

5 OTHER REQUIRED NEPA AND CEQA ANALYSIS

This chapter provides analyses and information required by NEPA and CEQA not already provided elsewhere in this EIS/EIR.

5.1 NEPA

5.1.1 Short-Term Uses of the Environment versus Maintenance and Enhancement of Long-Term Productivity

NEPA (40 Code of Federal Regulations [CFR] 1502.16) requires the consideration of the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This involves the consideration of whether the Squaw Valley | Alpine Meadows Base-to-Base Gondola Project would sacrifice a resource value that might benefit the environment in the long-term for some short-term value to the applicant or the public. In general, "short-term" is used here to refer to the construction period, while "long-term" refers to the operational life of the project and beyond.

The action alternatives do not involve short-term uses, outside of necessary temporary impacts that would occur during the single season construction period. Implementation of the action alternatives would result in short-term construction related impacts within the study area that are described in detail in Chapter 4, "Affected Environment and Environmental Consequences." Potential short-term impacts include ground disturbance and vegetation removal for construction access and safety of operations, disturbance to wildlife, temporary limitations to recreation access in some areas, increased air emissions, transport and use of hazardous materials (e.g., fuels and lubricants), water quality impacts, and increased ambient noise levels. Short-term impacts would be minimized through implementation of Resource Protection Measures (RPMs) (see Appendix B for a full listing of RPMs) and mitigation measures intended to reduce environmental effects. Over the long term, these resources are expected to recover from any adverse short-term effects without a loss in productivity.

The short-term effects identified in this EIS/EIR would be offset by the improved recreational experience provided at the Alpine Meadows ski area (Alpine Meadows) and Squaw Valley ski area (Squaw Valley) and the portion of the Forest Service Management Area 086 – Scott (Scott Management Area) (see Section 4.4, "Land Use") that overlaps with Alpine Meadows. In addition, the ability to move between resort base areas via the gondola would limit the need for vehicle transport between these two locations.

5.1.2 Irreversible and Irrecoverable Commitments of Resources

NEPA regulations require that an EIS analysis include a discussion of the potential irreversible and irretrievable commitments of environmental resources as a consequence of the approval and implementation of a project or action (40 CFR 1502.16). 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. Irretrievable commitments of resources are those that result in experiential losses to certain resources that could never be regained. Irreversible commitments of resources are those impacts that could never be reversed, for example through reclamation and mitigation work that could occur in the future.

Similar to NEPA, Section 1512.6 (c) of the State CEQA Guidelines requires that significant irreversible environmental changes that would be involved with a project be disclosed. Significant irreversible environmental changes may include:

- ▲ consumption of non-renewable resources,
- ▲ changes to land use which would commit future generations to similar uses, and
- ▲ irreversible changes which may result from environmental accidents associated with the project.

Because of the similarities between NEPA and CEQA regarding these topics, the requirements of both laws are addressed below.

5.1.2.1 CONSUMPTION OF NON-RENEWABLE RESOURCES

Implementation of the action alternatives would result in the consumption of energy and materials. Fossil fuels would be required for construction of the project, as well as operation and maintenance. Installing the gondola would require the manufacture of new materials. Much of the materials used in these facilities, such as steel poles and other metal components, could be recycled if desired. However, some materials, such as some equipment in the base and mid-stations and elements of the cabins, would not be recyclable if the project were decommissioned. The raw materials and energy required for the manufacture of the non-recyclable materials would result in an irretrievable commitment of natural resources.

Electrical demand for the action alternatives would increase primarily during winter months (November through March) when the gondola is operational; however, a limited amount of power would be needed to support intermittent maintenance and testing during summer. Indirect increases in energy consumption could also result from increases in the number of daily vehicle trips and fuel usage associated with increases in visitation. However, the project would reduce visitor and resort shuttle system travel on roadways between Squaw Valley and Alpine Meadows, which would reduce fossil fuel usage.

5.1.2.2 CHANGES TO LAND USE THAT WOULD COMMIT FUTURE GENERATIONS

The action alternatives consist of construction of a gondola connecting Alpine Meadows and Squaw Valley. Vegetative clearing for installation of project components would require up to approximately 215-300 trees total to be cleared in the project area depending on which alternative is selected for implementation (see Section 4.12, "Vegetation"). This loss of woody and overstory vegetation is not irretrievable, however, because the productivity of the site would remain intact and the gondola could be abandoned and the site restored in the future. Similarly, the loss of other vegetation communities within the footprints of gondola towers, mid-stations, and base stations could be restored if the project were ever decommissioned.

Disturbance of sensitive habitats such as wetlands and riparian areas could result in a permanent change in land use; however, avoidance, compensation (e.g., habitat restoration and enhancement) where avoidance is not possible, and a requirement of no net loss in habitat functions and values would substantially reduce the effects of the project. These habitat types can also be successfully restored in many cases if facilities are removed some time in the future.

The project would be constructed on land currently designated for use as ski resorts and a recreational area. Operation of a gondola would improve access to the existing ski facilities, which is compatible with the current recreational use of the land. Therefore, any changes to land use would not be significant.

In addition, the footprint of the gondola would be small, and the gondola could be abandoned and the site restored in the future. Implementing the project would not obligate future generations to retain project facilities in their current location or configuration if a compelling reason to alter the facilities were to arise.

5.1.2.3 IRREVERSIBLE CHANGES THAT WOULD RESULT FROM ENVIRONMENTAL ACCIDENTS

The project does not provide for an appreciable increase in use of hazardous materials relative to existing conditions and would involve the transport, use, and generation of only small volumes of hazardous materials. The applicant would prepare relevant hazardous materials management plans, including a spill prevention, control, and countermeasure plan; a stormwater pollution prevention plan; and a flammable gasses safety plan. With continued compliance with existing federal, state, and local laws and regulations related to hazardous materials, the project would not be expected to result in environmental accidents that have the potential to cause irreversible damage to the natural or human environment.

5.1.3 Consistency with Laws, Regulations, and Executive Orders

All project construction and operation activities described and proposed in this document would be implemented to the extent that they are consistent with applicable federal law, U.S. Department of Agriculture regulations, Forest Service policies, and applicable provisions of State law. The major laws and their applicability to the project are described below.

5.1.3.1 CLEAN AIR ACT

As described in Section 4.10, “Air Quality,” and Section 4.11, “Greenhouse Gas Emissions and Climate Change,” the project is located in the Mountain Counties Air Basin. Air quality in the project area is regulated by the U.S. Environmental Protection Agency (EPA), California Air Resources Board, and Placer County Air Pollution Control District.

General conformity requirements were adopted by Congress as part of the federal Clean Air Act Amendments of 1990 (Public Law 84-159). General conformity requires that all federal actions conform to the state air quality control plan referred to as a State Implementation Plan (SIP). The purpose of the general conformity program is to ensure that actions taken by the federal government do not undermine state or local efforts to achieve and maintain national ambient air quality standards. Before a federal action is taken, it must be evaluated for conformity with the SIP. All reasonably foreseeable emissions, both direct and indirect, that are predicted to result from the action are taken into consideration. The location and quantity of emissions must be identified. If it is found that the action would create emissions above *de minimis* threshold levels specified in EPA regulations, or if the activity is considered regionally significant because its emissions exceed 10 percent of an area’s total emissions, the action cannot proceed unless mitigation measures are specified that would bring the project into conformance.

The analysis of air emissions in Sections 4.10, “Air Quality,” and 4.11, “Greenhouse Gas Emissions and Climate Change,” of this EIS/EIR and associated appendices satisfy the Clean Air Act requirements for conformity determination. Because the project would comply with all federal, state, and local air quality regulations and conform with the SIP, the project would comply with the Clean Air Act.

5.1.3.2 CLEAN WATER ACT

The Clean Water Act (CWA) consists of the Federal Water Pollution Control Act of 1972 (Public Law 92-500) and subsequent amendments. All federal agencies must comply with the provisions of the CWA. The CWA establishes the basic structure for regulation of discharges of pollutants to surface waters within the United States. It authorizes the EPA to set effluent limits for discharges and requires the EPA to set water quality standards for contaminants in surface waters. The EPA has delegated responsibility to the State of California to implement the National Pollutant Discharge Elimination System program authorized by the CWA. This is carried out by the State Water Resources Control Board. The Lahontan Regional Water Quality Control Board provides oversight for the project area.

The CWA regulates forest management activities near waters of the United States and riparian areas. A permit from the U.S. Army Corps of Engineers (USACE) is required prior to any work involving excavation of material from, or deposition of material into, waters of the United States, including jurisdictional wetlands, in accordance with Section 404 of the CWA. Fills of less than 0.5 acre of nontidal waters of the United States for residential, commercial, or institutional development projects can generally be authorized under USACE's nationwide permit (NWP) program, provided that the project satisfies the terms and conditions of the particular NWP. Fills that do not qualify for a NWP require a letter of permission or an individual permit.

As analyzed in Sections 4.12, "Vegetation," and 4.15, "Wetlands," implementing the action alternatives could result in permanent loss or temporary disturbance of the following sensitive habitat types: aspen, freshwater emergent wetland, mesic and riparian shrubland, and pond. All or part of the affected habitat acreage could qualify as waters of the United States and/or waters of the State. The RPMs adopted as part of the project and mitigation measures included in this EIS/EIR would ensure that the terms of the CWA are met because of requirements to obtain necessary permits, minimize fill in Section 404 jurisdictional areas, prevent pollution caused by erosion and sedimentation, and compensate for any unavoidable impacts on a no net loss basis. See Appendix B for detailed descriptions of applicable RPMs.

5.1.3.3 ENDANGERED SPECIES ACT OF 1973

The U.S. Fish and Wildlife Service (USFWS) has authority over projects that may result in take of a species listed as threatened or endangered under the Federal Endangered Species Act (ESA) of 1973 (50 CFR 17), as amended under the USFWS Mitigation Policy of 1956 (Title 16, Chapter 35, Section 1531 of the United States Code [16 USC 1531 et seq.], as well as those species that are designated by Region 5 of USFWS as species of concern. The ESA defines *take* as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (Public Law 93-205, as amended by Section 3 of Public Law 107-136 [16 USC 1532]). USFWS has also interpreted the definition of "harm" to include habitat modification that could result in take. If a project is likely to result in take of a federally-listed species, either an incidental take permit under ESA Section 10(a) or a federal interagency consultation under ESA Section 7 is required before the take may occur. Such a permit typically requires various types of mitigation to compensate for or to minimize a take.

The California Natural Diversity Database and its geographic information system application, California Native Plant Society's online *Inventory of Rare and Endangered Plants*, and Tahoe National Forest (TNF) data were used as the primary sources to preliminarily identify and map previously reported occurrences of federally listed threatened or endangered species within and around the project area. Observations of listed species and potential habitat for these species were also recorded during reconnaissance level field surveys of the project area.

The action alternatives have the potential to affect Sierra Nevada yellow-legged frog, which is federally-listed as endangered. To avoid negative effects to this protected species, RPMs and mitigation measures would be implemented. For a complete discussion of mitigation measures, see Section 4.14, "Wildlife and Aquatics." For a complete list of RPMs, see Appendix B.

Because potential impacts to this species would be adequately mitigated consistent with the requirements of the ESA and appropriate ESA authorization would be obtained from USFWS, and because no other threatened or endangered species were found within the project area, the action alternatives would comply with the ESA.

5.1.3.4 BALD AND GOLDEN EAGLE PROTECTION ACT

The Bald and Golden Eagle Protection Act, enacted in 1940 and amended multiple times since, prohibits the taking of bald and golden eagles without a permit from the Secretary of the Interior. For the purpose of the act, disturbance that would injure an eagle, decrease productivity, or cause nest abandonment, including habitat alterations that could have these results, are considered take and can result in civil or criminal penalties.

Bald eagles are not known or expected to nest in the project vicinity, based on the rarity of nesting in the region, no nesting records in or near the project vicinity, and the lack of high-quality nesting habitat. Any bald eagle occurrence and habitat use in the project vicinity would be most likely during winter, when the species is more abundant in the Tahoe region. However, because of the presence of existing recreation use, vehicle travel, vegetation/forest management, and other activities throughout the project vicinity, the existing disturbance level is relatively high; additional construction-related disturbance would not substantially affect the foraging patterns of bald eagle. Also, abundant and suitable foraging habitat is available in other areas nearby (e.g., Lake Tahoe, Watson Lake, Martis Creek Reservoir). Bald eagle breeding activities, nest sites and young, or reproductive success are not expected to be impacted by project construction. To further ensure that construction-related disturbances and loss of nest sites would be avoided (e.g., in the event that nesting is initiated in the study area during or prior to construction), RPM BIO-12 would be implemented. This measure requires conducting preconstruction surveys for nesting birds, and implementing an appropriate exclusionary buffer and limited operating period to avoid or minimize effects of construction-related disturbance on nesting activity and breeding success.

5.1.3.5 ENVIRONMENTAL JUSTICE

Executive Order (EO) 12898 requires that all federal actions consider potentially disproportionate effects on minority and low-income communities especially if adverse effects to environmental or human health conditions are identified. As discussed in Section 4.5, "Socioeconomics and Environmental Justice," no existing minority populations were identified where either (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. Likewise, no low-income populations were identified in the affected area. Therefore, no inconsistencies between the project and EO 12898 would occur.

5.1.3.6 FEDERAL ANTIDEGRADATION POLICY

The federal antidegradation policy, established in 1968, is designed to protect existing uses of waters and water quality and national water resources. The federal policy directs states to adopt a statewide policy that includes the following primary provisions:

- ▲ existing in-stream uses and the water quality necessary to protect those uses shall be maintained and protected;
- ▲ where existing water quality is better than necessary to support fishing and swimming conditions, that quality shall be maintained and protected unless the state finds that allowing lower water quality is necessary for important local economic or social development; and,
- ▲ where high-quality waters constitute an outstanding national resource, such as waters of national and state parks, wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

Through implementation of RPMs and mitigation measures included in this EIS/EIR, the action alternatives would not result in significant adverse effects on water quality and would be in compliance with the antidegradation policy (see Section 4.17, "Hydrology and Water Quality," and Appendix B for RPMs).

5.1.3.7 FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (7 USC 136 AS AMENDED)

The objective of the Federal Insecticide, Fungicide, and Rodenticide Act is to provide federal control of pesticide (collective for insecticide, fungicide, rodenticide, and herbicide) distribution, sale, and use. All pesticides used in the United States are subject to approval and registration by the EPA. Through registration, the EPA ensures that pesticides are properly labeled and that if used as specified, will not cause unreasonable harm to the environment. The Forest Service may only use, or authorize use on National Forest System lands,

pesticides registered or permitted in accordance with this act, as well as appropriate state law. The use of insecticides, fungicides, and rodenticides is not included as part of the action alternatives. Implementation of the action alternatives may require the use of herbicides for the control of noxious or invasive weeds within the project area. If the use of herbicides on Forest Service land is required, this action would be subject to approval by the TNF botanists and applicable RPMs (see Appendix B). The requirements of Federal Insecticide, Fungicide, and Rodenticide Act would be met during implementation of the project.

5.1.3.8 FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

EO 11988 for Floodplain Management directs all federal agencies to evaluate potential effects of any actions they may take in a floodplain and to avoid all adverse effects associated with modifications to floodplains. It also directs Federal agencies to avoid floodplain development whenever there is a practicable alternative and to restore and preserve the natural and beneficial values served by the floodplains.

The project area is not within a floodplain that is regulated as part of the National Flood Insurance Program, and no areas of special flood hazard are identified by the Federal Emergency Management Agency, which issues regulatory floodplain maps (Flood Insurance Rate Maps). Because the project would not include development within a floodplain or flood hazard area, it would be in compliance with EO 11988.

EO 11990 requires that federal agencies avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds: (1) that there is no practicable alternative to such construction; and (2) that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. As analyzed in Section 4.15, "Wetlands," implementing the action alternatives could result in permanent loss or temporary disturbance of habitats that would qualify as wetlands. The RPMs adopted as part of the project and mitigation measures included in this EIS/EIR would ensure that wetlands are avoided to the extent practicable, that pollution caused by erosion and sedimentation is prevented, and that any unavoidable impacts to wetlands are compensated for on a no net loss basis. Therefore, the project would be in compliance with EO 11990.

5.1.3.9 INDIAN TRUST ASSETS AND COORDINATION WITH TRIBAL GOVERNMENTS

Indian Trust Assets are legal interests in property held in trust by the United States for Native American tribes or individuals. The Secretary of the Interior, acting as the trustee, holds many assets in trust. Examples of trust assets include lands, minerals, hunting and fishing rights, and water rights. The United States has an Indian trust responsibility to protect and maintain rights reserved by or granted to Native American tribes or individuals by treaties, statutes, and executive orders. No Indian Trust Assets have been identified in the project area.

EO 13175, Consultation and Coordination with Indian Tribal Governments, was issued to "establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfounded mandates upon Indian tribes." On December 17, 2015, Placer County sent letters to representatives of the Washoe Tribe of California and Nevada, United Auburn Indian Community of the Auburn Rancheria (UAIC), the Shingle Springs Band of Miwok Indians, and the T'Si-Akim Maidu offering the opportunity to consult.

On January 12, 2016, the Shingle Springs Rancheria forwarded a letter noting they are unaware of cultural resources on the project site but requesting copies of any cultural reports prepared for the project. On February 3, 2016, the Washoe Tribe similarly noted via letter that they are unaware of cultural resources that may be affected by the project but requested any cultural reports prepared for the project. On February 8, 2016, UAIC requested to receive copies of cultural reports prepared for the project as well as any future environmental documents. On February 1, 2018, the County provided all requesting tribes with a copy of the *Cultural Resource Inventory and Evaluation* prepared for the project in December 2017.

On February 1, 2018, the County sent an email confirmation to UAIC that consultation was considered closed as of January 16, 2016. On February 5, 2018, UAIC responded affirmatively via email to the close of consultation. On February 1, 2018, the County sent a similar email confirmation to the Washoe Tribe, and on February 2, 2018 received an affirmative response from the tribe to the close of consultation. On February 1, 2018, the County sent an email to Shingle Springs Rancheria confirming that consultation would be considered closed as of March 5, 2018. No further correspondence has been received from Shingle Springs Rancheria.

Surveys have been conducted that identify no known historic or pre-historic resources in the project area, which are well-documented in the cultural report contained in the project file. The above tribes would be immediately contacted if any archaeological artifacts, exotic rock (non-native), unusual amounts of shell or bone, or human remains are uncovered during any on-site construction activities. Therefore, the project would be in compliance with EO 13175.

5.1.3.10 INVASIVE SPECIES

EO 13112 requires federal agencies to identify actions that may affect the status of invasive species, prevent the introduction of invasive species to the extent practicable and permitted by law, and only authorize actions that could promote the introduction or spread of invasive species if the agency determines that: (1) the benefits of the action outweigh the potential harm caused by invasive species; and (2) all feasible and prudent measures to minimize the risk of harm will be taken. Section 4.13, "Botany," addresses botanical resources and noxious weeds. As described in Section 4.13 and the Non-Native Invasive Plant Risk Assessment prepared for the project (U.S. Forest Service 2019) various RPMs would be implemented to avoid or minimize the introduction, spread, and establishment of noxious weeds during project construction and operation. With implementation of these RPMs the project would comply with EO 13112.

5.1.3.11 MIGRATORY BIRD TREATY ACT OF 1918 AS AMENDED

The Migratory Bird Treaty Act, first enacted in 1918, domestically implements a series of international treaties that provide protection for migratory birds. It authorizes the Secretary of the Interior to regulate the taking of migratory birds and provides that it shall be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird (16 USC 703). This prohibition includes both direct and indirect acts, although harassment and habitat modification are not included unless they result in direct loss of birds, nests, or eggs. The current list of species protected by the MBTA includes several hundred species, which essentially comprises all native birds. As discussed in Section 4.14, "Wildlife and Aquatics," potential adverse effects to special-status bird species would be addressed through implementation of RPMs that require pre-construction surveys for individuals, nests, and roost sites of various bird species; provide buffers between construction activities and nest sites; set seasonal construction restrictions in particularly sensitive areas; minimize habitat removal; and incorporate design elements that limit adverse effects on bird species. These activities, although intended to address specific special-status bird species, would also minimize adverse effects to a wide variety of migratory birds in the project area.

5.1.3.12 NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

NEPA (Public Law 91-190) requires that federal agencies complete detailed disclosure on proposed actions and alternatives to the proposed action that may significantly affect the quality of the human environment. The purpose of an EIS is twofold: (1) to provide decision makers with a detailed accounting of the likely environmental effects of a proposed action and any alternatives prior to adoption of an action; and (2) to inform the public and allow it to comment on those environmental effects. This EIS/EIR analyzes the alternatives and discloses their effects in detail. The procedural requirements of NEPA have been met.

5.1.3.13 NATIONAL FOREST MANAGEMENT ACT OF 1976 (PUBLIC LAW 94-588)

The National Forest System lands in the TNF affected by the project are subject to management direction in the 1990 TNF Land and Resource Management Plan (LRMP), as amended by the 2004 Sierra Nevada Forest Plan Amendment Record of Decision. Collectively, the LRMP and amendment are referred to as the Forest Plan. The Forest Plan guides management of all National Forest Lands and resources within the TNF. It includes direction for forest management, goals and objectives, area management direction, and standards and guidelines. Specifically, Chapter V, Management Direction, presents both forest-wide and area-specific management direction for the TNF. The forest-wide management direction consists of forest goals and desired future conditions, objectives, and forest-wide standards and guidelines. The action alternatives are responsive to guiding direction contained in the Forest Plan, is consistent with the standards and guidelines contained in the Forest Plan and is consistent with the requirements for management prescriptions.

5.1.3.14 NATIONAL HISTORIC PRESERVATION ACT AND EXECUTIVE ORDER 13007

Section 106 of the National Historic Preservation Act (Public Law 89-665, as amended) requires federal agencies to take into account the effect of proposed undertakings such as the proposed action on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register of Historic Places (NRHP). Section 106 review is conducted to determine whether significant (per NRHP criteria) resources will be adversely affected by an undertaking, and if so, whether measures can be implemented to adequately resolve adverse effects. Section 106 requires federal agencies to afford the State Historic Preservation Officer a reasonable opportunity to comment, which was accomplished through the cultural report (contained in the project file). As of March 2018, the State Historic Preservation Officer has concurred with the determination that there are no historic properties listed on or eligible for listing on the NRHP within the area of potential effect, meaning that no historic properties would be affected by any of the action alternatives.

EO 13007, Indian Sacred Sites (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site.

Archival research and field surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by the project. Research conducted as part of this study indicates that no evidence of archeological or other cultural resources were found (Lindstrom 2016). In addition, the Tribal Historic Preservation Office of the Washoe Tribe of Nevada and California has been contacted regarding the project and they have indicated that they are not aware of cultural resources that may be affected by the project (Cruz, pers. comm., 2016). There are no historic buildings or structures within the project area. Therefore, the project would not affect any resources subject to Section 106 of the National Historic Preservation Act.

5.1.3.15 RECREATIONAL FISHERIES

Federal agencies shall, to the extent permitted by law and where practicable, improve the quantity, function, sustainable productivity, and distribution of aquatic resources for increased recreational fishing opportunities by, among other things, evaluating the effects of federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries. The potential effects to fish habitat from the project are extremely limited due to the distance between the project and waterways that support fisheries. Impacts on fisheries would be limited to degradation of water quality through transport of sediment through erosion. Direct effects on water quality (see Section 4.17, "Hydrology and Water Quality"), and, therefore, effects on fish productivity and the quality of the recreational fisheries, would be negligible. The project would therefore comply with EO 12962.

5.1.3.16 SPECIAL AREA DESIGNATIONS

The only TNF specially designated area that may be affected by the project is the National Forest System-Granite Chief Wilderness (GCW). While no development would occur within the National Forest System-GCW as a result the project, experiential impacts from within it are possible. These experiential impacts would result from the project's visibility within the National Forest System-GCW (see Section 4.3, "Wilderness," for more information); however, buffer zones for development around wilderness areas are prohibited by legislative acts like Public Law 96-550, Section 150, which states:

Congress does not intend that the designation of wilderness areas... lead to the creation of protective perimeters of buffer zones around each wilderness area. The fact that non-wilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

The project would be in compliance with all special area designations in the vicinity of the project area.

5.1.3.17 WILD AND SCENIC RIVERS ACT

The Wild and Scenic Rivers Act (Public Law 90-542, as amended) regulates forest management activities within the National Wild and Scenic Rivers System. Through this act, selected rivers of the Nation and their immediate environments are designated for protection based on their scenic, recreational, geologic, fish and wildlife, historic, cultural or similar values. The primary focus of this act is to maintain the "free flowing condition" of these waters, to protect water quality, and to fulfill vital national conservation purposes. Because there are no designated wild and scenic rivers within the project area, the requirements of this act have been met.

5.1.3.18 CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA (Public Resources Code [PRC] Section 21080) applies to discretionary projects to be carried out or approved by public agencies in California. In accordance with the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Section 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant environmental impact. An EIR is an informational document used to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts.

CEQA requires that state and local government agencies consider the environmental effects of projects over which they have discretionary authority before taking action on those projects (PRC Section 21000 et seq.). CEQA also requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, the significant environmental effects of a project. If a project would result in significant and unavoidable environmental impacts that cannot be feasibly mitigated to less-than-significant levels, the project can still be approved, but the lead agency decision-makers must issue a "statement of overriding considerations" explaining in writing the specific economic, social, or other considerations that they believe make those significant effects acceptable. The procedural requirements of CEQA have been met with this EIS/EIR.

5.2 CEQA

5.2.1 Significant Environmental Effects That Cannot Be Avoided

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.

Chapter 4, “Affected Environment and Environmental Consequences,” of this EIS/EIR addresses the potential environmental effects of the action alternatives for all applicable environmental topic areas and recommends mitigation measures, as necessary, to mitigate project effects to the extent feasible. The analysis identifies the following significant impacts that cannot be reduced to less-than-significant levels through mitigation, as described below.

Impact 4.2-2: Visual Character (General Impact on Visual Character)

Under all action alternatives, project features would be visible from, and adversely affect visual quality in, remote landscapes with high sensitivity levels. Various RPMs would minimize this effect by promoting screening of project features and incorporating design elements that assist project feature in blending into the landscape. However, although implementation of these RPMs would reduce this impact, it would not reduce the impact to a less-than-significant level because project features would remain visible and adversely affect visual quality in remote landscapes with high sensitivity levels. There is no feasible mitigation that would reduce the visibility of the project sufficiently to reduce this impact to a less-than-significant level. Therefore, this impact would be significant and unavoidable.

Impact 4.7-4: Impacts on Vehicular Queuing at Caltrans Intersections

Vehicle trips generated under all action alternatives would adversely affect turn lane storage at intersections owned/operated by the California Department of Transportation (Caltrans). The maximum queue length in the northbound left-turn lane at the State Route (SR) 89/Alpine Meadows Road intersection would be extended from 350 to 375 feet, thereby further exceeding the 300 feet of available storage and resulting in a significant impact. There are no applicable RPMs that would mitigate this effect. Implementation of Mitigation Measure 4.7-4 (Alt. 2) would reduce the maximum queue length in the northbound left-turn lane at the SR 89/Alpine Meadows Road intersection during the Saturday AM peak hour to fit within the available storage that is provided. However, Placer County cannot ensure that this improvement would be implemented because it would occur under Caltrans’s and not the County’s jurisdiction. Therefore, this impact would be significant and unavoidable despite the availability of a mitigation measure that, if implemented, would restore operations to an acceptable level.

Cumulative Impact 4.7-11: Impacts on Caltrans Intersections

Vehicle trips generated under all action alternatives would worsen unacceptable traffic conditions at the Interstate 80 Eastbound Ramps/SR 89 roundabout and the SR 89/Squaw Valley Road intersection during the Sunday PM peak hour. These conditions would exceed applicable thresholds for intersections that already operate at unacceptable levels under the cumulative no project condition, thereby resulting in a significant impact. There are no applicable RPMs that would mitigate this effect. Implementation of Mitigation Measure 4.7-11 (Alt. 2) would potentially reduce the number of vehicle trips generated during peak periods; however, there are no assurances that such reductions would be sufficient to eliminate the impacts. Therefore, this impact would be significant and unavoidable.

Cumulative Impact 4.7-12: Impacts on Vehicular Queuing at Caltrans Intersections

Vehicle trips generated under all action alternatives would exacerbate vehicle spillbacks and affect turn lane storage at intersections owned/operated by Caltrans (i.e., SR 89/Squaw Valley Road and SR 89/Alpine Meadows Road). The vehicle trips attributable to the project would exacerbate vehicle spillbacks and

exceedances of turn lane storage, thereby resulting in a significant impact. There are no applicable RPMs that would mitigate this effect. Implementation of Mitigation Measure 4.7-12 (Alt. 2) would potentially reduce the number of vehicle trips generated during peak periods; however, there are no assurances that such reductions would be sufficient to eliminate the impacts. Therefore, this impact would be significant and unavoidable.

Cumulative Impact 4.7-13: Impacts on Caltrans Highways

Vehicle trips generated under all action alternatives would exacerbate cumulatively unacceptable operations on a Caltrans highway segment. Cumulative effects on the segment of SR 89 between Squaw Valley Road and West River Street intersections would be significant because this segment would experience an increase in volume-to-capacity ratio that would exceed applicable thresholds. There are no applicable RPMs that would mitigate this effect. Implementation of Mitigation Measure 4.7-13 (Alt. 2) would potentially reduce the number of vehicle trips generated during peak periods; however, there are no assurances that such reductions would be sufficient to eliminate the impacts. Therefore, this impact would be significant and unavoidable.

Impact 4.9-1: Construction Noise Impacts

Under all action alternatives, construction activities would result in temporary increases in noise associated with heavy-duty off-road equipment, blasting, and helicopter use. Incorporation of noise-related RPMs would reduce these effects to the extent possible, but construction noise would not be eliminated. Impacts for all alternatives would be significant and unavoidable due to the potential for helicopter noise to result in substantial disturbance to existing sensitive receptors. There is no feasible mechanism to ensure that helicopters flying between available staging areas (i.e., the Squaw Valley and Alpine Meadows Parking lots) and the gondola alignment will not generate substantial disturbance to nearby sensitive receptors. Therefore, this impact would be significant and unavoidable.

5.2.2 Significant Irreversible Environmental Changes

See Section 5.1.2, “Irreversible and Irrecoverable Commitments of Resources,” above, which addresses this topic.

5.2.3 Growth-Inducing Impacts

5.2.3.1 NEPA

The Council on Environmental Quality NEPA Regulations provide for discussion of growth-inducing impacts of an action (40 CFR 1508.8[b]): “Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” The discussion must additionally address how a proposed project may remove obstacles to growth, or encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

5.2.3.2 CEQA

State CEQA Guidelines Section 2100(b)(5) specifies that growth-inducing impacts of a project must be addressed in an EIR. Section 15126(d) states that a proposed 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 proposed 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.

5.2.3.3 GROWTH VARIABLES

The timing, magnitude, and location of land development and population growth in a community or region are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and nonresidential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. Because the General Plan of a community defines the location, type, and intensity of growth, it is the primary means of regulating development and growth in California.

5.2.3.4 GROWTH CAUSED BY PROJECT-RELATED EMPLOYMENT

The majority of project-related employment would occur during the construction period. Project construction is estimated to require approximately 6-8 months of construction activity taking place over one construction season. The construction season in the project area is limited by weather and regulatory standards to protect water quality and other resources. Construction activity would be limited to the late-spring, summer, and early-fall, with construction sites stabilized/winterized in the late fall and construction activity ceasing during the winter months.

During peak construction periods, approximately 30–40 workers would be present on the project site. Employment requirements are expected to be the same for all of the action alternatives. Construction and monitoring positions could be filled by the local labor pool. However, even if personnel were brought in from outside the region, the jobs are temporary (one construction season) and these employees would return to their place of residence after work is complete.

Operation of the project would require two new full-time, year-round employment positions and eight full-time, seasonal positions; or six full time equivalent employees (FTEEs) calculated over a year. Therefore, operation of the gondola is expected to be accommodated by the existing workforce in the project vicinity, and the seasonal workforce that already travels to the area during the winter season. It is not expected to require specialized skills that would require workers to travel from other areas of the region, state, or country.

In spite of the in-migration of some workers from outside of the project area, due to the short-term nature and seasonality of the work and the relatively small number of workers needed at any one time, it is not expected that growth would be induced by the project's labor force requirements. Construction workers from outside the Truckee-Tahoe region would likely travel to the project site at the beginning of the construction season, stay in transitory housing (e.g., hotels, rental properties), and return home at the end of the construction season. Workers from the Reno area and other regions relatively close to the project site might commute to and from the project area on a daily, weekly, or monthly basis. Project construction would not generate appreciable population growth or demand for new housing in the region.

5.2.3.5 GROWTH AS A RESULT OF INCREASED RESORT VISITATION

Although the project is expected to result in approximately 7,371 additional visitor-days per month (which would average to approximately 246 visitors per day), these additional visitors would be limited to short-term visits (i.e., a day or days) during the gondola's operation (winter season) (SE Group and RRC Associates 2018). Because these visits would be temporary, this increase would not increase the population of the area. In addition, given the existing commercial services (e.g., hotels, gas stations, retail stores) in the vicinity that are currently available to serve peaks in winter visitation, the additional visitation would not

create a substantial increase in demand for goods and services that would result in an increase in development. Furthermore, the project would not open an undeveloped area to development, change land use designations, or expand public services or utilities to an area not previously served. Therefore, the increase in seasonal visitors would not remove obstacles to growth, and the project would not be growth-inducing.

5.2.4 Environmentally Superior Alternative

CEQA calls for the identification of an environmentally superior alternative in an EIR but gives no specific definition for the term (State CEQA Guidelines Section 15126.6(e)(2)); however, the term can be generally defined as the alternative that results in the least amount of environmental impact. CEQA further specifies that if the environmentally superior alternative is the “no project” alternative, the EIR must identify an environmentally superior alternative among the other alternatives.

From the standpoint of minimizing environmental effects, Alternative 1 - No Action Alternative would be the environmentally superior alternative. Under Alternative 1, no construction would take place and the project site would remain consistent with existing conditions. No change to the existing environment would occur under Alternative 1. However, Alternative 1 would not meet any of the basic project objectives related to providing a connection between the Alpine Meadows and Squaw Valley base areas.

Table 2-3 in Chapter 2, “Description of Alternatives,” identifies the significant and potentially significant impacts of each alternative for each environmental issue area evaluated in this EIS/EIR. As shown in Table 2-3, based solely on impact significance conclusions, there is little difference in effects among the action alternatives. Using this coarse comparison method, the primary difference between alternatives is that Alternative 3 has one CEQA noise impact that does not occur under Alternatives 2 and 4 and results from the Alpine Meadows mid-station under Alternative 3 being located in close proximity to existing residences. This impact is significant, and is reduced to a less-than significant level with mitigation. Without a clear distinction between alternatives in Table 2-3, a more detailed evaluation of the differences in effects among alternatives is necessary.

For several environmental issue areas, the same effects occur for each action alternative. For example, each action alternative is assumed to result in the same potential increase in visitation; therefore, each action alternative results in the same generation of utility demand. Consequently, there is no difference in utility impacts across the three action alternatives. For the following issue areas, environmental effects are the same for all action alternatives and these issue areas were not considered in the determination of the environmentally superior alternative:

- Section 4.4, “Land Use,”
- Section 4.5, “Socioeconomics and Environmental Justice,”
- Section 4.7, “Transportation and Circulation,”
- Section 4.8, “Utilities,”
- Section 4.10, “Air Quality,” and
- Section 4.11, “Greenhouse Gas Emissions and Climate Change.”

Further information on why effects were considered the same across action alternatives for each environmental issue area is provided in the referenced sections of this EIS/EIR.

5.2.4.1 ALTERNATIVE 2

Due to its location, Alternative 2 results in several different, or more severe environmental effects than Alternatives 3 and 4. The key significant environmental effects of Alternative 2 concern the alternative’s close proximity to both the GCW and known occupied habitat for the Sierra Nevada yellow-legged frog (SNYLF). Other environmental issue areas where Alternative 2 would have different or more severe effects

than Alternatives 3 and 4 include biological resources, land use conflicts, and public safety. All are described in greater detail below.

As described in Chapter 2, “Description of Alternatives,” and shown in Exhibit 2-2, the central portion of the Alternative 2 alignment, between the Squaw Valley and Alpine Meadows mid-stations, is located just east of the GCW and would cross private lands within the Congressionally-Mapped GCW. This close proximity to the GCW would result in effects related to visual resources, noise, and wilderness. This middle segment would traverse a distance of approximately 3,000 feet along or near the ridgeline between the two resorts, and therefore has the greatest effect on visual character among the three action alternatives (see Section 4.2, “Visual Resources”). Due to the close proximity of Alternative 2 to the GCW, this alternative would have the greatest noise effect on the GCW during project construction.

With the Alpine Meadows mid-station near Barstool Lake, Alternative 2 is the only action alternative with facilities in close proximity (within 100 feet) to known occupied habitat for SNYLF (see Section 4.14, “Wildlife and Aquatics”). As the SNYLF is an endangered species and Alternative 2 is the only alternative that would have a significant impact on SNYLF, Alternative 2 would have a greater effect on SNYLF than would Alternatives 3 or 4.

Alternative 2 would result in approximately 21 acres of ground disturbance, which is greater than the amount that would be disturbed by Alternatives 3 or 4. This greater area of ground disturbance, results in an increased potential for the introduction and establishment of invasive plant species (see Section 4.13, “Botany”) and for erosion (see Section 4.17, “Hydrology and Water Quality”) compared with Alternatives 3 and 4.

Finally, among the action alternatives, the gondola as proposed under Alternative 2 would also be the most difficult to evacuate in the event of an emergency (see Section 4.6, “Public Safety”).

In some areas, Alternative 2 has less environmental effect than Alternatives 3 and 4, such as the least exposure to avalanche risk due to the location near the top of the ridgeline (see Sections 4.6, “Public Safety,” and 4.16, “Soils, Geology, and Seismicity”) and least effect on aquatic habitats and associated aquatic and botanical species (see Sections 4.13, “Botany,” 4.14, “Wildlife and Aquatics,” and 4.15, “Wetlands”). However, this difference in habitat effects is small, ranging from a fraction of an acre to approximately 1 acre depending on the alternative and habitat types being compared.

While Alternative 2 may have lesser impacts compared to Alternatives 3 and 4 for the limited environmental issue areas discussed above, these areas of less effect are not sufficient to counterbalance the areas where Alternative 2 has greater adverse effects, or adverse effects unique to this alternative. Alternative 2’s greater impacts on the resources discussed above, and in particular those related to visual effects, the GCW, and SNYLF, are sufficient to eliminate it from further consideration as the environmentally superior alternative.

5.2.4.2 ALTERNATIVES 3 AND 4

With Alternative 2 eliminated from consideration as the environmentally superior alternative, it must be chosen from Alternatives 3 and 4.

While there are environmental issue areas where Alternatives 3 and 4 both clearly have lesser impacts than Alternative 2, differences between Alternatives 3 and 4 themselves are frequently more subtle. For example, while the alignments for Alternatives 3 and 4 both cross the Five Lakes Trail between the trailhead near Alpine Meadows and the ultimate destination of the Five Lakes within GCW, Alternative 4 would be the closest alignment to the trailhead. This area currently supports limited development, including other ski lift infrastructure (i.e., “KT South” on the private Caldwell property). By encountering the new infrastructure in closer proximity to existing development and infrastructure, the new development under Alternative 4 would represent less of a contrast with the existing landscape than under Alternative 3. Alternative 4’s alignment is also generally the most distant from the Pacific Crest Trail (see Section 4.1, “Recreation”).

Alternatives 3 and 4 both avoid adverse effects related to close proximity to the GCW (see Section 4.3, “Wilderness”). While Alternative 3 would locate the Squaw Valley mid-station closer to the GCW than Alternative 4, the mid-station under Alternative 4 would be on a peak and would therefore be more visible to the surrounding area than the Alternative 3 mid-station location (see Section 4.2, “Visual Resources”). As such, Alternative 3 has slightly less effect on visual character compared with Alternative 4.

Alternatives 3 and 4 have similar risks related to avalanche effects and similar characteristics regarding undertaking an emergency evacuation of the gondola (see Section 4.6, “Public Safety”). Both Alternatives 3 and 4 have the potential to generate construction and operational noise that could affect nearby residences; however, Alternative 4 has the potential to affect fewer residences due to the distance of the alignment and the base terminal and mid-station from residences (see Section 4.9, “Noise”).

Among Alternatives 3 and 4, Alternative 3 has the least effect on aquatic habitats and associated wildlife and botanical species (see Sections 4.13, “Botany,” 4.14, “Wildlife and Aquatics,” and 4.15, “Wetlands”). However, this difference in habitat effects is small, ranging up to approximately 1.5 acres. Alternative 4 has a slightly greater effect on potential aquatic habitat for SNYLF compared to Alternative 3; however, Alternative 4 has less of an effect on potential upland habitat. Alternative 4 includes less of the alignment within the area designated by USFWS as critical habitat for SNYLF (see Section 4.14, “Wildlife and Aquatics”). As SNYLF and its habitat are of critical importance, Alternative 4 is the environmentally superior alternative because it affects less critical SNYLF habitat designated by USFWS.

Comparing overall ground disturbance, Alternative 3 disturbs approximately 18 acres whereas Alternative 4 disturbs approximately 15 acres, resulting in Alternative 4 having less potential for introduction and establishment of invasive plant species (see Section 4.13, “Botany”) and for erosion (see Section 4.17, “Hydrology and Water Quality”) compared with Alternative 3.

Alternative 3 is estimated to require the removal of 104 trees, with 133 additional trees at risk of removal. Alternative 4 is estimated to require the removal of 38 trees with an additional 176 trees at risk of removal. Thus, the estimated amount of tree removal and total amount of potential tree removal is less for Alternative 4 than for Alternative 3.

5.2.4.3 CONCLUSION

While Alternative 3 has less of an effect than Alternative 4 in some areas, such as disturbance of aquatic habitats, Alternative 4 results in less of an effect in multiple areas such as recreation, noise, total ground disturbance, tree removal, and SNYLF upland habitat. Therefore, overall, Alternative 4 is determined to have less of an adverse environmental effect compared to Alternative 3, and is considered to be the environmentally superior alternative.

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