result of the proposed development, growth inducement would occur in outlying communities due to employees living outside the area, students (grades 7-12) attending school outside the area, and additional annual skier visits. [2002 Final EIR at 6-2.] Growth induced impacts would also include an increase in visitors in surrounding areas such as USFS campgrounds, trails, and the wilderness areas. Mitigation Measure 4.10(a) will mitigate this impact as it relates to housing. [2002 Final EIR at 4-182.] Modification of the Specific Plan pursuant to Alternative E would further reduce the impacts upon growth because Alternative E reduces the population by 386 persons. [2002 Final EIR at 5-9]. These decreases will reduce the growth in the area as compared to the Specific Plan. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

## **VII. FINDINGS RELATED TO CUMULATIVE IMPACTS**

Given Kirkwood's isolated location, there are few cumulative actions to consider. [2002 Final EIR at 3-58]. Kirkwood is far removed from other communities and generally surrounded by undeveloped public land. Little development is taking place or planned on the limited private land in the surrounding area, and virtually all planned development at Kirkwood is included in the Project. Because of these limitations, only six actions were identified as potential cumulative actions and only the following two were actually carried into the cumulative impact analysis: (1)



growth and development in South Tahoe and other surrounding communities; and (2) increasing dispersed recreation in the surrounding area.

#### **A. Cumulative Effects on Geology, Soils, or Geologic Hazards**

1. Potential Impact. The Project has no cumulative impact related to geology, soils, or geologic hazards. [2002 Final EIR at 4-30].
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Project's potential cumulative impact on geology, soils, or geologic hazards is less than significant and does not require mitigation.
  - b. Facts and Reasoning that Support Finding. The potential impact is less than significant because there are no cumulative impacts related to geology, soils, or geologic hazards in the project area to which the Project could contribute. [2002 Final EIR at 4-30]. Modification of the Specific Plan pursuant to Alternative E would further decrease the Project's contribution to cumulative impacts upon soil disturbance and erosion because Alternative E decreases the construction area disturbed by 7.1 acres. [2002 Final EIR at 5-37]. In addition, Alternative E decreases the impacts to soil disturbance and erosion associated with population by decreasing the population by 386 persons. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 3-4].

#### **B. Cumulative Effects on Water Resources**

1. Potential Impact. The cumulative impact related to water resources is less than significant. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.
2. Findings
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the cumulative impact on water resources is less than significant and does not require additional mitigation.

- b. Facts and Reasoning that Support Finding. Increasing dispersed recreation in the surrounding area has the potential to interact with the indirect, off-site water quality impacts to generate cumulative effects. [2002 Final EIR at 4-55]. While dispersed recreation can impact water quality, its impact on these waterways is likely to be minimal because: (1) it tends to result in low-level impacts over a wide area; (2) the parking areas, trail systems, camp sites, and other infrastructure developed to support dispersed recreation is typically planned and developed with protection of waterways, riparian areas, and wetlands in mind; and (3) dispersed recreationists in general have a stronger conservation orientation than the general public and avoid actions that adversely impact water quality. [2002 Final EIR at 4-55.] Modification of the Specific Plan pursuant to Alternative E would further decrease the Project's contribution to cumulative water impacts because Alternative E decreases the construction area disturbed by 7.1 acres, thereby reducing sedimentation that results from such construction. [2002 Final EIR at 5-37] In addition, Alternative E decreases the erosion associated with population by decreasing the population by 386 persons. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. Moreover, Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. Specifically, Revised Alternative E: (1) does not allow building on an additional approximately 18.9 acres within the Ski-In/Ski-Out areas; and (2) allows roadways to be sited to take advantage of existing mountain maintenance trails and disturbed areas. [Addendum at 3]. Although Revised Alternative E may slightly increase the direct impacts upon small drainages that were avoided under Alternative E, these impacts will be minimal (less than .25 acre) and will be subject to the mitigation measures provided in the Final EIR at pages 4-87 through 4-88 to ensure that the impacts will be less than significant. [Addendum at 6]. In light of these considerations, the Project would not likely result in any significant cumulative impact on water resources, thus no additional mitigation is necessary or proposed.

### **C. Cumulative Effects on Aquatic Resources**

1. Potential Impact. The Project's contribution to cumulative impacts related to aquatic resources is potentially significant. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.

2. Findings

- a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's potential cumulative impact on aquatic resources is less than significant.
- b. Facts and Reasoning that Support Finding. Growth and development in the surrounding communities would add to increasing dispersed recreation, which in turn would increase fishing pressure on Kirkwood Lake, Caples Lake, and other lakes and streams in the area. This has potential to interact with the Project to generate cumulative effects on aquatic resources in the project area. [2002 Final EIR at 4-63]. Development at Kirkwood under the Project, particularly the emphasis on making it a year-round resort, would add to this pressure. [2002 Final EIR at 4-63]. Since Kirkwood Lake is within walking distance of the project area, impacts to its fishing resource are of most concern. [2002 Final EIR at 4-63]. Mitigation Measures 4.3.1(h) and (i) will mitigate these impacts. In addition, the California Department of Fish and Game ("CDFG") can and should consider whether current regulations on catch limits and stocking rates of the area lakes and streams remain adequate given the anticipated increase in fishing pressure, or whether management practice revisions would be needed to meet the increased demand. [2002 Final EIR at 4-63]. The Project's cumulative impacts on aquatic resources, as mitigated, is less than significant. [2002 Final EIR at 4-63]. Modification of the Specific Plan pursuant to Alternative E would further decrease the Project's contribution to cumulative impacts upon aquatic resources because Alternative E decreases the human population by 386 persons, thereby reducing fishing pressure. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].

**D. Cumulative Effects on Wildlife Resources**

1. Potential Impact. The Project's contribution to cumulative impacts related to wildlife resources is significant in the Kirkwood Valley, but less than significant from a regional perspective. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Project's cumulative

impact on regional wildlife resources is less than significant and does not require mitigation.

- b. Facts and Reasoning that Support Finding. The impacts and related mitigation for wildlife in the Kirkwood Valley is addressed in the 2002 Final EIR at 4-77 to 4-79, and is significant and unavoidable. As regards regional wildlife impacts, while no future development is planned or proposed for the public and private lands surrounding Kirkwood, a continued increase in use of all regional recreational facilities is likely due to growth and development in South Tahoe and other surrounding communities, and to increasing dispersed recreation in the surrounding area. [2002 Final EIR at 4-79]. Once Kirkwood is at full capacity during the summer, it is likely that visitation of National Forest lands surrounding Kirkwood will increase, resulting in less than significant adverse impacts on wildlife and wildlife habitat. [2002 Final EIR at 4-79]. Recreational use of the Upper Truckee watershed, “Meiss Country,” and the Mokelumne Wilderness could increase. [2002 Final EIR at 4-80]. The Meiss area serves as the only corridor for wildlife migration between the Tahoe basin and the portion of the El Dorado National Forest south of Highway 50. [2002 Final EIR at 4-80]. Increased disturbance could put pressure on wildlife species unaccustomed or sensitive to human presence. [2002 Final EIR at 4-80]. However, as these areas are a substantial distance from Kirkwood, the influence of Kirkwood visitors would be less than significant. [2002 Final EIR at 4-80.] Modification of the Specific Plan pursuant to Alternative E would further decrease the Project’s contribution to cumulative impacts upon wildlife resources because Alternative E decreases the human population by 386 persons, thereby reducing disturbances to wildlife. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E and reduces the area that will be disturbed by construction activities. [Addendum at 2 and 3]. As a result, the Project would not result in any significant cumulative impact on regional wildlife resources and no additional mitigation is necessary or proposed.

#### **E. Cumulative Effects on Wetland Resources**

1. Potential Impact. The cumulative impact related to wetland resources is less than significant. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce the potential for such impacts.

2. Findings

- a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Project's cumulative impact on wetland resources is less than significant and does not require mitigation.
- b. Facts and Reasoning that Support Finding. Any of the Project's impacts on wetlands would be confined to the Kirkwood area. [2002 Final EIR at 4-88]. Any of the wetland impacts of the cumulative actions (growth and development in South Tahoe and other surrounding communities, and to increasing dispersed recreation in the surrounding area) would occur outside the Specific Plan area relatively far from the Project. As a result, the potential for cumulative wetland impacts is limited. Modification of the Specific Plan pursuant to Alternative E would further decrease the Project's contribution to cumulative impacts upon wetlands because Alternative E decreases the area disturbed by construction by 7.1 acres. [2002 Final EIR at 5-37] In addition, Alternative E decreases the disturbance associated with human traffic by decreasing the population by 386 persons. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land disturbed by construction beyond the reduction achieved under Alternative E. Specifically, Revised Alternative E: (1) does not allow building on an additional 18.9 acres within the upper Ski-In/Ski-Out areas; (2) allows roadways to be sited to take advantage of existing mountain maintenance trails and disturbed areas; and (3) allows two significant wetland features to remain as important hydrological features. [Addendum at 3-4]. Although Revised Alternative E may slightly increase the direct impacts upon small drainages that were avoided under Alternative E, these impacts will be minimal (less than .25 acre) and will be subject to the mitigation measures provided in the Final EIR at pages 4-87 through 4-88 to ensure that the impacts will be less than significant. [Addendum at 6]. As a result, the Project would not result in any significant cumulative impact on wetland resources and no additional mitigation is necessary or proposed.

**F. Cumulative Effects on Vegetative Resources**

1. Potential Impact. The cumulative impact related to vegetative resources is less than significant. Modification of the Specific Plan pursuant to Alternative E may reduce the potential for such impacts.

2. Findings

- a. Regardless of whether the Specific Plan is modified pursuant to Alternative E, the cumulative impact on vegetative resources is less than significant and does not require mitigation.
- b. Facts and Reasoning that Support Finding. Any of the Project's impacts on vegetative resources would be confined to the Kirkwood area. [2002 Final EIR at 4-101]. Any of the cumulative actions' (growth and development in South Tahoe and other surrounding communities, and to increasing dispersed recreation in the surrounding area) impacts on vegetative resources would occur outside the Specific Plan area relatively far from the Project. Accordingly, the potential for cumulative vegetative impacts is extremely limited. Modification of the Specific Plan pursuant to Alternative E would further decrease the Project's contribution to cumulative impacts upon vegetative resources because Alternative E decreases the area disturbed by construction by 7.1 acres. [2002 Final EIR at 5-37] In addition, Alternative E decreases the disturbance associated with human traffic by decreasing the population by 386 persons. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. Modification of the Specific Plan pursuant to Revised Alternative E will further reduce these impacts because Revised Alternative E reduces the amount of land potentially disturbed by construction beyond the reduction achieved under Alternative E. [Addendum at 4]. As a result, the Project would not result in any significant cumulative impact on vegetative resources and no additional mitigation is necessary or proposed.

**G. Cumulative Effects on Air Quality**

1. Potential Impact. The Project's contribution to cumulative impacts related to air quality is less than significant. Modification of the Specific Plan pursuant to Alternative E would not affect cumulative impacts to air quality.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the potential cumulative impact on air quality is less than significant and does not require additional mitigation.

- b. Facts and Reasoning that Support Finding. Both of the cumulative actions (growth and development in South Tahoe and other surrounding communities, and to increasing dispersed recreation in the surrounding area) could generate increased air quality impacts. [2002 Final EIR at 4-112]. Growth and development in South Tahoe and other surrounding communities would occur in separate air sheds, so CO and particulate concentrations would normally not be additive. [2002 Final EIR at 4-112]. However, some air pollution constituents, including construction generated dust, could combine to contribute cumulatively to regional haze. Mitigation Measure 4.4(d) addresses this impact for the Project. [2002 Final EIR at 4-112]. The more important cumulative air effect would occur indirectly as a result of increased traffic. However projections of future traffic were incorporated into the modeling of CO concentrations, which indicated that the regulatory standards would not be exceeded. [2002 Final EIR at 4-112]. Modification of the Specific Plan pursuant to Alternative E would not affect the Project's impact on air quality. Although Alternative E reduces the single-family units by 23 and the multi-family units by 66, the slight reductions in air pollution resulting from decrease in local vehicle use will likely be offset by pollution from a corresponding increase in day visitors. [2002 Final EIR at 5-37, 5-38]. Revised Alternative E contains the same reduction in population and increase in day visitors as Alternative E. [Addendum at 2]. As a result, regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Project would not result in any significant cumulative impact on air quality and no additional mitigation is necessary or proposed.

## H. Cumulative Effects on Cultural Resources

1. Potential Impact. The Project may contribute to potentially significant cumulative impacts on cultural resources in the area including the Emigrant Trail. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would reduce such impacts.
2. Mitigation Measure: The Mitigated Project's contributions to impacts would be mitigated through federal agency enforcement on lands under federal jurisdiction, and Forest Service resource interpretation measures aimed at enhancing public appreciation and understanding of the resource and the need for its protection. [2002 Final EIR at 4-124].
3. Findings.
  - a. Effect after Mitigation: The proposed Mitigation Measures can mitigate the Project's contribution to cumulative impacts on

cultural resources to a less than significant level regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

- b. Facts and Reasoning that Support Finding. Growth in South Tahoe and other surrounding communities and increasing dispersed recreation in the surrounding area have the potential to generate cumulative impacts to cultural resources, particularly given the fact that the region's prehistoric and historic cultural resource base has already been degraded by development activities, vandalism, and natural causes. [2002 Final EIR at 4-124]. For example, potential cumulative impacts to the Emigrant Trail could result from increased visitation by people at Kirkwood as well as by people passing through the area who live at South Tahoe or other surrounding communities. [2002 Final EIR at 4-124]. Addressing these impacts on the vast majority of lands in the area which are National Forests are within the jurisdiction of the U.S. Forest Service. The U. S. Forest Service can and should mitigate these impacts through federal agency enforcement on lands under federal jurisdiction as well as resource interpretation measures aimed at enhancing public appreciation and understanding of the resource and the need for its protection. [2002 Final EIR at 4-124.] On non-federal lands, the respective counties should add resource interpretation measures where appropriate. These measures will reduce the level of cumulative cultural resource impact to a less than significant level. Modification of the Specific Plan pursuant to Alternative E would further decrease the Project's impact on cultural resources because Alternative E reduces the single-family units in Kirkwood North by 18, reduces the area disturbed by construction in Kirkwood North by 2.5 acres, and reduces the population by 386 persons, thereby reducing the risk of impacts to cultural resources associated with construction and human traffic. [2002 Final EIR at 5-9, 5-37, 5-38]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2].
- c. Any remaining impacts will be less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **I. Cumulative Effects on Land Use**

1. Potential Impact. The cumulative impacts on land use are less than significant and do not require mitigation, except to the extent related to recreational issues which are significant and are discussed in the cumulative recreation impacts section below. Modification of the Specific



Plan pursuant to Alternative E or Revised Alternative E would further reduce such impacts.

2. Findings.

- a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Project would not result in any significant cumulative impact on land use and no mitigation is necessary or proposed.
- b. Facts and Reasoning Supporting Finding: All of the Project's impacts upon land use are less than significant. [2002 Final EIR at 4-132]. The Project would have minor effects on existing land uses of adjacent areas, such as Kirkwood Lake and the Caples Creek roadless area. The Project is compatible with all applicable land use plans. [2002 Final EIR at 4-132 to 4-133]. Modification of the Specific Plan pursuant to Alternative E would further reduce such impacts by decreasing the number of single-family units by 23, decreasing the number of multi-family units by 66, and decreasing the population by 386. [2002 Final EIR at 5-9, 5-37]. Revised Alternative E contains the same reduction in units and population as Alternative E. [Addendum at 2]. Consequently, the cumulative impacts upon land use are less than significant and do not require mitigation, except as discussed in the cumulative recreation section below.

**J. Cumulative Effects on Traffic on SR88**

1. Potential Impact. The Project's contribution to cumulative impacts related to traffic on SR88 remains significant after adoption of all feasible mitigation measures and alternatives.
2. Mitigation Measures. The Mitigated Project includes Mitigation Measures 4.7(a), 4.7(b), 4.7(c), 4.7(d), and 4.7(e), which will reduce the Project's impacts upon traffic and circulation. [2002 Final EIR at 4-143]. These measures provide for: (1) the construction of a northbound to westbound left-turn acceleration lane on SR 88; (2) traffic control during peak periods, either through signalization or manual control, at the SR88/Kirkwood Meadows Drive intersection; (3) implementation of an Alpine County traffic impact mitigation fee; (4) a study of day-visitor parking with the condition that, should vehicles exceed the amount of parking spaces available, Kirkwood will implement a mitigation plan that includes such actions as the provision of additional parking spaces, more efficient use of existing parking lots, reducing demand through mass transit and car-pooling, and restrictions on day use; and (5) Caltrans

design requirements should be used to develop the final intersection layout. [2002 Final EIR at 4-143 to 4-144].

### 3. Findings

- a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the cumulative effects related to traffic on SR88 remains significant after adoption of all feasible mitigation measures and alternatives [2002 Final EIR at 4-145].
- b. Facts and Reasoning Supporting Finding: Both growth and development in South Tahoe and other surrounding communities, and increasing dispersed recreation in the surrounding area would add traffic to SR 88. [2002 Final EIR at 4-145]. However, the traffic modeling completed for the Project's individual impacts incorporated traffic increases not associated with the Project as a baseline for predicting the impacts of the Project. [2002 Final EIR at 4-145]. In other words, the cumulative effects were built into the analysis of the direct and indirect traffic effects of the Project. [2002 Final EIR at 4-145]. Mitigation Measures 4.7(a), 4.7(b) and 4.7(c) provide that improvements to the SR88/Kirkwood Meadows Drive intersection will ensure impacts to the SR88/Kirkwood Meadows Drive intersection will be less than significant. [2002 Final EIR at 4-144]. Mitigation Measure 4.7(d) provides that, if day-visitor parking exceeds capacity, KMR will implement a mitigation plan that would either increase parking capacity, or decreasing parking demand, such that capacity can satisfy demand. [2002 Final EIR at 4-144]. Mitigation Measure 4.7(e) provides that the final intersection layout will be built to Caltrans design requirements.

Draft Plan Alternatives A and C would not reduce the impacts to traffic volumes on SR 88 as compared with the Project. Draft Plan Alternatives B [2002 Final EIR at 5-31], D [at 5-36], and E [at 5-39], would reduce the traffic impacts associated with overnight visitors. However such a reduction may be offset by an increase in peak traffic impacts as the resort would need to rely more on day skiers to meet ski resort usage goals. [2002 Final EIR at 5-31, 5-39]. Revised Alternative E contains the same number of overnight visitors and day visitors as Alternative E. [Addendum at 2]. Thus, regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the remaining cumulative SR 88 traffic impacts remain significant and constitutes a significant, unavoidable, adverse impact.

## K. Cumulative Effects on Visual and Aesthetic Resources

1. Potential Impact. The cumulative impacts related to visual and aesthetic resources are less than significant. Modification of the Specific Plan pursuant to Alternative E may reduce such impacts.
2. Findings
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the cumulative effect related to visual and aesthetic resources is less than significant and does not require mitigation.
  - b. Facts and Reasoning Supporting Finding: Both growth and development in South Tahoe and other surrounding communities, and increasing dispersed recreation in the surrounding area have the potential to interact with the Project to generate cumulative visual and aesthetic impacts, primarily by increasing the number of viewers who experience the Project's impacts on visual and aesthetic resources. [2002 Final EIR at 4-160]. However, most of the Project's impacts would be concentrated in an already developed and relatively isolated valley. [2002 Final EIR at 4-160]. As a result, the Project would draw little more attention to the resort and would not change the view of what is expected for a resort community, and thus would not contribute to a significant cumulative visual and aesthetic impact. [2002 Final EIR at 4-160]. Visual simulations completed by Scott Mason and presented to the County demonstrate that the cumulative visual impacts will be less than significant. See Visual Simulations, March 18, 2003 Presentation by G. Derck. Modification of the Specific Plan pursuant to Alternative E would decrease the Project's contribution to cumulative visual impacts because Alternative E reduces the single-family units by 23 and reduces the multi-family units by 66, thereby reducing the light and glare associated with that residential use. [2002 Final EIR at 5-37, 5-38]. In addition, Alternative E further reduces visual impacts by converting the single-family housing in Kirkwood North to open space and removing units from the higher elevations in Ski-In/Ski-Out South. [2002 Final EIR at 5-39]. Revised Alternative E contains the same reduction in units as Alternative E and further reduces visual impacts by: (1) shifting Ski-In/Ski-Out development significantly down the hill to elevations that are lower than the already existing homes; (2) shifting development at, or below, elevations proposed by public comments; and (3) maintaining the same visual treatment along Kirkwood Meadows. [Addendum at 6]. Consequently, no additional mitigation is necessary.

## **L. Cumulative Effects on Noise**

1. Potential Impact. The cumulative impact related to noise is less than significant. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would further reduce such impacts.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the cumulative effect related to noise is less than significant and does not require mitigation.
  - b. Facts and Reasoning Supporting Finding: Both growth and development in South Tahoe and other surrounding communities, and increasing dispersed recreation in the surrounding area have the potential to interact with the Project to generate cumulative noise impacts, primarily through increased traffic on SR 88. [2002 Final EIR at 4-170]. However, projected increases in total SR 88 traffic were incorporated into the modeling analyzing the Project's impacts regarding traffic noise, which concluded that the Project's impacts regarding traffic noise will be less than significant. [2002 Final EIR at 4-170]. Accordingly, the Project's contributions to noise impacts are not cumulatively considerable and require no additional mitigation. Modification of the Specific Plan pursuant to Alternative E would decrease the Specific Plan's noise impacts by concentrating population density in the Village area thereby creating a more pedestrian-friendly community that is less likely to rely on vehicles, and converting the single-family/duplex residential zone in Kirkwood North to open space. [2002 Final EIR at 5-39]. In addition, modification of the Project pursuant to Alternative E would decrease noise related to construction activity by decreasing the single-family units by 23 and decreasing the multi-family units by 66. [2002 Final EIR at 5-37]. Revised Alternative E contains the same concentration of population density in the Village area and reduction in units as Alternative E. [Addendum at 2].

## **M. Cumulative Effects on Socioeconomics**

1. Potential Impact. The Project's contribution to cumulative impacts related to socioeconomics may be significant. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E would not affect these impacts.

2. Mitigation: The Mitigated Project includes Mitigation Measure 4.10(a), which provides assistance to employees seeking affordable housing by requiring employee housing. [2002 Final EIR at 4-182].
3. Findings
  - a. Effects After Mitigation: Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's contribution to cumulative effects related to socioeconomics is less than significant.
  - b. Facts and Reasoning Supporting Finding: Growth and development in South Tahoe and other surrounding communities, has the potential to interact with the Project to generate cumulative socioeconomics impacts. [2002 Final EIR at 4-183]. The major socioeconomic cumulative effect identified involves the availability of affordable employee housing. [2002 Final EIR at 4-183]. Increases in population in the South Lake Tahoe and Minden/Gardnerville areas, and projects underway or planned that would result in an increased demand for housing in these areas, could result in shortages of affordable housing. [2002 Final EIR at 4-183]. The Project would add cumulatively to the demand for affordable housing in these outlying communities. [2002 Final EIR at 4-183]. Employees could be forced to seek housing farther from their places of employment, increasing the impacts to them and to the environment associated with longer commutes. [2002 Final EIR at 4-183]. KMR employment is projected to grow by only 75 people (8.1%) through buildout. [2002 Final EIR at 4-183]. While some non-KMR employment must also be considered, KMR will remain the major employer in the Kirkwood area. With an effective employee housing plan and ordinance in place, as required by Mitigation Measure 4.10(a), the incremental impact on housing demand in communities the size of South Tahoe and Minden/Gardnerville will be less than significant. [2002 Final EIR at 4-183]. Modification of the Specific Plan pursuant to Alternative E would not affect the Project's impacts related to housing. Although Alternative E decreases the single-family units by 23 and the multi-family units by 66, this decrease in housing supply is offset by the corresponding decrease in housing need created by Alternative E's population reduction of 386 persons. [2002 Final EIR at 5-9, 5-37, 5-39]. Revised Alternative E contains the same reduction in units and population as Alternative E. [Addendum at 2].

- c. Any remaining impacts are less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **N. Cumulative Effects on Hazardous Materials**

1. Potential Impact. The cumulative impact related to hazardous materials is less than significant. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may further reduce such impacts.
2. Findings.
  - a. Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the cumulative effect related to hazardous materials is less than significant and does not require mitigation.
  - b. Facts and Reasoning Supporting Finding: Both growth and development in South Tahoe and other surrounding communities, and increasing dispersed recreation in the surrounding area have the potential to interact with the Project to generate cumulative hazardous materials impacts, primarily through increased traffic on the highways used by trucks hauling sludge from Kirkwood's wastewater treatment plant. [2002 Final EIR at 4-189]. However, given the transported sludge is not in a form that readily flows if spilled [2002 Final EIR at 4-187], an accident during transport would pose no risk to the environment or to human health and safety. Modification of the Specific Plan pursuant to Alternative E would reduce the cumulative impacts associated with hazardous materials because Alternative E reduces the population by 386 persons thereby reducing sludge as well as the number of people who may experience any risk related to sludge transportation. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. Accordingly, the Project's contributions to hazardous materials impacts are not cumulatively considerable and require no additional mitigation.

#### **O. Cumulative Effects on Recreation**

1. Potential Impact. The cumulative recreation effects related to the impacts of increased populations using surrounding public lands remains significant and unavoidable after adoption of all feasible mitigation measures and alternatives. Cumulative impacts to skiers using remote terrain would be less than significant. [2002 Final EIR at 4-200.]

Modification of the Specific Plan pursuant to Alternative E may slightly reduce these impacts.

2. Mitigation Measure. The Mitigated Project will incorporate Mitigation Measures 4.12(a), 4.12(b), and 4.12(c). Measure 4.12(b) provides for surveys every 4 years to track recreational use patterns of Kirkwood residents/guests, and use by counties and the USFS of that information in responsive management plans. Measures 4.12(a) and (c) provide that: (1) KMR will work with the USFS to develop and implement an instructional/interpretive program to inform Kirkwood visitors about sensitive resource issues at Kirkwood Lake; (2) KMR will assist in educating Kirkwood residents and visitors about fishing regulations at Kirkwood Lake, and with the permission of the USFS, will post such regulation at angler access points to the lake; and (3) KMR will not create additional parking for the purpose of facilitating access to Kirkwood Lake.

3. Findings

- a. The Project's contribution to cumulative effects related to the impacts of increased populations using surrounding public lands remains significant after adoption of all feasible mitigation measures and alternatives.
- b. Facts and Reasoning Supporting Finding: Both growth and development in South Tahoe and other surrounding communities, and increasing dispersed recreation in the surrounding area could combine with the Project to generate cumulative actions, primarily in the area of impacts to nearby recreational sites and facilities. [2002 Final EIR at 4-200]. Expanded recreational opportunities of the Project would result in a positive effect on recreation. [2002 Final EIR at 4-198]. There would be an associated increase in population at Kirkwood and an increase in the number of users of the recreational areas, but facilities to handle these increases are planned to meet the new demands. Mitigation Measure 4.12(b) will help address future recreation impacts. Mitigation Measures 4.12(a) and (c) will minimize impacts associated with recreation, and, in particular, fishing, at Kirkwood Lake, thus ensuring that any impacts on recreation at Kirkwood Lake, including fishing, will be less than significant. Draft Plan Alternative A of the EIR would not reduce impacts on recreation as compared to the Project. Draft Plan Alternative B of the EIR, which would mitigate impacts on recreation, is economically infeasible as it would not allow sufficient residential developments to support the recreational developments as further discussed in Section VIII below. Of the remaining alternatives (Draft Plan Alternatives C, D, and E), Alternative E provides the most reduction in impacts on recreation.

For instance, Alternative E reduces the population by 386 persons, and removes 18 single-family units and 28 multi-family units from Kirkwood North and rezones the area for open space. Revised Alternative E contains the same reduction in population and units and rezoning of Kirkwood North for open space, and in addition rezones a portion of Ski-In/Ski-Out North and South as open space. [Addendum at 5, 7]. Nonetheless, regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's contribution to cumulatively significant impacts upon recreation constitutes a significant, unavoidable, adverse impact as is further discussed in Section IX below.

#### **P. Impact: Cumulative Effects on Public Services**

1. Potential Impact. The cumulative impacts related to police and medical public services could be significant. Modification of the Specific Plan pursuant to Alternative E or Revised Alternative E may reduce such impacts.
2. Mitigation: Mitigation Measures 4.13(a), 4.13(f) and 4.13(g) provide that the demands for sheriff protection and medical services will be monitored and services will be expanded as needed. [2002 Final EIR at 4-210].
3. Findings.
  - a. Effects After Mitigation: Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's contribution to cumulative effects related to public services is less than significant and does not require additional mitigation.
  - b. Facts and Reasoning Supporting Finding: Both growth and development in South Tahoe and other surrounding communities, and increasing dispersed recreation in the surrounding area, have the potential to interact with the Project to generate cumulative impacts related to public services. [2002 Final EIR at 4-211]. The major cumulative effect related to public services involves sheriff protection and medical services. [2002 Final EIR at 4-205]. However, Mitigation Measures 4.13(a), 4.13(f) and 4.13(g) require that increased demand for sheriff protection and medical services be factored into monitoring and ongoing assessments of the need for upgrades. [2002 Final EIR at 4-211]. Tax revenues from the Project will be adequate to fund additional costs. For example, the Specific Plan's estimated impact on Amador County's annual *expenditures* by 2019/2020 (in 2002 dollars) is \$47,703.00 [2003



Fiscal Impact Analysis at 27, Table 15]. In contrast, the Specific Plan's estimated impact on the Amador County General Fund's *annual net revenues* by 2019/2020 (in 2002 dollars and assuming full build-out) is \$640,681.00 [2003 Fiscal Impact Analysis at 30, Table 17]. Modification of the Specific Plan pursuant to Alternative E would reduce the population by 386 persons, thereby reducing the demand for public services. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. Accordingly, regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's contribution to cumulative effects related to public services is less than significant and does not require additional mitigation.

- c. Any remaining impacts are less than significant regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E.

#### **Q. Impact: Cumulative Effects on Utilities and Infrastructure**

1. Potential Impact. The cumulative impacts related to utilities and infrastructure may be significant.
2. Mitigation: The Mitigated Project includes Mitigation Measures 4.14(a), 4.14(b), 4.14(c), 4.14(d), 4.14(e), 4.14(f), and 4.14(g), which provide performance standards requiring that the demands for utilities and infrastructure will be monitored and capacity will be expanded prior to demand. [2002 Final EIR at 4-222].
3. Findings.
  - a. Effects After Mitigation: Regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's contribution to cumulative effects related to utilities and infrastructure is less than significant and does not require additional mitigation. [2002 Final EIR at 4-223.]
  - b. Facts and Reasoning Supporting Finding: Growth and development in South Tahoe and other surrounding communities has the potential to interact with the Project to generate cumulative impacts by Kirkwood visitor numbers, driving up average and peak demand for energy, water, and wastewater treatment. [2002 Final EIR at 4-223]. As a result, the rate of background population growth would be a factor in determining when upgraded facilities and infrastructure were required. However, Mitigation Measures 4.14(a), 4.14(b), 4.14(c), 4.14(d), 4.14(e), 4.14(f), and 4.14(g)

provide that the demands for utilities and infrastructure will be monitored and capacity will be expanded prior to demand. In addition, elements of the Project itself include electrical, wastewater, and water supply upgrades. [See e.g., 2002 Final EIR at 3-47 and 3-54 to 3-58]. Modification of the Specific Plan pursuant to Alternative E would reduce the population by 386 persons, thereby reducing the demands for utilities. [2002 Final EIR at 5-9]. Revised Alternative E contains the same reduction in population as Alternative E. [Addendum at 2]. Accordingly, regardless of whether the Specific Plan is modified pursuant to Alternative E or Revised Alternative E, the Mitigated Project's contribution to cumulative effects related to utilities and infrastructure is less than significant and does not require additional mitigation.

c. Any remaining impacts are less than significant.

### **VIII. FINDINGS REGARDING ALTERNATIVES**

CEQA Guidelines Section 15126.6 requires a discussion of a reasonable range of alternatives to the Project or to the location of the Project. However, an EIR need not consider an alternative whose implementation is remote or speculative. For this Project, several alternatives were evaluated. These alternatives are discussed in the 2002 Final EIR at pages 5-1 through 5-44. The 2002 Final EIR discussed the following alternatives:

- Alternatives To The Draft Specific Plan:
  - Draft Plan Alternative A – No Project (1988 Master Plan);
  - Draft Plan Alternative B – Reduced Kirkwood North and Reduced Resort-Wide Residential Development;
  - Draft Plan Alternative C – Clustered Kirkwood North Residential Development;
  - Draft Plan Alternative D – Reduced Kirkwood North and Reduced Ski-In/Ski-Out North development;
  - Draft Plan Alternative E – Reduced Kirkwood North and Reduced Ski-In/Ski-Out Development and Unit Relocation;
- Alternatives To The Proposed MMDP:
  - MMDP Alternative A – No Project
  - MMDP Alternative B – No Additional Emigrant Valley Development

- Alternatives To The WWTP Upgrade:
  - WWTP Alternative A – No Project

**A. Draft Plan Alternative A – No Project (1988 Master Plan)**

As described in the 2002 Final EIR at pages 5-25 through 5-29, the CEQA mandated “No Project Alternative” would consist of continued buildout under the 1988 Master Plan. Draft Plan Alternative A would result in fewer total units than the Draft Plan, resulting, in turn, in approximately 19.6 acres less ground disturbance.

The Draft Plan No Project Alternative is environmentally less desirable than Revised Alternative E and is rejected as infeasible for the following social reasons: while the Draft Plan No Project Alternative would result in fewer total units than the Draft Plan, and in turn, in less total ground disturbance, the No Project Alternative will result in more dispersed development that could have greater environmental impacts than the Project. [2002 Final EIR at 5-25]. For instance, the more dispersed development will require greater dependency upon roads and parking facilities. The No Project Alternative involves a planning approach less consistent with current economic and social considerations for ski resorts in the western United States. The No Project Alternative also increases the population in close proximity to Kirkwood Lake, thus resulting in potential increased human disturbance upon the lake and its fishery. [2002 Final EIR at 5-26]. Moreover, the more dispersed development could have greater impacts upon habitat, general disturbance of wildlife, vegetative resources, and air quality. [2002 Final EIR at 5-27]. Finally, Draft Plan Alternative A increases the concentration of development in Kirkwood North, further changing the character of the Kirkwood Inn’s surroundings. [2002 Final EIR at 5-27]. It would also involve more likely pedestrian-vehicle hazards. The Draft Plan No Project Alternative also includes increased visual impacts due to the allowance of taller buildings.

Alternative A, which is continuation of development under the 1988 Master Plan no longer reflects the community’s social values of the Kirkwood community. Alternative A does not provide the “mixed use” of residential and commercial zoning that allows residents to access commercial services locally. [March 14, 2003 letter from Gary Derck, CEO of Kirkwood to Board of Supervisors (“March 14, 2003 Letter”).] Alternative A also groups multi-family in clusters, rather mixing single-family among multi-family developments. In addition, Alternative A does not include the currently preferred housing types. For instance, Alternative A also does not provide adequate single-family homes to meet demand but does include 260 “Lodging/Hotel” units [2002 Final EIR at 5-9], which do not have kitchen facilities and, consequently, are not preferred. [March 14, 2003 Letter].

Consequently, the No Action Alternative is contrary to the increasing social value placed on environmental protection, pedestrian friendly communities, mixed-use projects, and limiting ground disturbance in Kirkwood North.

## **B. Draft Plan Alternative B – Reduced Kirkwood North and Reduced Resort-Wide Residential Development**

As described in the 2002 Final EIR at pages 5-24, and 5-29 through 5-33, Draft Plan Alternative B – Reduced Kirkwood North and Resort-Wide Residential Development would eliminate single-family/duplex development in Kirkwood North and designate the area as Open Space. Areas of multi-family development throughout the valley would be reduced to lower the overnight population at buildout by 20%, allowing 1,202 units. In all other respects, this alternative would be the same as the Draft Plan.

Because Draft Plan Alternative B eliminates the development in Kirkwood North and reduces the overnight population by reducing multi-family housing, the reduction of impacts of Draft Plan Alternative B on aquatic resources, wildlife resources, wetland resources, vegetation resources, cultural resources, land use, visual and aesthetic resources, noise, recreation, and public services makes this alternative the environmentally superior alternative to the Draft Plan. [2002 Final EIR at 5-44]. However, although Alternative B is the environmentally superior alternative, Alternative B does not reduce the significant and unavoidable impacts to a less than significant level. Moreover, while Draft Plan Alternative B would reduce overnight populations, it would not necessarily reduce day visitors. Consequently, impacts on traffic during peak times and parking, as well as noise associated with traffic during peak times, may increase relative to the Specific Plan. [2002 Final EIR at 5-31 and 5-32].

Draft Plan Alternative B is infeasible for social and economic reasons. Relative to Revised Alternative E, Alternative B includes a 15% reduction in population and a corresponding reduction in multi-family housing that is economically and socially infeasible because it does not allow a critical mass of residents and overnight guests to provide adequate economies of scale to: (1) provide cost effective utilities and infrastructure, public safety, medical, and related community services; (2) provide opportunities for local businesses and year round shopping, dining, and entertainment venues; or (3) provide a full range of community recreational amenities. [April 9, 2003 letter from Gary Derck to Alpine and Amador County Boards of Supervisors (“April 9, 2003 Letter”). Due to its geographic isolation, Kirkwood has unusually high operation and overhead costs that cannot be adequately amortized under Alternative B because of Alternative B’s reduction in overnight population. [April 9, 2003 Letter]. In addition, Alternative B would not provide sufficient revenue to afford the on-mountain improvements and village amenities expected by the community. Based on expected revenue from units, Alternative B would decrease the economic value of the Specific Plan by between \$30,000,000 and \$35,000,000 [March 14, 2003 Letter]. Moreover, Alternative B does not provide a stable “core” residential population with an interest in the long term well being of the resort and in the region that leads to better upkeep of the community, including less litter, less vandalism, and more time and energy devoted to volunteer community wide improvements. Furthermore, with its reduction in multi-family housing, Alternative B will provide fewer jobs for Amador County than will Revised Alternative E. [April 9, 2003 Letter].

As a result, Alternative B does not provide the sustainable, balanced resort community that the Amador County General Plan, and earlier versions of the Specific Plan, have sought to develop. [April 9, 2003 Letter]. The Amador County General Plan emphasizes the need to balance

economic and environmental values. For instance, the Amador County General Plan emphasizes the preservation, protection, and where appropriate, *promotion of the development of natural resources...*” [Amador County General Plan at page 4 (emphasis added)]. The Amador County General Plan similarly emphasizes, “the *provision and maintenance of rural and urban services and facilities,*” the “*provision of adequate housing,*” and “[s]trengthening the area economy through expanded commercial and industrial activity...” [Amador County General Plan at page 4 (emphases added)].

### **C. Draft Plan Alternative C - Clustered Kirkwood North Residential Development**

As described in the 2002 Final EIR at pages 5-24, and 5-33 through 5-34, Draft Plan Alternative C - Clustered Kirkwood North Residential Development would convert the single-family/duplex development in Kirkwood North to more clustered, multi-family development. Through this conversion, a total of 1,513 units would occur. In all other respects, this alternative would be the same as the Draft Plan.

Because Draft Plan Alternative C reclassifies the single-family land use to multi-family at Kirkwood North, and clusters unit development, Alternative C results in less soil disturbance than the Draft Plan. [2002 Final EIR at 5-33]. While the land area classified as multi-family would be the same, the total number of structures built would be less. [2002 Final EIR at 5-33]. Alternative C would also result in slightly less construction related impacts on water resources, and aquatic resources. [2002 Final EIR at 5-33]. However, because Draft Plan Alternative C slightly increases the number of household units from 1,503 under the Specific Plan to 1,513, this alternative may result in a similarly slight increase in the noise impacts associated with traffic. [2002 Final EIR at 5-34]. This alternative would have 100 more units at buildout than the preferred alternative, which is Alternative E. It would also cause substantially more environmental impacts in Kirkwood North as compared to Revised Alternative E and thus is being rejected as not as environmentally desirable as Revised Alternative E.

### **D. Draft Plan Alternative D - Reduced Kirkwood North and Ski-In/Ski-Out North Development**

As discussed in the 2002 Final EIR at pages 5-24, and 5-34 through 5-36, Draft Plan Alternative D - Reduced Kirkwood North and Reduced Ski-In/Ski-Out North Development would reduce single-family and multi-family development in Kirkwood North and would substantially reduce multi-family development in Ski-In/Ski-Out North to address density concerns. Total units would equal 1,413. In all other respects, this alternative would be the same as the Draft Plan.

Because Draft Plan Alternative D reduces development in Kirkwood North and reduces density in Ski-In/Ski-Out North, Alternative D would result in an estimated 3.5 acres less soil disturbance than the Draft Plan. [2002 Final EIR at 5-34]. In turn, this would reduce the potential for erosion and sedimentation that would impact water resources, aquatic resources, water resources, wildlife resources, vegetation resources, cultural resources, and light and glare. [2002 Final EIR at 5-34 to 5-35]. Draft Plan Alternative D would reduce noise and air impacts except during peak traffic periods. [2002 Final EIR at 5-35].

Draft Plan Alternative D is contrary to the increasing social value placed upon reducing traffic associated with day visitors. In addition, Draft Plan Alternative D would reduce the number of units by 90 as compared to the Draft Plan.

Alternative D is considered less desirable than Revised Alternative E, as D would allow 12 single family residences in the sensitive Kirkwood North area, which Alternative E eliminates. [2002 Final EIR at 2-7.]

#### **E. Draft Plan Alternative E - Reduced Kirkwood North and Ski-In/Ski-Out North Development and Unit Relocation**

As discussed in the 2002 Final EIR at pages 5-24, and 5-37 through 5-39, Draft Plan Alternative E - Reduced Kirkwood North and Ski-In/Ski-Out North Development and Unit Relocation would eliminate single-family/duplex development in Kirkwood North and change the land use designation in that portion of Kirkwood North to Open Space. In addition, multi-family units in Kirkwood North and the Ski-In/Ski-Out subareas would be reduced. Some of the units would be relocated to already planned structures in the Village, which are zoned as Multi-Family Residential and Commercial. Overall authorized units at Kirkwood would be 1,413. Draft Plan Alternative E would reduce the number of units by 90 and the number of expected visitors by 386 as compared to the Draft Plan. [2002 Final EIR at 5-9]. Visual simulations completed by Scott Mason demonstrate that Alternative E's visual impacts will be less than significant. See Presentation by G. Derck at March 18, 2003 Board of Supervisors Meeting. In all other respects, this alternative's design would be the same as the Draft Plan.

Because Draft Plan Alternative E would eliminate some development and relocate certain units to pre-existing structures, Alternative E would reduce the disturbance of soils relative to the Draft Plan. [2002 Final EIR at 5-37]. Revised Alternative E further reduces disturbance as it: (1) does not allow building on an additional approximate 18.9 acres within upper Ski-In/Ski-Out areas; and (2) allows roadways to be sited to take advantage of existing mountain maintenance trails and disturbed areas. [Addendum at 3]. This reduction in soil disturbance would reduce the potential for sedimentation impacts. In addition, Alternative E would reduce foot traffic to Kirkwood Lake and would provide a buffer for the Kirkwood Meadows Association. Alternative E also would avoid streams and wetlands. Together, these reductions in impacts would reduce the impacts upon biological resources, wildlife resources, wetland resources, vegetation resources, visual and aesthetic resources, and noise. Alternative E is economically feasible. [March 14, 2003 Letter; April 9, 2003 Letter]. In fact, Alternative E was developed through extensive public meetings to address these impacts and would result in the least environmental impacts of any of the feasible Draft Plan alternatives.

Revised Alternative E contains the same reduction in units as Alternative E and further reduces visual impacts by: (1) shifting Ski-In/Ski-Out development significantly down the hill to elevations that are lower than the already existing homes; (2) shifting development at, or below, elevations proposed by public comments; and (3) maintaining the same visual treatment along Kirkwood Meadows. [Addendum at 3]. Revised Alternative E would slightly increase the direct impacts on waters of the United States. However, this impact would be small (less than .25 acre) and would be subject to the mitigation measures provided in the Final EIR at page 4-87 through

4-88. [Addendum at 6]. Revised Alternative E also reduces the severity of: (1) effects on adjacent land; (2) the change in the zoning designations to Ski-In/Ski-Out; (3) impacts on parks and recreation; (4) soil disturbance and erosion; (5) avalanches; (6) indirect impacts to waters of the United States; (7) impacts to vegetation communities due to construction; (8) impacts to threatened, endangered, and special-status plants due to construction; (9) light and glare; (10) impacts on fire protection services; (11) impacts to wildlife resources as a result of increased human presence; and (12) effects of increased population on recreational use of surrounding public lands. [Addendum at 5-7].

#### **F. MMDP Alternative A - No Project**

As discussed in the 2002 Final EIR at pages 5-25, and 5-40 through 5-41, MMDP Alternative A - No Project would include no on-mountain facilities improvements. Rather, the capacity would remain at 6,200 skiers. Management would continue to follow current guidance as set forth in the 1971 Mountain Master Plan.

Because MMDP Alternative A would eliminate all on-mountain improvements, all construction-related impacts associated with those improvements would be eliminated. Consequently, Alternative A would result in the continuation of the existing conditions, including continuation of the demand for more on-mountain services. Ski resorts in the western United States have been upgraded or closed over the last 30 years and Kirkwood needs to upgrade its mountain facilities to remain economically competitive. This alternative would cause a significant impact to recreation. [2002 Final EIR at 5-41.]

MMDP Alternative A is socially infeasible because it is contrary to the increasing social value and customer expectations placed on Kirkwood's ski facilities.

#### **G. MMDP Alternative B - No Additional Emigrant Valley Development**

As discussed in the 2002 Final EIR at pages 5-25, and 5-41 through 5-43, MMDP Alternative B - No Additional Emigrant Valley Development would eliminate the following elements of the MMDP: (1) the Covered Wagon surface lift; (2) the Thimble Peak lift; (3) the multi-use trail from Caples Crest to the bottom of Sunrise lift. The infrastructure related to these projects would also be eliminated. Although on-mountain skier capacities would be slightly less than those under the MMDP, skiers who prefer to hike would benefit [2002 Final EIR at 5-43]. In all other respects, this alternative would be the same as the MMDP.

Because MMDP Alternative B would eliminate additional development in Emigrant Valley, Alternative B would eliminate visual and cultural impacts to the Emigrant Trail. [2002 Final EIR at 5-41]. Alternative B would also result in reduced impacts to soils, aquatic resources, wildlife, noise, energy, and vegetation resources, as compared to the MMDP. [2002 Final EIR at 5-41 to 5-42]. MMDP Alternative B is the environmentally superior alternative to the MMDP. [2002 Final EIR at 5-44].

MMDP Alternative B is socially infeasible because it is contrary to the increasing social value and customer expectations placed on upgraded ski facilities.

## **H. WWTP Alternative - No Project (Interim Improvements Only)**

As discussed in the 2002 Final EIR at pages 5-25, and 5-43, the WWTP No Project Alternative would allow only previously approved interim improvements, meeting a maximum demand capacity of 120,000 gpd as compared to the Project's demand for 190,000 gpd.

Because the No Project WWTP Alternative would limit capacity to 120,000 gpd, the No Project WWTP Alternative would result in a significant wastewater treatment impact, as the alternative would not sustain the future flows generated by full development of the Draft Plan. Consequently, the proposed WWTP upgrade discussed as part of the Project is the environmentally superior alternative. [2002 Final EIR at 5-44]. The environmental impacts associated with the No Project WWTP Alternative make it environmentally and socially infeasible.

## **IX. FINDINGS REGARDING IMPACTS THAT REMAIN SIGNIFICANT AFTER ADOPTION OF ALL FEASIBLE MITIGATION AND ALTERNATIVES: SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS**

The 2002 Final EIR identified the following four significant impacts on the environment that are deemed to remain significant after adoption of all feasible Mitigation Measures and alternatives. These impacts are significant and unavoidable:

- Impacts to Wildlife Resources As A Result of Increased Human Presence;
- Project Visibility;
- Effects Of Increased Traffic Volumes On SR 88 including project and cumulative impacts; and
- Effects Of Increased Population On Recreational Use Of Surrounding Public Lands.

No additional, feasible mitigation measures that have not already been adopted were identified in the EIR for these impacts.

The Amador County Board of Supervisors finds, pursuant to the California Public Resources Code § 21081 and Sections 15091-15093 and 15096 of the CEQA Guidelines, that specific economic, legal, social, technological, or other considerations, make infeasible Alternatives A and B. [14 C.C.R. § 15091(a)(3)]. Draft Plan Alternative A would not reduce the significant and unavoidable adverse impacts. Draft Plan Alternative B would reduce, but would not avoid nor mitigate to below a level of significance, the significant and unavoidable adverse impacts of the Project. Draft Plan Alternative B is not feasible because it reduces residential development to a degree that is not economically practicable and does not provide the balanced, sustainable resort-community contemplated by the Amador County General Plan. [March 14, 2003 Letter; April 9, 2003 Letter]. Draft Plan Alternatives C, D, E and Revised Alternative E are feasible



and would reduce the significant and unavoidable adverse impacts identified above but not to below the level of significance. Of these, Revised Alternative E would provide the greatest reduction in overall environmental impacts.

**A. Impacts to Wildlife Resources As A Result of Increased Human Presence**

1. Potential Impacts. The Project will have a significant impact on wildlife resources as a result of increased human presence.
2. Mitigation Measure. The Project will incorporate Mitigation Measures 4.3.2(a), 4.3.2(b), 4.3.2(c), 4.3.2(d), 4.3.2(e), 4.3.2(f). [2002 Final EIR at 4-78]. These measures provide that: (1) all dogs and cats will be kept indoors or controlled on a leash and all pets will be fed indoors; (2) garbage will be stored in wildlife proof containers; (3) restrictions will be implemented to prohibit the feeding of wildlife, except seed feeders for birds and nectar feeders for hummingbirds; (4) all projects with the potential to impact waters of the United States will be reviewed by the United States Army Corps of Engineers (“COE”) and the appropriate county (or USFS if on federal lands) and will be designed to avoid impacts and/or minimize impacts to the maximum extent practicable and KMR will obtain any related permits; (5) KMR will negotiate and abide by an acceptable Streambed Alteration Agreement with CDFG prior to construction of any improvements affecting streambeds; (6) during construction of any utility infrastructure within wetlands, the construction contractor will place sidecast materials in upland areas to minimize impacts as a result of temporary storage and to use to backfill the trench as soon as possible; (7) in the vicinity of wetlands, the construction contractor will restrict construction equipment, vehicles, and the placement of soil stockpiles to upland sites except for implementation of COE-authorized crossings; (8) KMR will review proposed stream crossings with the respective counties or the USFS, if in the SUP area, and the COE, and determine which site would be appropriate for bridging; (9) KMR will implement a mitigation plan approved by the COE and the appropriate counties to replace any wetland losses due to the proposed development; (10) KMR will assist in educating Kirkwood residents and visitors about fishing regulations at Kirkwood Lake; and (11) a minimum 35-foot buffer of undisturbed vegetation between wetlands and streams with riparian vegetation, and disturbed areas (construction sites), or parking lots, or other impervious areas that produce runoff, and, if in the SUP area, a minimum setback of 300 feet for perennial streams and meadows, and 150 feet for seasonally flowing streams.
3. Findings.
  - a. Effect of Mitigation. The Mitigated Project’s impacts upon wildlife resources as a result of increased human presence would

remain significant after application of the above mitigation measures. Specific social and economic considerations make infeasible Draft Plan Alternative B that would most reduce this impact.

- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.3.2(a), 4.3.2(b), 4.3.2(c), 4.3.2(d), 4.3.2(e), and 4.3.2(f) minimize the impacts upon wildlife resources resulting from increased human presence, but do not reduce them to a level less than significant. Revised Alternative E decreases the impacts of the Specific Plan upon wildlife resources, particularly in Kirkwood North. In addition, Revised Alternative E reduces the total number of overnight visitors by 386. These decreases will reduce the increase of human presence, and the resulting impacts on wildlife resources, as compared to the Proposed Specific Plan, but not below the level of significance.

Draft Plan Alternative A would not reduce the impacts to wildlife resources as compared with the Project. Draft Plan Alternative B, which would provide the most reduction in impacts to wildlife resources of any of the alternatives, is infeasible for economic considerations as discussed above in Section VIII. Of the remaining Draft Plan alternatives (C, D, E and Revised Alternative E), Alternative E and Revised Alternative E would provide the most reduction in impacts to wildlife resources. The County is selecting Revised Alternative E because of its reduction of visual impacts over Alternative E. [Addendum at 7]. However, the remaining impacts to wildlife would remain significant and constitutes a significant, unavoidable, adverse impact.

## **B. Project Visibility**

1. Potential Impacts. The Project will result in significant impacts related to project visibility and light and glare.
2. Mitigation Measures. The Project will incorporate Mitigation Measures 4.8(a), 4.8(b), 4.8(c), 4.8(d), 4.8(e), 4.8(f), 4.8(g), 4.8(h), 4.8(i), 4.8(j), 4.8(k), 4.8(l), 4.8(m), 4.8(n), 4.8(o), 4.8(p), 4.8(q), 4.8(r), 4.8(s), 4.8(t), 4.8(u), 4.8(v), 4.8(w), 4.8(x), 4.8(y), 4.8(z), 4.8(aa) and 4.8(ab). [2002 Final EIR at 4-157 to 4-159]. These measures provide that: (1) at high-visibility locations, such as upper elevations of Ski-In/Ski-Out South, new trees will be planted to screen the proposed development; (2) proposed development will be established with curvilinear, undulating boundaries wherever possible; (3) grading will be done in a manner that minimizes erosion, conforms to the natural topography; (4) clearing of trees and vegetation for the project will be limited to the minimum area required; (5)

soil excavated during construction will be graded to conform with the terrain and the adjacent landscape; (6) site-specific efforts will be made, such as removing stumps or smoothing soil, to ensure a temporary impact where clearing is required in sensitive or scenic areas; (7) permanent vegetative cover will be established on disturbed areas; (8) native or indigenous plant materials will be selected; (9) the seedbed will be modified to provide an optimum environment for seed germination, seedling growth, and survival, as specified in the Kirkwood erosion control ordinance; (10) landscape design that repeats or blends with the surrounding existing landscape character will be applied in highly visible or sensitive areas to enhance the appearance of project building installation; (11) the edges of the highway right-of-way will be feathered in certain areas to repeat vegetation patterns of existing open space edges; (12) natural woody vegetation within 200 feet of SR 88 in Kirkwood North will be evaluated carefully before removal to preserve a visual buffer for this area, and that selective removal or pruning of trees in areas with sensitive scenic values will be done in consultation with the Caltrans landscape architect or county-approved visual resource specialist; (13) rip-rap stabilization material will be a non-contrasting color; (14) mulching or the scattering of tree slash debris on cut and fill areas will be used to mask bare soil; (15) planting times will be controlled to maximize successful revegetation; (16) natural-looking planting patterns will be used on cut/fill slopes; (17) topsoil will be stockpiled for use as a revegetative media; (18) construction activities will be monitored to ensure compliance with soil erosion prevention practices; (19) design will take advantage of natural screens (i.e., vegetation, landforms); (20) seed cuts and fills with native grass species that will not have substantial winter or other seasonal color contrasts; (21) the visual prominence of development within visually sensitive areas, as viewed from SR88, will continue to comply with requirements for building colors, construction materials, and architectural design as administered by the USFS and TC-TAC, and outlined in KRMOA CC&Rs and Design Guidelines; (22) structures will be constructed of materials that blend with the landscape character; (23) lift components will meet FSM 2380 (USFS Manual) policy for color and reflectivity and that building designs on National Forest lands, including color and material, will be submitted to the USFS for approval prior to construction; (24) the appearance of human-made openings will simulate existing natural openings in the forest; (25) in accordance with FSM 2380, appropriate siting of buildings will be incorporated, as will the use of low-impact materials and colors, on National USFS lands; and (26) the lighting in new development will be required to meet the standards (as amended) set forth in the Kirkwood Specific Plan Design Guidelines.

3. Findings

- a. Effect of Mitigation. The Mitigated Project's impacts upon the Project's visibility remain significant after mitigation. Specific economic considerations make infeasible Draft Plan Alternative B and social considerations make infeasible MMDP Alternative B, which would further reduce this impact, but not below the level of significance. [2002 Final EIR at 4-160.]
- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.8(a), 4.8(b), 4.8(c), 4.8(d), 4.8(e), 4.8(f), 4.8(g), 4.8(h), 4.8(i), 4.8(j), 4.8(k), 4.8(l), 4.8(m), 4.8(n), 4.8(o), 4.8(p), 4.8(q), 4.8(r), 4.8(s), 4.8(t), 4.8(u), 4.8(v), 4.8(w), 4.8(x), and 4.8(y) minimize the Project's impacts on visibility, but do not reduce them to a level less than significant. [2002 Final EIR at 4-157 to 4-159]. On federal lands where the Forest Service has jurisdiction, the Forest Service can and should adopt Mitigation Measures 4.8(v), (w), and (y). Draft Plan Alternative E decreases the Specific Plan's impacts upon visibility, particularly in Kirkwood North. Draft Plan Alternative E reduces the total number of overnight visitors by 386 and reduces the number of single family homes by 16. Revised Alternative E achieves the same reduction of visual impacts in Kirkwood North and reduction in population and single-family homes, but also reduces visual impacts by further reducing units located on the upper slopes of Ski-In/Ski-Out North and South. Revised Alternative E contains the same reduction in units as Alternative E and further reduces visual impacts by: (1) shifting Ski-In/Ski-Out development significantly down the hill to elevations that are lower than the already existing homes; (2) shifting development at, or below, elevations proposed by public comments; and (3) maintaining the same visual treatment along Kirkwood Meadows. [Addendum at 3]. These reductions will reduce the visual impacts in comparison to the Specific Plan by reducing the number of man-made structures and the amount of earth disturbance, but not below the level of significance.

Draft Plan Alternative A would not reduce the impacts to visibility as compared with the Project. Draft Plan Alternative B, which would provide the most reduction in impacts to visual resources of any of the alternatives, is infeasible for economic considerations as discussed above. Of the remaining Draft Plan alternatives (C, D, E and Revised Alternative E), Revised Alternative E would provide the most reduction in impacts to visual resources. However, the remaining visual impacts remain significant and constitute a significant, unavoidable, adverse impact.

### C. Effects Of Increased Traffic Volumes On SR 88

1. Potential Impacts. The Project will result in significant project and cumulative impacts associated with increased traffic volumes on SR 88.
2. Mitigation Measure. The Project will incorporate Mitigation Measures 4.7(a), 4.7(b), 4.7(c), 4.7(d), and 4.7(e). [2002 Final EIR at 4-143 to 4-144]. These measures are summarized as follows:
  - a. Mitigation Measure 4.7(a) provides that a northbound to westbound left-turn acceleration lane on SR 88 should be created to accommodate left-turn movements. Kirkwood Meadows Drive would be restriped and/or widened to accommodate three 10-foot-wide lanes (minimum), which would allow for the use of cones to configure one southbound lane and two north bound lanes (one left-turn, one right-turn) during peak periods to form turn lanes that would allow left-turn vehicle stoppage while allowing right turning vehicles to flow. [2002 Final EIR at 4-143].
  - b. Mitigation Measure 4.7(b) provides that traffic control during peak periods, either through signalization or manual control, at the SR 88/Kirkwood Meadows Drive intersection would improve the level of service ("LOS") rating to B at buildout (modeling results in Appendix A of the 2002 Final EIR). KMR will conduct traffic counts and LOS modeling of the intersection during periods of peak visitation, which could include summer special events, every 3 years and provide the results to TC-TAC. The frequency of this requirement will be modified by TC-TAC based on the rate of growth in traffic experienced since the last evaluation and that expected in the near future. Signalization or manual control of the intersection will occur if traffic flows meet Caltrans minimum requirements for signalization. Alternatively, KMR may pursue other traffic control measures acceptable to Caltrans and all three counties that would improve the LOS rating of the SR 88/Kirkwood Meadows Drive intersection to LOS B. [2002 Final EIR at 4-143 to 4-144].
  - c. Mitigation Measure 4.7(c) provides that Alpine County can and should implement a traffic impact mitigation fee for future development within Kirkwood. The fee will be used to mitigate traffic impacts on SR 88 both east and west of Kirkwood (in Amador County) that are partially attributable to Alpine County development. The fee system would be based on a similar mitigation fee program already in place within Amador County, which is also applicable to development at Kirkwood within Amador County. [2002 Final EIR at 4-144].

- d. Mitigation Measure 4.7(d) provides for an annual study of day-visitor parking with the condition that, should vehicles exceed the amount of parking spaces available, Kirkwood will implement a mitigation plan that includes such actions as the provision of additional parking spaces, more efficient use of existing parking lots, reducing demand through mass transit and car-pooling, and restrictions on day use. [2002 Final EIR at 4-144.]
- e. Mitigation Measure 4.7(e) provides that the final intersection layout will be built to Caltrans design requirements. [2002 Final EIR at 4-144.]

3. Findings

- a. Effect of Mitigation. The Mitigated Project's impacts traffic on SR 88 remain significant after mitigation. No alternative was identified in the EIR that would reduce this impact to a less than significant level.
- b. Facts and Reasoning that Support Finding. Mitigation Measures 4.7(a), 4.7(b), 4.7(c), 4.7(d), and 4.7(e) substantially lessen the Project's impacts associated with increased traffic volumes on SR 88, but do not reduce them to a level less than significant.

Both growth and development in South Tahoe and other surrounding communities, and increasing dispersed recreation in the surrounding area would also add traffic to SR 88. [2002 Final EIR at 4-145]. However, the traffic modeling completed for the Project's individual impacts incorporated traffic increases not associated with the Project as a baseline for predicting the impacts of the Project. [2002 Final EIR at 4-145]. Mitigation Measures 4.7(a), 4.7(b) and 4.7(c) provide that improvements to the SR88/Kirkwood Meadows Drive intersection will ensure impacts to the SR88/Kirkwood Meadows Drive intersection will be less than significant. [2002 Final EIR at 4-144]. Mitigation Measure 4.7(d) provides that, if day-visitor parking exceeds capacity, KMR will implement a mitigation plan that would either increase parking capacity, or decrease parking demand, such that capacity can satisfy demand. [2002 Final EIR at 4-144]. Mitigation Measure 4.7(e) provides that the final intersection layout will be built to Caltrans design requirements.

The remaining impact is traffic on SR88 itself. [2002 Final EIR at 4-145.]

Draft Plan Alternative A would not reduce the impacts to traffic volumes on SR 88 as compared with the Project Draft Plan. Draft Plan Alternatives B [2002 Final EIR at 5-31], D [at 5-36], E [at 5-39], and Revised Alternative E, although they would reduce overnight visitors, may actually increase peak traffic impacts as the resort would need to rely more on day skiers to meet ski resort usage goals. Draft Plan Alternative C could result in more traffic in Kirkwood North than would the Draft Plan. [2002 Final EIR at 5-34]. Thus, the remaining SR 88 traffic impacts remain significant and constitute a significant, unavoidable, adverse impact.

#### **D. Effects Of Increased Population On Recreational Use Of Surrounding Public Lands**

1. Potential Impacts. The Project will result, due to increased population, in significant project related and cumulative recreational impacts on use of surrounding public lands.
2. Mitigation Measure. The Project will incorporate Mitigation Measures 4.12(a), 4.12(b), and 4.12(c). [2002 Final EIR at 4-199]. These measures provide that: (1) KMR will assist in educating Kirkwood residents and visitors about fishing regulations at Kirkwood Lake and, with the permission of the USFS, post such regulations at angler access points to the lake; (2) KMR will not create additional parking for the purpose of facilitating access to Kirkwood Lake; (3) KMR will conduct surveys to identify on and off-site recreation use patterns of residents and guests and report results to TC-TAC and the USFS. This information will increase TC-TAC and USFS knowledge of recreational use patterns in the Kirkwood area and contribute to development of responsive management plans. In addition, KMR will work with the USFS to develop and implement an instructional/interpretive program to inform Kirkwood visitors about sensitive resource issues at Kirkwood Lake.
3. Findings.
  - a. Effect of Mitigation. The Mitigated Project's recreational impacts related to increased population on the use of surrounding public lands remain significant after mitigation. Specific economic considerations discussed above make infeasible Draft Plan Alternative B identified in the final EIR as the alternative that would most reduce the impacts on surrounding public lands.
  - b. Facts and Reasoning that Support Finding. Mitigation Measures 4.12(a) and 4.12(b) minimize the Project's recreational impacts related to increased population on the use of surrounding public

lands, but would not reduce them to a level less than significant. Draft Plan Alternative A would reduce the recreation impacts as compared with the Project given lower overnight population levels. [2002 Final EIR at 2-9]. However, Draft Plan Alternative A is rejected by the County given its overall environmental impacts and outdated planning techniques, as further discussed in Section VIII, above. Draft Plan Alternative B, which would provide the most reduction in impacts to recreational impacts of any of the alternatives, is infeasible for economic considerations. Of the remaining Draft Plan alternatives (C, D, E and Revised Alternative E), Alternative E and Revised Alternative E would provide the most reduction in impacts to recreational impacts given lower overnight population levels, and Revised Alternative E increases the amount of land zoned for open space as compared to Alternative E. [Addendum at 7]. Accordingly, the County is selecting Revised Alternative E because of its reduction of visibility impacts over Alternative E. However, the remaining recreational impacts to public lands remain significant and constitute a significant, unavoidable, adverse impact.

#### **X. STATEMENT OF OVERRIDING CONSIDERATIONS**

In determining whether to approve the project, CEQA requires a public agency to balance the benefits of a Project against its unavoidable environmental risks. [14 C.C.R. § 15093]. Implementation of the Mitigation Measures discussed in the 2002 Final EIR will avoid or substantially lessen all but four of the Project's significant impacts to a less than significant level. The Project's only significant and unavoidable impacts are to:

- Impacts to Wildlife Resources As A Result of Increased Human Presence;
- Project Visibility;
- Effects Of Increased Traffic Volumes On SR 88; and
- Effects Of Increased Population On Recreational Use Of Surrounding Public Lands.

As described herein, the Project's economic, environmental and social benefits outweigh the four unavoidable adverse environmental effects described above. The 1988 Master Plan, which will continue to control growth in the area if the Project is not approved, includes out-dated land use planning concepts that no longer serve the project proponent's nor the community's goals. [March 14, 2003 Letter; April 9, 2003 Letter]. The Specific Plan and Draft Plan Alternatives B, C, D, and E provide a more pedestrian-oriented and environmentally sensitive plan. The Specific Plan and Draft Plan Alternative E also provide economically feasible approaches to meeting modern socially acceptable real estate demands for ski resorts. [March 14, 2003 Letter;



April 9, 2003 Letter]. Moreover, the Fiscal Impact Analysis demonstrates that, after accounting for the cost of the expected increase in public services, the Specific Plan will ultimately result in an estimated impact on *annual net revenues* to the Amador County General Fund by 2019/2020 (in 2002 dollars and assuming full build-out) is \$640,681.00 [2003 Fiscal Impact Analysis at 30, Table 17]. Thus, the Specific Plan will result in ample revenues to fund public services while promoting economic development and balancing the budget.

In addition, with the changes provided in the Specific Plan and Draft Plan Alternatives B, C, D, E and Revised Alternative E, the majority of residents and visitors would be within walking distance of commercial services, creating a centralized, pedestrian-oriented community and reducing traffic and its associated noise and air quality impacts. Population-based methods of assigning density to each subarea were introduced, providing developers more flexibility in matching unit types to market demand [2002 Final EIR at 3-7]. Moreover, the Specific Plan and Draft Plan Alternatives B, C, D, E and Revised Alternative E retain those elements of the 1988 Master Plan that continue to reflect the current community's values, including the preservation of Kirkwood Meadow as open space [2002 Final EIR at 5-13 through 5-19]. In comparison to Alternative E or Revised Alternative E, Alternatives C and D are environmentally undesirable and would not further reduce any unavoidable significant impacts.

Alternative B is the only alternative that has less environmental impacts than does Alternative E or Revised Alternative E. However, Alternative B does not reduce the significant and unavoidable impacts to a less than significant level. Relative to the 1988 Master Plan, Alternative B includes a 20% reduction in population. Relative to Alternative E or Revised Alternative E, Alternative B includes a 15% reduction in population and a corresponding reduction in multi-family housing. As a result of these reductions, Alternative B does not provide a sustainable, balanced resort community. Due to its geographic isolation, Kirkwood has unusually high operation and overhead costs [April 9, 2003 Letter]. Alternative B's 15 % decrease in residential units is infeasible because it does not allow a critical mass of residents and overnight guests to provide adequate economies of scale to: (1) provide cost effective utilities and infrastructure, public safety, medical, and related community services; (2) provide opportunities for local businesses and year round shopping, dining, and entertainment venues; or (3) provide a full range of community recreational amenities [April 9, 2003 Letter]. Moreover, Alternative B does not provide a stable "core" residential population with an interest in the long term well-being of the resort and in the region that leads to better upkeep of the community, including less litter, less vandalism, and more time and energy devoted to volunteer community-wide improvements [April 9, 2003 Letter]. In addition, with its reduction in multi-family housing, Alternative B also does not provide a sufficiently diverse housing inventory [April 9, 2003 Letter]. Finally Alternative B will provide fewer jobs for Amador County than will Alternative E [April 9, 2003 Letter]. For these reasons, Alternative B is socially and economically infeasible.

Moreover, Alternative B would not further the balance of economic and environmental development that the Amador County General Plan, and earlier versions of the Specific Plan, have sought to develop [April 9, 2003 Letter]. The Amador County General Plan emphasizes the need to balance economic and environmental values. For instance, the Amador County General Plan emphasizes the preservation, protection, and where appropriate, *promotion of the*

*development of natural resources...*" [Amador County General Plan at page 4 (emphasis added)]. The Amador County General Plan similarly emphasizes, "the *provision and maintenance of rural and urban services and facilities,*" the "*provision of adequate housing,*" and "*[s]trengthening the area economy through expanded commercial and industrial activity...*" [Amador County General Plan at page 4 (emphases added)].

In contrast, the Specific Plan and Alternative E, as well as Revised Alternative E provide economically feasible approaches to meeting modern socially acceptable real estate demands for ski resorts as they all allow construction of 1413 units. Alternative E and Revised Alternative E both lessen three of the four unavoidable adverse impacts (all except traffic on SR 88). Alternative E and Revised Alternative E reduce the number of units by 90 and the number of visitors by 386 as compared to the Specific Plan. The majority of this reduction will occur in Kirkwood North, the area of greatest concern to commenters on the EIR. [2002 Final EIR at 5-11]. This reduction in visitors and units will decrease the impacts to visual resources, wildlife, and recreation as compared to the Specific Plan. In addition Alternative E and Revised Alternative E provide social and environmental benefits that outweigh the four unavoidable adverse impacts identified above.

Alternative E and Revised Alternative E both allow construction of 1413 units therefore Revised Alternative E still provides a sustainable, balanced resort community. Revised Alternative E, however, further reduces some of the significant, unavoidable environmental impacts (all except traffic on SR 88) identified above. Revised Alternative E contains the same reduction in units as Alternative E and further reduces visual impacts by: (1) shifting Ski-In/Ski-Out development significantly down the hill to elevations that are lower than the already existing homes; (2) shifting development at, or below, elevations proposed by public comments; and (3) maintaining the same visual treatment along Kirkwood Meadows. [Addendum at 3]. Revised Alternative E would slightly increase the direct impacts on waters of the United States. However, this impact would be small (less than .25 acre) and would be subject to the mitigation measures provided in the Final EIR at page 4-87 through 4-88. [Addendum at 6]. Revised Alternative E also reduces the severity of: (1) effects on adjacent land; (2) the change in the zoning designations to Ski-In/Ski-Out; (3) impacts on parks and recreation; (4) soil disturbance and erosion; (5) avalanches; (6) indirect impacts to waters of the United States; (7) impacts to vegetation communities due to construction; (8) impacts to threatened, endangered, and special-status plants due to construction; (9) light and glare; (10) impacts on fire protection services; (11) impacts to wildlife resources as a result of increased human presence; and (12) effects of increased population on recreational use of surrounding public lands. [Addendum at 5-7]. Therefore Revised Alternative E is preferable to Alternative E.

For the reasons stated above the remaining significant adverse impacts for Revised Alternative E are acceptable to the County for the following reasons, any one of which is sufficient in the view of the County to justify approval:

1. The original decision to develop the resort was made in the early 70's and the County desires to ensure the resort's long term social and economic viability and success by providing what the current market demands. This is evidenced by the inclusion of Kirkwood in the County's 1969 Recreation Element General Plan Report and subsequent

general plan revisions and project approvals (see staff report's Historical Chronology). Specifically, the 1969 report states: "The Recreation Element Plan includes recognition of existing private developments and anticipates tremendous expansion of such facilities, particularly in the central and eastern mountain areas at such locations as Kirkwood Meadows, Corral Flat, Mace Meadow and Pine Acres."

2. The project provides a regional recreational opportunity unique to the county that brings visitors to the area. These visitors spend money on gas, food, lodging, shopping, etc. both at the resort and at other locations in the county. This provides economic benefit to the county (sales tax) and businesses (sales) and residents (jobs). The evidence in the record supporting this finding consists of data contained in the Kirkwood Specific Plan Fiscal Impact Analysis (sum of estimated revenues from Kirkwood property tax, sales tax, and transient occupancy tax = \$1,046,589 in 2002 dollars). Sales and taxes generated elsewhere in the County by Kirkwood visitors would supplement this amount.
3. The project provides for additional home sites and rental units in Amador County, including employee housing. Construction of homes will increase the county's property tax revenues which go to the county's general fund, schools, and KMPUD, as well as provide both temporary (construction) and permanent jobs (retail and service providers) thereby providing a continuing stimulus to the County's economy. Rental units (multi-family and condo units in the rental pool) will also contribute an estimated \$50,000 per year at buildout to the County in transient occupancy taxes (Table 17 of Kirkwood Special Plan Fiscal Impact Analysis).
4. Balancing the costs of providing infrastructure and services needs requires the costs to be spread out over an appropriate consumer base to keep costs affordable so the viability of the development can be sustained (March 14, 2002 and April 9, 2003 letters from Kirkwood CEO, Gary Derck).

#### **XI. FINDINGS REGARDING MONITORING/REPORTING OF CEQA MITIGATION MEASURES**

Section 21081.6 of the California Public Resources Code and 14 C.C.R. § 15097(a) require the Amador County Board of Supervisors to adopt a monitoring and reporting program regarding changes in the Project or Mitigation Measures imposed to mitigate or avoid significant effects on the environment.

The Mitigation and Monitoring Program, in the form presented to the Amador County Planning Board, is adopted because it effectively fulfills the CEQA mitigation monitoring requirement:

- A. The Conditions of Approval are specific and, as appropriate, define performance standards to measure compliance under the Program.
- B. The Program has been designed with detailed descriptions of conditions, implementation, verification, a compliance schedule and reporting requirements to insure compliance with the Conditions of Approval.

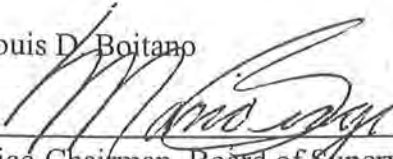
C. The Program ensures that the Mitigation Measures are in place, as appropriate, throughout the life of the Project.

The foregoing Findings were adopted by the Amador County Board of Supervisors at a regular meeting thereof, held on the 24th day of June 2003, by the following vote:

AYES: Mario Biagi, Rich F. Escamilla, Richard M. Forster, and Richard P. Vinson

NOES: None

ABSENT: Louis D. Boitano

  
\_\_\_\_\_  
Vice-Chairman, Board of Supervisors

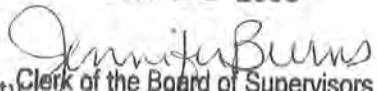
ATTEST:

MARDELL ANDERSON, Clerk of the Board of Supervisors, Amador County, California

  
\_\_\_\_\_  
Deputy

THE FOREGOING INSTRUMENT IS  
A CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

ATTEST: JUN 25 2003

  
Deputy Clerk of the Board of Supervisors  
Amador County, California