

5.4 Other CEQA and TRPA Requirements

5.4.1 Growth-Inducing Impacts

Tahoe Regional Planning Agency

Section 3.7.2(H) of the TRPA Code of Ordinances requires that an EIS evaluate the growth-inducing impacts of a project. Growth can be induced by eliminating obstacles to growth or by stimulating economic activity in a way that encourages increases in population and housing in the region.

California Environmental Quality Act

CEQA Section 21000(b)(5) specifies that growth-inducing impacts of a project must be addressed in an EIR. Section 15126(d) of the CEQA Guidelines states that a project is growth-inducing if it could “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Included in the definition are projects that would remove obstacles to population growth. Examples of growth-inducing actions include developing water, wastewater, fire, or other types of services in previously unserved areas; extending transportation routes into previously undeveloped areas; and establishing major new employment opportunities.

Typically, the growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population above what is assumed in local and regional land use plans, or in projections made by regional planning authorities. Significant growth impacts could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local or regional plans and policies.

Growth-Inducing Effects

Implementation of the KBSRA General Plan Revision and Pier Rebuild Project could result in an increase in visitation to KBSRA. The Plan includes a recommendation for expanded recreation space equivalent to 10 percent of the property, thereby increasing visitation by up to 10 percent over existing conditions. Improving pedestrian and bicycle infrastructure and connections between KBSRA and adjacent and nearby public lands may contribute to the potential for increased day use.

The increased capacity may increase the need for additional permanent and seasonal staff. However, there is currently an unmet need for additional staff at KBSRA. These proposals would result in a minimal, direct population growth impact on the area. The project would not include improvements to the utilities at KBSRA that would encourage population growth in the surrounding area.

The small (less than 10 percent) increase in visitation to KBSRA would not be anticipated to create the need for tourist services in the town of Kings Beach and surrounding area. Similarly, the project would not be anticipated to foster economic growth in the region such that an increase in supporting recreation and tourist services would be needed, such as recreation equipment, supplies, food, and related facilities.

Development in the Tahoe Region is guided by the Regional Plan, which allows new development and redevelopment through authorization of residential allocations, commercial floor area, tourist accommodation units, and residential bonus units. As a result, development is capped in the Region and

implementation of recreation-related projects, such as the KBSRA General Plan Revision and Pier Rebuild Project would not result in a direct or indirect increase in the planned development patterns in the Region. Although population growth in the state and region will continue to create an increased use and demand for recreational opportunities, increased use and demand will not have permanent, irreversible impacts in the region.

5.4.2 Relationship between the Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity

Chapter 3 of TRPA's Code of Ordinances (Section 3.7.2.F) requires a discussion of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This requirement recognizes that short-term uses and long-term productivity are linked, and the opportunities acted upon in the near term have corollary opportunity costs in relation to foregone options and productivity that could have continuing effects well into the future. The following discussion addresses how the project would affect the short-term use and the long-term productivity of the environment. In general, "short-term" is used here to refer to the construction period of projects included at KBSRA, while "long-term" refers to the operational life.

The project site is currently occupied by picnic areas, a plaza area, paths, an extensive beach area, a half basketball court, pier, and boat ramp. The proposed project and project alternatives would result in continued use of the project site for recreation activities. The development alternatives, Alternatives 2, 3, and 4, would expand the recreational offerings at the park to include group pavilion areas, a shared-use path, an open lawn/event area, enhanced restroom facilities, and potentially wintertime ice skating in the future. The proposed construction activities would result in a short-term increase in use of the environment.

Construction of Alternatives 2, 3, and 4 would result in the use of energy and resources. The no project alternative (Alternative 1) would result in reduced usage of energy and resources to maintain and operate the park because the project site would not include new construction. The development alternatives would result in short-term construction-related impacts such as: interference with local traffic and circulation, air emissions, increases in ambient noise levels, and construction-related runoff. However, these impacts would be temporary, occurring only during construction, and are not expected to alter the long-term productivity of the natural environment.

Approval of any of the project development alternatives would commit the project site to long-term development and would result in a minor increase in visitation at the site for recreation and employees working on site. This increase in use of the project site would have associated impacts to hydrology and water quality, biological resources, traffic, parking, and circulation; air quality; greenhouse gas emissions and climate change; noise; and public services and utilities. The project would, however, help to sustain natural resources and support social and economic health.

On the whole, the project's substantial long-term beneficial effects related to enhancements recreational offerings and expanded bicycle and pedestrian infrastructure, improved access for persons with mobility challenges, enhanced access to Lake Tahoe, reduction of coverage, and BMPs would outweigh the potentially significant short-term impacts to the environment resulting primarily from project construction and the long-term incremental increases in traffic with related increases in air emissions and noise.

5.4.3 Irreversible and Irretrievable Commitments of Resources and Significant Irreversible Environmental Changes

A commitment of resources is irreversible and irretrievable when the use or consumption of such resources is neither renewable nor recoverable for use in the future. Chapter 3 of the TRPA Code of Ordinances (Section 3.7.2.G) and Section 15126.2 of the CEQA Guidelines require a discussion of such resources. The commitment of resources refers to the use of nonrenewable resources such as fossil fuels, water, and electricity, and also to changes to land use which would commit future generations to similar uses.

The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms. The project development alternatives would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation.

Energy would be expended in the form of gasoline, diesel fuel, oil for equipment and transportation vehicles, and human labor. Construction activities would generate non-recyclable materials, such as solid waste and construction debris. Electricity would be expended for the construction and operation of features of the General Plan, and the pier rebuild project. Required building materials would include a variety of materials such as rocks, wood, concrete, glass, steel, and other materials. Using these nonrenewable resources is expected to account for a small portion of the resources in the Lake Tahoe Basin and their area of origin (generally, northern California and Nevada) and would not affect the availability of these resources for other needs within the Tahoe Basin.

5.4.4 Significant Effects on the Environmental that Cannot be Avoided

Section 5.8.B (2) of the TRPA Code of Ordinances requires an EIS to include any significant adverse environmental effects which cannot be avoided should any of the alternatives be implemented. CEQA Section 21100(b)(2)(A) states that an EIR shall include a detailed statement setting forth “[i]n a separate section...[a]ny significant effect on the environment that cannot be avoided if the project is implemented.” State CEQA Guidelines Section 15126.2(b) requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to a less-than-significant level.

Sections 5.3.1 through 5.3.13, of this EIR/EIS address the potential environmental effects of the project alternatives and recommend mitigation measures, as necessary, to mitigate project effects to the extent feasible. The analysis concludes that Alternative 1, no project alternative, and Alternative 2, eastern pier alternative, would not result in significant and unavoidable impacts. Alternative 3, central pier alternative, and Alternative 4, western pier alternative, would result in a significant and unavoidable impact on scenic or visual quality from the pier rebuild project.

5.4.5 Environmentally Superior Alternative

CEQA calls for the identification of an environmentally superior alternative in an EIR, but gives no definition for the term (State CEQA Guidelines Section 15126.6(e)). However, CEQA does specify that if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

From the standpoint of minimizing environmental effects related to physical disturbances, Alternative 1 (no project alternative) would be the environmentally preferable/environmentally superior alternative. With Alternative 1, only minimal construction could occur at the site, such as installation of signage and interpretive programs. Operation and maintenance of existing facilities would continue, and there would not be substantial changes to the environment. However, Alternative 1 would not update the existing General Plan, which was approved in 1980 and only addresses 6.82 acres of the park/beach lands. Additionally, the no project alternative would not meet any of the basic project objectives described in Section 4.2, Pier Rebuild Project Goal and Objectives, and would not realize the recreation, bicycle, and pedestrian benefits of Alternatives 2 through 4.

Many of the potential environmental impacts from each of the action alternatives would be similar in type and magnitude. For example, although each of the pier alternatives would require a different number of pilings, which would disturb the lakebed and resuspend sediments during construction, the marine BMPs incorporated into the project design and enforced through the 401 Certification process would protect surface and groundwater from construction impacts and would not alter water quality at KBSRA. Although there are differences in the number of pilings associated with each alternative (Alternative 4 would require 38 pier pilings, Alternative 3 would require 33 pier pilings, and Alternative 2 would require 27 pier pilings), implementation of any one of the three alternatives would result in a less-than-significant hydrological impact with implementation of BMPs. Resources that would not have substantial differences among the action alternatives include air quality, cultural resources, greenhouse gas emissions and climate change, hazards and hazardous materials, hydrology, land use, transportation and circulation, and public services and utilities.

While the General Plan revision would be successfully implemented with any of the upland feature design layouts or pier alternatives proposed in Alternatives 2 through 4, implementation of specific features or layouts associated with any of these three alternatives should not be viewed as mutually exclusive. Compatible upland features from any of the alternatives could potentially be implemented in a combined, hybrid design layout. Similarly, the pier location associated with Alternatives 2, 3, or 4 could be implemented with any of the upland feature design layouts. Trade-offs in environmental and recreational benefits could be made by combining different upland features and pier locations.

To determine the environmentally superior alternative, the comparison of the upland features and pier rebuild options for each of the alternatives provided below only focuses on those impacts in which there are differences in the type or magnitude of impact between the alternatives.

Upland Features

All action alternatives would provide additional, new recreational amenities at KBSRA. Under Alternatives 2, 3, and 4, new upland features include a multi-purpose lawn and event stage, large and small group pavilions, a new shared-use path that would accommodate a larger number of pedestrians and bicyclists, and expanded changing room and shower facilities at a central comfort station. Where alternatives differ is chiefly in size and location of amenities.

Alternatives 2 and 4 would include removal of some parking spaces to afford more space for recreational amenities. Alternative 4 would result in the greatest removal of parking spaces at KBSRA. Alternative 4 would result in the removal of 58 spaces compared to 20 spaces removed with Alternative 2 and six spaces added with Alternative 3. The increase in visitation associated with each of the alternatives is estimated to be similar resulting the same amount of demand for parking (193 spaces) with implementation of each alternative. Although each of the alternatives would result in a shortfall of parking spaces at KBSRA to meet parking demand, there would be sufficient parking in the Kings Beach Town Center to meet the parking demand for all alternatives (see Impact 5.3.13-5). However, Alternative 4 would still be considered to have the greatest impact on parking.

Alternatives 2 and 3 would feature racks for non-motorized watercraft storage, while Alternative 4 would not.

Upland development at KBSRA currently exceeds TRPA coverage limitations. Alternatives 2 through 4 would all comply with TRPA land coverage regulations and would reduce the total amount of coverage at KBSRA relative to existing conditions, due in part to the inclusion of a shared-use path, which would be exempt from land coverage regulation (TRPA Code Section 30.4.6.D.3). Alternative 2 would create the largest overall reduction in regulated coverage, and Alternative 3 would result in the smallest reduction (see Impact 5.3.4-1 in Section 5.3.4, Geology, Soils, Land Capability, and Coverage).

From the standpoint of providing the most flexible and enhanced recreational experience for KBSRA visitors and implementing the goals of the project, Alternative 2 does this most successfully, and is therefore the superior alternative. However, Alternatives 3 and 4 both achieve the basic objectives of the project and would implement the General Plan revision, realizing its attendant benefits and would therefore be beneficial to Alternative 1, the no project alternative.

Pier Rebuild Project

Each of the pier rebuild project locations included in Alternatives 2, 3, and 4 would provide access to Lake Tahoe at all water levels by constructing a new, longer pier with a fixed section, a transition gangway, and a floating section. The primary difference among alternatives is in the location of the pier, and pier length. Alternative 2 would locate the pier at the eastern end of KBSRA, Alternative 3 would locate the pier in the center of KBSRA at the location of the existing pier, and Alternative 4 proposes that the pier be situated at the western end of the park. Differences in the pier location do not translate into differences of achieving the main objectives of the pier rebuild project identified in Section 4.2. All pier locations would enhance recreational access from the lake to KBSRA by providing consistent, year-round access to KBSRA for various watercraft types at all lake levels. The location of the pier for all alternatives would also meet the recreational objectives of the goals and policies of the Area Plan and Regional Plan by making it accessible at all water levels for a broader range of users than the existing pier.

Alternative 2 proposes the rebuilt pier at the eastern end of KBSRA, partially within prime fish cover and feed habitat (see Impact 5.3.2-1 in Section 5.3.2, Biological Resources), while the pier locations proposed by Alternatives 3 and 4 would not be located in prime fish habitat. Thus, Alternative 2 would result in a greater impact on fish habitat than the other action alternatives.

The central pier location proposed under Alternative 3 and the western pier location proposed by Alternative 4 would both result in significant and unavoidable impacts on scenic or visual quality. Because of the length and location of each of these piers, views from TRPA Scenic Resource 9-2 would

be degraded. The additional mass of the new, longer piers would also be visible from other viewpoints, including from KBSRA looking out on the lake, and would alter the upland features visible from the lake. While mitigation is identified to reduce the visual impact by redesigning the pier as an entirely floating structure and implementing stylistic features intended to make it more innocuous, the effects on the scenic viewpoint would remain significant and unavoidable. The location of the eastern pier proposed for Alternative 2 would not obstruct or degrade views from the scenic viewpoint, and is therefore less impactful from a visual perspective.

Implementation of Alternative 4, western pier alternative, would retain the boat launch and extend it to be accessible by motorized boats over a wider range of lake-level conditions, which would support emergency access between the lake and Kings Beach. Although Alternatives 2 and 3 would remove the motorized boat ramp, these alternatives would include construction of lake access points that meet minimum requirements for emergency access to the lake and would provide easy access for non-motorized watercraft (see Impact 5.3.6-2 in Section 5.3.6, Hazards, Hazardous Materials, and Risk of Upset). The western pier location provided by Alternative 4, coupled with retention of the motorized boat ramp would provide greater motorized access to the lake.

In conclusion, because the Alternative 2 pier rebuild project includes the only pier option that would not cause a significant and unavoidable environmental impact, it would be environmentally superior to the other pier action alternatives.