

5.3.3 Cultural Resources

This section analyzes and evaluates the potential impacts of the proposed Kings Beach General Plan Revision and Pier Rebuild project on known and unknown cultural resources and tribal cultural resources (TCRs) (the latter as defined by Assembly Bill (AB) 52, Statutes of 2014, in Public Resources Code [PRC] Section 21074). Paleontological resources are discussed in Section 5.3.4, Geology, Soils, Land Capability, and Coverage. The effects resulting from General Plan implementation under all of the alternatives described herein would be the same regardless of ownership of the Plaza parcels.

The existing conditions and significant resources related to cultural resources and TCRs are summarized in Section 2.2.3, Cultural Resources and Tribal Cultural Resources, in Chapter 2, Existing Conditions, of this document. A more detailed description of the existing cultural resources conditions at the project site and a summary of pertinent regulations are included in the Resources Inventory and Existing Conditions Report, available on the Kings Beach SRA webpage (www.parks.ca.gov/PlanKBSRA) and at CSP and TRPA offices during normal business hours through consideration of project approval. A brief history of the adjacent North Tahoe Event Center is also included in Section 2.2.3.

As described in Section 2.2.3, in Chapter 2, Existing Conditions, no historic architectural resources were identified on the project site. The stone retaining walls, which could have been built by apprentices of the Stewart Indian School in Carson City, were evaluated and found not eligible for listing in the California Register of Historic Resources (CRHR) or National Register of Historic Places (NRHP). This conclusion is supported by the State Historic Preservation Office (SHPO) in a concurrence letter dated September 16, 2015. As a result, they would not be considered significant for the purposes of CEQA or TRPA. This issue is not discussed further in this section.

Relevant project goals and guidelines are summarized in Section 4.4.4, Interpretation and Education (under the heading Interpretation Goals and Guidelines), in Chapter 4, The Plan. Protection of cultural and tribal cultural resources would also be provided through implementation of the mandatory cultural standard project requirements included in Section 4.7, CSP Standard and Special Project Requirements.

Environmental Impacts and Mitigation Measures

Analysis Methodology

The impact analysis considers the known cultural resource environmental setting in the vicinity, the potential for previously undocumented resources, including human remains, and physical effects (i.e., disturbance, material alteration, destruction) to known and previously undocumented cultural resources that could result from implementation of the project. The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources.

Significance Criteria

Significance criteria for determining impacts to cultural resources and TCRs are summarized below.

CEQA Criteria

Based on Appendix G of the State CEQA Guidelines, impacts to cultural resources and TCRs would be significant if the project would:

- ◆ cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5;

- ◆ disturb any human remains, including those interred outside of dedicated cemeteries; or
- ◆ cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074.

TRPA Criteria

The Archaeological/Historical criteria from the TRPA Initial Environmental Checklist were used to evaluate the cultural resources impacts of the alternatives. Impacts to cultural resources would be significant if the project would:

- ◆ cause an adverse effect to a significant archaeological or historical site, structure, object, or building;
- ◆ cause an adverse effect to a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records;
- ◆ cause an adverse effect to a property associated with any historically significant events and/or sites or persons, or with unique cultural values; or
- ◆ Restrict historic or pre-historic religious or sacred uses with the potential impact area.

Environmental Impacts

Impact 5.3.3-1: Disturb unique archaeological resources

Construction and excavation activities associated with the action alternatives could result in sediment disturbance and removal, which can adversely affect archaeological resources. Because Alternatives 2, 3, and 4 would include excavation and other ground-disturbing activities, these alternatives could result in adverse physical effects to known and unknown archaeological resources. However, implementation of mandatory CSP Standard and Special Project Requirements included in the General Plan revision would reduce potentially significant impacts to archaeological resources because these measures would avoid disturbance, disruption, or destruction of archaeological resources in compliance with pertinent laws and regulations. This impact would be **less than significant** for the General Plan revision component of Alternatives 2, 3, and 4.

Although the mandatory CSP Standard and Special Project Requirements included in the General Plan revision would be implemented during construction of the pier rebuild component of Alternatives 2, 3, and 4, construction activities that would disturb the lakebed could result in a **potentially significant** impact on previously unidentified archaeological resources. Implementation of Mitigation Measure 5.3.3-1 would reduce the impact to a **less-than-significant** level for the pier rebuild component of Alternatives 2, 3, and 4.

There would be **no impact** with Alternative 1.

Alternative 1: No Project

General Plan Revision

The existing 1980 General Development Plan would remain unchanged and no upland improvements would be made. Because there would be no improvements with the no project alternative, there would be no construction-related ground disturbance or other activities that could change the significance of a unique archaeological resource; therefore, there would be **no impact**.

Pier Rebuild Project

Because there would be no pier improvements with the no project alternative, there would be no construction-related ground disturbance or other activities that could change the significance of a unique archaeological resource; therefore, there would be **no impact**.

Alternative 2: Eastern Pier Alternative (Proposed Project)

General Plan Revision

The proposed General Plan revision includes upland and shorezone features as described in Section 5.1.2, General Plan Revision and Pier Rebuild Project Alternatives. The primary upland features include: a new sidewalk extending from SR 28 to the pier; two new 10-foot-wide paved beach access ramps; a new 12-foot-wide shared-use path (waterfront promenade), and sand wall; reduced and reconfigured parking; and several new buildings (administrative office, non-motorized boat storage structure, concessionaire building, entry kiosk, and a two-stall comfort station with two changing rooms). The primary shorezone features include: a rebuilt and extended pier; a 10-foot-wide lake access point with removable bollards; and a swim buoy area.

As discussed in Section 2.2.3, Cultural Resources and Tribal Resources, in Chapter 2, Existing Conditions, the archaeological field survey disclosed three isolated finds. Isolates are defined as one or two artifacts occurring by themselves and not associated with an archaeological site. Because they have no historical context, isolates are generally not eligible for listing in the NRHP, CRHR, or by TRPA. Research was also conducted between 1998 and 2013 for CA-PLA-9 (prehistoric campsite) and CA-PLA-128 (quartz quarry with bedrock mortars). These resources are located west and east of the project site, respectively.

Archival research, field survey, and Native American consultation indicate that the area is unlikely to contain unknown heritage resources. Nonetheless, the absence of such resources cannot be definitively concluded. Project construction could encounter previously undiscovered or unrecorded archaeological sites and materials during project-related preconstruction or construction-related ground-disturbing activities. These activities could damage or destroy these archaeological resources.

Because implementation of the features of Alternative 2 described above would involve some level of ground-disturbing activities, the potential exists for previously undiscovered or unrecorded archaeological sites and materials to be damaged or destroyed. The mandatory cultural standard project requirements in Section 4.7, CSP Standard and Special Project Requirements, include pre-construction testing by a District Cultural Resource Specialist or CSP-approved professionally qualified archaeologist to be conducted prior to ground-disturbing activities. Project design and/or implementation would be altered to avoid impacts to archaeological resources that are present. Additionally, the standard project requirements require temporary cessation of work within 150 feet of an archaeological discovery. These standard project requirements would reduce potentially significant impacts to archaeological resources because measures would be implemented in coordination with the appropriate federal, state, and local agency(ies) to avoid, move, record, or otherwise appropriately treat the resource in accordance with pertinent laws and regulations. By avoiding disturbance, disruption, or destruction of archaeological resources, this impact would be reduced to a **less-than-significant** level for Alternative 2.

Pier Rebuild Project

The conceptual design for the Eastern Pier Alternative includes a pier that would extend 488 feet into the lake, 281 feet longer than the existing pier. The landward 213 feet of the pier would be a stationary

fixed section, followed by an 80-foot-long transition gangway ramp, and then a 215-foot-long floating section. The proposed pier would include an estimated 27 pier pilings for the fixed and floating sections.

Similar to the General Plan revision discussed above, previously undiscovered or unrecorded archaeological sites and materials could be encountered during construction-related ground disturbing activities. Construction of the rebuilt pier would be subject to the mandatory cultural standard project requirements in Section 4.7, CSP Standard and Special Project Requirements. These requirements include pre-construction testing by a District Cultural Resource Specialist or CSP-approved professionally qualified archaeologist to be conducted prior to ground-disturbing activities and project design and/or implementation would be altered to avoid impacts to archaeological resources that are present. The standard project requirements also require temporary cessation of work within 150 feet of an archaeological discovery. These standard project requirements would reduce potentially significant impacts to archaeological resources because measures would be implemented to avoid, move, record, or otherwise appropriately treat a resource in accordance with pertinent laws and regulations. However, construction activities that result in ground disturbance in the lakebed, such as pile driving in the lakebed for pier pilings, could damage or destroy previously unidentified archaeological resources in the lakebed. This impact would be **potentially significant**.

Alternative 3: Central Pier Alternative

General Plan Revision

The project site for Alternative 3, the Central Pier Alternative, is the same as Alternative 2. The General Plan revision component of Alternative 3 includes most of the same upland features as Alternative 2, but with some refinements in location or size. Alternative 3 does not include some of the features proposed for Alternative 2, including an on-site administrative office, entry kiosk, or comfort station; and the existing half basketball court would be removed. Alternative 3 would rebuild the pier in the location of the existing pier, and would not include the swim buoy described in Alternative 2.

For the same reasons described above in Alternative 2, construction activities supported by the General Plan revision for Alternative 3 would result in a **less-than-significant** impact to archaeological resources.

Pier Rebuild Project

The conceptual design for the Central Pier Alternative shows the pier extending 601 feet into the lake, 394 feet longer than the existing pier. The landward 212 feet would be a stationary fixed section, followed by an 80-foot-long transition gangway ramp, and then a 329-foot-long floating section. The pier would include an estimated 33 pier pilings for the fixed and floating sections, which would include about an additional 16 feet of footing area relative to the existing pier.

For the same reasons described above in Alternative 2, the pier rebuild component of Alternative 3 would result in a **potentially significant** impact to archaeological resources.

Alternative 4: Western Pier Alternative

General Plan Revision

The project site for Alternative 4, the Western Pier Alternative, is the same as Alternative 2. The General Plan revision component of Alternative 4 includes most of the same upland features as Alternative 2, but with some refinements in location or size. Alternative 4 does not include the non-motorized boat storage structure associated with Alternative 2. The primary shorezone features

associated with Alternative 4 include the rebuilt pier on the western side of the park and an extended motorized boat ramp. Alternative 4 would not include an additional lake access point, nor would it include a swim buoy area.

For the same reasons described above in Alternative 2, construction that could occur with the General Plan revision for Alternative 4 would result in a **less-than-significant** impact to archaeological resources.

Pier Rebuild Project

The conceptual design for the western pier alternative shows the pier extending 704 feet into the lake, 497 feet longer than the existing pier. The landward 320 feet of the pier would be a stationary fixed section, followed by an 80-foot-long transition gangway ramp, and then a 329-foot-long floating section. The proposed pier would include an estimated 38 pier pilings for the fixed and floating sections, which would include an additional 30 feet of footing area relative to the existing pier.

For the same reasons described above in Alternative 2, the pier rebuild component of Alternative 4 would result in a **potentially significant** impact to archaeological resources.

Mitigation Measures

Mitigation Measure 5.3.3-1: Protect previously unidentified archaeological resources in the lakebed of Lake Tahoe

This mitigation measure would apply to the pier rebuild component of Alternatives 2, 3, and 4.

Before activities could begin on individual components lakeward of the highwater line, a District Cultural Resource Specialist or a CSP-approved, professionally qualified archaeologist will complete a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged cultural resources.

If potentially significant cultural resources are discovered by the Cultural Resource Specialist or archaeologist, appropriate protection or treatment measures shall be developed in consultation with CSP, TRPA, and other appropriate agencies and interested parties, such as the Washoe Tribe. The Cultural Resource Specialist or archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (DPR 523 Forms) and location information to the California Historical Resources Information Center office (North Central Information Center). The Cultural Resource Specialist or archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (PRC Section 5024.1; Title 14 CCR Section 4852) for California projects. CSP shall follow recommendations identified in the survey report, which may include designing and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, and preservation in place. Findings of the underwater archaeological surveys will be provided to the Washoe Tribe.

Significance after Mitigation

Implementation of Mitigation Measure 5.3.3-1 would reduce potentially significant impacts on archaeological resources from implementation of the pier rebuild component of Alternatives 2, 3, and 4 because appropriate measures would be taken to protect any identified archaeological resources in the lakebed. A District Cultural Resource Specialist or CSP-approved, professionally qualified archaeologist would evaluate any potential resources, properly document those resources, and, if necessary, measures would be developed and implemented in coordination with the appropriate regional, state, and/or local agency(ies) to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid

disturbance, disruption, or destruction of archaeological resources, Impact 5.3.3-1 for the pier rebuild component of Alternatives 2, 3, and 4 would be reduced to a **less-than-significant** level.

Impact 5.3.3-2: Disturbance of human remains

It is possible that previously unknown human remains could be discovered when soils are disturbed during construction associated with the General Plan Revision and Pier Rebuild Project action alternatives. However, compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 and implementation of mandatory CSP Standard and Special Project Requirements included in the General Plan revision would reduce potentially significant impacts to human remains. This impact would be **less-than-significant** for The General Plan revision component of Alternatives 2, 3, and 4.

Although the mandatory CSP Standard and Special Project Requirements included in the General Plan revision would be implemented during construction of the pier rebuild component of Alternatives 2, 3, and 4, construction activities that would disturb the lakebed could result in a **potentially significant** impact on human remains. Implementation of Mitigation Measure 5.3.3-2 would reduce the impact to a **less-than-significant** level for the pier rebuild component of Alternatives 2, 3, and 4.

There would be **no impact** with Alternative 1.

Alternative 1: No Project

General Plan Revision

The existing 1980 General Development Plan would remain unchanged and no upland or pier improvements would be made. Because there would be no improvements with the no project alternative, there would be no construction-related ground disturbance and, therefore, there would be **no impact** to human remains.

Pier Rebuild Project

Because there would be no pier improvements with the no project alternative, there would be no construction-related ground disturbance and, therefore, **no impact** to human remains.

Alternative 2: Eastern Pier Alternative (Proposed Project)

General Plan Revision

The components of the General Plan revision with Alternative 2 include upland and shorezone features as described in Section 5.1.2, General Plan Revision and Pier Rebuild Project Alternatives, and in Impact 5.3.3-1.

The location of grave sites and Native American remains can occur outside of dedicated cemeteries and burial sites. Ground-disturbing construction activities could uncover previously unknown human remains, which could be archaeologically or culturally significant. The proposed project would allow for soil disturbance related to the new sidewalks and paths, parking lot alterations, and construction of new buildings. Therefore, it is possible that previously undiscovered human remains could be discovered when soils are disturbed.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code

Sections 7050.5 and 7052 and California PRC Section 5097. The mandatory archaeology standard project requirements in Section 4.7, CSP Standard and Special Project Requirements, are consistent with California Health and Safety Code Sections 7050.5 et seq. and California PRC Section 5097. These mandatory cultural standard project requirements require that if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Placer County coroner and the NAHC immediately, according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to prevent disturbance of additional human interments. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94. Work will not resume in the area of the find until proper disposition is complete (PRC Section 5097.98).

Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097 through implementation of the mandatory cultural standard project requirements identified in Section 4.7 would avoid or minimize the disturbance of human remains and appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

[Pier Rebuild Project](#)

The conceptual design for the eastern pier alternative includes a pier that would extend 488 feet into the lake, 281 feet longer than the existing pier as described in Impact 5.3.3-1.

Ground-disturbing construction activities could uncover previously unknown human remains, which could be archaeologically or culturally significant. The proposed project would allow for soil disturbance related to the additional pier pilings. Therefore, it is possible that previously undiscovered human remains could be discovered when soils are disturbed.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097. Construction of the rebuilt pier would be subject to the mandatory archaeology standard project requirements in Section 4.7, CSP Standard and Special Project Requirements. These require that if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Placer County coroner and the NAHC immediately. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to prevent disturbance of additional human interments. Work will not resume in the area of the find until proper disposition is complete (PRC Section 5097.98).

These standard project requirements and compliance with California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097 would reduce potentially significant impacts to disturbance of human remains because measures would be implemented to avoid, move, record, or otherwise appropriately treat the remains and conduct the proper notifications in accordance with

pertinent laws and regulations. However, construction activities that result in ground disturbance in the lakebed, such as pile driving in the lakebed for pier pilings, could damage or destroy previously unidentified human remains in the lakebed. This impact would be **potentially significant**.

Alternative 3: Central Pier Alternative

General Plan Revision

The project site for Alternative 3, the central pier alternative, is the same as Alternative 2. The General Plan revision component of Alternative 3 includes most of the same upland features as Alternative 2, but with some refinements in location or size, as summarized in Impact 5.3.3-1.

For the same reasons described above in Alternative 2, construction that could occur with the General Plan revision with Alternative 3 would comply with California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097 and implement mandatory archaeology standard project requirements that would avoid or minimize the disturbance of human remains and appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

Pier Rebuild Project

The conceptual design for the central pier alternative includes a pier that would extend 601 feet into the lake, 394 feet longer than the existing pier, as summarized in Impact 5.3.3-1.

The nature and magnitude of construction activities for the pier would be the same as Alternative 2, but in a central, rather than eastern, location; therefore, Alternative 3 would result in physical activities and ground disturbance with the same potential to disturb human remains. For the same reasons described above in Alternative 2, the pier rebuild component of Alternative 3 would result in a **potentially significant** impact to archaeological resources.

Alternative 4: Western Pier Alternative

General Plan Revision

The project site for Alternative 4, the western pier alternative, is the same as Alternative 2. The General Plan revision component of Alternative 4 includes most of the same upland features as Alternative 2, but with some refinements in location or size, as summarized in Impact 5.3.3-1.

For the same reasons described above in Alternative 2, construction that could occur with the General Plan revision with Alternative 4 would comply with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 and implement mandatory archaeology standard project requirements that would avoid or minimize the disturbance of human remains and appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

Pier Rebuild Project

The conceptual design for the western pier alternative includes a pier that would extend 704 feet into the lake, 497 feet longer than the existing pier, as summarized in Impact 5.3.3-1, and would extend the motorized boat ramp.

The nature and magnitude of construction activities for the pier would be the same as Alternative 2, but in a western, rather than eastern, location; therefore, Alternative 4 would result in physical activities and ground disturbance with the same potential to disturb human remains. The boat ramp extension would be modest and could result in similar potential to disturb human remains as those described above for Alternative 2 and the General Plan Revision. For the same reasons described above in Alternative 2,

the pier rebuild component of Alternative 4 would result in a **potentially significant** impact to archaeological resources.

Mitigation Measures

Mitigation Measure 5.3.3-2: Protect previously unidentified human remains in the lakebed of Lake Tahoe

This mitigation measure would apply to the pier rebuild component of Alternatives 2, 3, and 4.

Before activities could begin on individual components lakeward of the highwater line, a District Cultural Resource Specialist or a CSP approved, professionally qualified archaeologist will complete a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged cultural resources.

If human remains are discovered by the Cultural Resource Specialist or archaeologist, work will cease immediately in the area of the find and the project manager/site supervisor will notify the appropriate CSP personnel. Any human remains and/or funerary objects will be left in place or returned to the point of discovery and covered with soil. The CSP Chief Ranger (or authorized representative) will notify the County Coroner, in accordance with Section 7050.5 of the California Health and Safety Code, and the Native American Heritage Commission (NAHC) (or Tribal Representative). If a Native American monitor is on-site at the time of the discovery, the monitor will be responsible for notifying the appropriate Native American authorities. The local County Coroner will make the determination of whether the human bone is of Native American origin.

If the Coroner determines the remains represent Native American internment, the NAHC in Sacramento and/or tribe will be consulted to identify the most likely descendants and appropriate disposition of the remains. Work will not resume in the area of the find until proper disposition is complete (PRC Section 5097.98). No human remains or funerary objects will be cleaned, photographed, analyzed, or removed from the site prior to determination.

If it is determined the find indicates a sacred or religious site, the site will be avoided to the maximum extent practicable. Formal consultation with the State Historic Preservation Office and review by the Native American Heritage Commission/Tribal Cultural representatives will occur as necessary to define additional site mitigation or future restrictions. Findings of the underwater survey will be provided to the Washoe Tribe.

Significance after Mitigation

Implementation of Mitigation Measure 5.3.3-2 would reduce potentially significant impacts on human remains from implementation of the pier rebuild component of Alternatives 2, 3, and 4 because appropriate measures would be taken to protect any identified human remains in the lakebed. A District Cultural Resource Specialist or CSP approved, professionally qualified archaeologist would reduce potentially significant impacts to disturbance of human remains because measures would be implemented to avoid, move, record, or otherwise appropriately treat the remains and conduct the proper notifications in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of human remains, Impact 5.3.3-2 for the pier rebuild component of Alternatives 2, 3, and 4 would be reduced to a **less-than-significant** level.

Impact 5.3.3-3: Affect unique ethnic cultural values or restrict sacred uses, or change the significance of a tribal cultural resource

Consultation with the Washoe Tribe of Nevada and California has resulted in no resources identified as TCRs as described under AB 52. Because no resources meet the criteria for a TCR under PRC Section 21074, there would be **no impact** for Alternative 1 and the General Plan revision component of Alternatives 2, 3, and 4.

Although there is no known part of the project site meeting any of the PRC 5024.1(c) criteria, construction activities that result in ground disturbance in the lakebed could damage or destroy previously unidentified TCRs in the lakebed. Therefore, the pier rebuild component of Alternatives 2, 3, and 4 would have a **potentially significant** impact to TCRs. Implementation of Mitigation Measure 5.3.3-3 would reduce the impact to a **less-than-significant** level for the pier rebuild component of Alternatives 2, 3, and 4.

In compliance with AB 52, CSP sent letters inviting consultation to the Shingle Springs Band of Miwok Indians (Nicholas Fonseca, Chairperson); the T'si-Akim Maidu (Don Ryberg, Chairperson and Grayson Coney, Cultural Director); the United Auburn Indian Community of the Auburn Rancheria (Gene Whitehouse, Chairperson); and the Washoe Tribe of Nevada and California (Darrel Cruz, Director of the Tribal Historic Preservation Office) on February 28, 2016.

The only response received by CSP was from Mr. Cruz representing the Washoe Tribe. Mr. Cruz did not identify any TCRs, but did request an underwater archaeological survey to identify subsurface cultural resources (please see Alternative 2 under Impact 5.3.3-1 for this discussion).

Alternative 1: No Project

General Plan Revision

The existing 1980 General Development Plan would remain unchanged and no upland or pier improvements would be made. Because there would be no improvements under the no action alternative, there would be no construction-related ground disturbance or other activities that could change the significance of a TCR; therefore, there is **no impact** to TCRs.

Pier Rebuild Project

Because there would be no improvements under the no project alternative, there would be no construction-related ground disturbance or other activities that could change the significance of a TCR; therefore, there is **no impact** to TCRs.

Alternative 2: Eastern Pier Alternative (Proposed Project)

General Plan Revision

The components of the General Plan revision under Alternative 2 include upland and shorezone features as described in Section 5.1.2, General Plan Revision and Pier Rebuild Project Alternatives, and in Impact 5.3.3-1.

In compliance with AB 52, CSP sent letters to four Native American Tribes; only one response was received, from the Washoe Tribe of Nevada and California. The response did not identify any tribal concerns or TCRs on the project site. The project area is in Washoe territory; however, it is not known to have any special tribal use. For these reasons, no part of the project site meets any of the

PRC 5024.1(c) criteria listed above. Therefore, the project would have **no impact** to TCRs as defined in PRC Section 21074.

Pier Rebuild Project

The components of the eastern pier alternative for Alternative 2 are described in Section 5.1.2, General Plan Revision and Pier Rebuild Project Alternatives, and in Impact 5.3.3-1.

There is currently no known part of the project site meeting any of the PRC 5024.1(c) criteria. However, construction activities that result in ground disturbance in the lakebed, such as pile driving in the lakebed for pier pilings, could damage or destroy previously unidentified TCRs in the lakebed. Additionally, the Washoe Tribe has requested an underwater archaeological survey to identify subsurface cultural resources. Therefore, the pier rebuild component of Alternative 2 would have a **potentially significant** impact to TCRs as defined in PRC Section 21074.

Alternative 3: Central Pier Alternative

General Plan Revision

The project site for Alternative 3, the central pier alternative, is the same as Alternative 2. The General Plan revision component of Alternative 3 includes most of the same upland features as Alternative 2, but with some refinements in location or size, as summarized in Impact 5.3.3-1.

For the same reasons described above in Alternative 2, construction that could occur with the General Plan revision with Alternative 3 would result in **no impact** to TCRs.

Pier Rebuild Project

The conceptual design for the central pier alternative would extend 601 feet into the lake, 394 feet longer than the existing pier, as summarized in Impact 5.3.3-1.

For the same reasons described above in Alternative 2, construction of the pier rebuild component of Alternative 3 would result in a **potentially significant** impact on TCRs.

Alternative 4: Western Pier Alternative

General Plan Revision

The project site for Alternative 4, the western pier alternative, is the same as Alternative 2. The General Plan revision component of Alternative 4 includes most of the same upland features as Alternative 2, but with some refinements in location or size, as summarized in Impact 5.3.3-1.

For the same reasons described above in Alternative 2, construction that could occur with the General Plan revision with Alternative 4 would result in **no impact** on TCRs.

Pier Rebuild Project

The conceptual design for the western pier alternative would extend 704 feet into the lake, 497 feet longer than the existing pier, as summarized in Impact 5.3.3-1. The boat ramp extension would be modest and while it would be expected to increase the period of time that the boat ramp is open, it would not provide access during all lake levels.

For the same reasons described above in Alternative 2, construction of the pier rebuild component of Alternative 4 would result in a **potentially significant** impact on TCRs.

Mitigation Measures

Mitigation Measure 5.3.3-3: Protect previously unidentified tribal cultural resources in the lakebed of Lake Tahoe

This mitigation measure would apply to the pier rebuild component of Alternatives 2, 3, and 4.

With respect to performing a pre-construction underwater archaeological survey to identify, evaluate, and protect significant submerged tribal cultural resources, implement Mitigation Measure 5.3.3-1 described above.

Significance after Mitigation

Implementation of Mitigation Measure 5.3.3-3 would reduce potentially significant impacts on archaeological resources from implementation of the pier rebuild component of Alternatives 2, 3, and 4 because appropriate measures would be taken to protect any identified archaeological resources, including tribal cultural resources, in the lakebed. The findings of the underwater archaeological surveys will be provided to the Washoe Tribe. A District Cultural Resource Specialist or CSP-approved, professionally qualified archaeologist would evaluate any potential resources, properly document those resources, and, if necessary, measures would be developed and implemented in coordination with the appropriate regional, state, and/or local agency(ies) and the Washoe Tribe to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to identify and avoid disturbance, disruption, or destruction of tribal cultural resources, Impact 5.3.3-3 for the pier rebuild component of Alternatives 2, 3, and 4 would be reduced to a **less-than-significant** level.

Cumulative Impacts

The cumulative context for archaeological resources is the Truckee-Tahoe Basin portion of the Washoe territory. Because of the likelihood that any undiscovered or unknown human remains would be Native American in origin, the cumulative context for human remains is also the Washoe territory.

Based on previous cultural resource surveys and research, the Truckee-Tahoe Basin has been inhabited by prehistoric and historic people for thousands of years. Archaeological resources, including sacred and religious sites, are unique and non-renewable. For this reason, all detrimental effects to these resources erode a dwindling resource base. Destruction of any single cultural site or resource affects all other sites in the region because the sites as a group make up the context of the cultural setting. The cultural system is represented archaeologically by the total inventory of all sites and other cultural remains in the region. As a result, a meaningful approach to preserving and managing cultural resources must focus on the likely distribution of cultural resources, rather than on a single project or parcel boundary.

Numerous laws and regulations provide guidance as to how heritage and cultural resources should be protected, managed, and mitigated in regard to projects on federal, state, county, city, or private land in California. Because these laws, regulations, and policies have been in effect (many for over 30 years), the protection and preservation of significant heritage and cultural resources is the typical outcome for most projects. However, instances do occur where full protection of a resource is not feasible, and there has been a net loss or degradation of heritage and cultural resources in the project region. In addition, prior to adoption of current laws, regulations, and policies to protect heritage and cultural resources, little protection was provided to these resources and loss or damage to prehistoric and historic resources was more common.

Project construction related to the action alternatives could encounter previously undiscovered or unrecorded archaeological sites and materials or human remains during project-related preconstruction or construction-related ground disturbing activities. These activities could damage or destroy these resources. However, project goals and guidelines and mandatory standard and special project requirements (Section 4.7) pertaining to cultural resources and tribal cultural resources would reduce potentially significant impacts to archaeological resources because measures would be developed in coordination with the appropriate federal, state, and/or local agency(ies) to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Implementation of Mitigation Measures 5.3.3-1, 5.3.3-2, and 5.3.3-3 would also reduce the pier component's contribution to cumulative effects on previously undiscovered archaeological resources and human remains. By avoiding disturbance, disruption, or destruction of cultural resources, implementation of the action alternatives **would not considerably contribute to, or result in, a significant cumulative effect.**

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