



Tahoe Regional Planning Agency  
Attn: Mr. Brian Judge  
PO Box 5310  
Stateline, NV 89449

February 17, 2015

Tahoe Transportation District  
Attn: Mr. Alfred Knotts  
PO Box 499  
Zephyr Cove, NV 89448

**Subject: Comments on State Route 89/Fanny Bridge Community Revitalization Project**

Dear Mr. Judge and Mr. Knotts:

Thank you for the opportunity to comment on the draft EIR/EIS/EA for the State Route 89/Fanny Bridge Community Revitalization Project (Fanny Bridge Project). The Friends of the West Shore (FOWS) works towards the preservation, protection, and conservation of the West Shore, our watersheds, wildlife, and rural quality of life, for today and future generations. Unfortunately, the EIR/EIS/EA contains numerous significant technical flaws in its analysis of multiple environmental impacts. New evaluations, data collection, and surveys are needed throughout, to such an extent that a revised draft EIR/EIS/EA (with recirculation and a 60-day public comment period) is needed in order to provide adequate public disclosure and analysis of the impacts of the project alternatives. In addition, although one of the key goals of the Fanny Bridge project has, for decades, been focused on reducing congestion at the Tahoe City Wye and on SR 89, the draft EIR/EIS/EA outright dismisses the most recent information regarding the traffic impacts of increased highway capacity – namely, the increase in Vehicle Miles Traveled (VMT) and vehicle trips and the lack of long-term improvements in congestion levels. In essence, the proposed bypass (Alternatives 1-4) will increase roadway capacity, leading to more of the transportation-related problems the originators of the Fanny Bridge project aimed to solve decades ago (and the reason for which the Environmental Improvement Program lists this project).

Further, the environmental documentation provides no information to support any environmental benefits from this project. Where impacts are acknowledged, the draft EIR/EIS/EA tends to dismiss them through various exemptions (e.g. coverage), speculations (i.e. recreation impacts), lack of information (e.g. scenic), and other methods. In addition, given the significant impacts from the project, we believe NEPA requirements dictate a full EIS be done to meet federal requirements. Impacts include, but are not limited to:

- Increased vehicle trips, congestion, vehicle miles traveled (VMT), and VMT per capita from the increased highway capacity;
- Increased air pollution and greenhouse gas (GHG) emissions associated with the additional VMT and vehicle trips;
- Increased water pollution in Lake Tahoe's nearshore area, where algal growth is already high;
- Water quality impacts from the increased coverage, the disturbance related to elevating the road, and impacts to the Truckee River from additional vehicle emissions and spills;
- Loss of soil and increased water pollution and runoff from increases in coverage by the new bypass (including 0.53 acres of coverage on SEZ lands) and disturbance on the River's banks;

- Scenic impacts from the elevation of the western roundabout by ten feet, the new elevated highway across the Truckee River, and the physical intrusion of the bypass across the forested 64-acre Tract;
- Substantial impacts to recreation users of the 64-acre Tract;
- Noise impacts to humans and wildlife from more cars, higher speeds, the new location of the roadway, and elevation of the roadway,
- Vegetation and forest impacts to the area from disturbing the land across the now forested area of the 64-acre Tract, including the removal of trees greater than 30" dbh;
- Wildlife impacts from the destruction of existing habitat, the additional noise and activity created by the proposed project, and the fragmentation that would occur through realignment;
- Potential impacts resulting from releases of hazardous waste associated with the relocation of the Truckee River Interceptor line; and
- The cumulative impacts to traffic, air and water quality, noise, scenic resources, and other environmental resources impacted by the proposed bypass plus reasonably foreseeable projects.

The current draft EIR/EIS/EA fails to adequately evaluate and disclose numerous environmental impacts to thresholds and to multiple resource areas as required by the TRPA Code of Ordinances (section 3.7),<sup>1</sup> NEPA (1500.1),<sup>2</sup> and CEQA (15125, 15126.2).<sup>3</sup> Correcting these deficiencies will require substantial new analyses, data collection, and other assessments. Therefore, this DEIR/EIS/EA should be set aside and time taken gather the appropriate data, perform sufficient analyses of impacts, and correctly disclose this information to the public for review and consideration in a revised draft EIR/EIS/EA. Such information is also needed by the decision-makers responsible for protecting the environment of Lake Tahoe, a National Treasure. Actions which must be taken and information gathered include, but are not limited to:

- The EIR/EIS/EA must use a consistent project description for all impact sections;

<sup>1</sup> [http://www.trpa.org/wp-content/uploads/TRPA-Final-Code-Adopted-by-Governing-Board-7\\_23\\_2014-amended\\_notracking.pdf](http://www.trpa.org/wp-content/uploads/TRPA-Final-Code-Adopted-by-Governing-Board-7_23_2014-amended_notracking.pdf)

<sup>2</sup> Sec. 1500.1 Purpose. ... (b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail;  
<https://ceq.doe.gov/nepa/regs/ceq/1500.htm#1500.1>

<sup>3</sup> § 15126.2. Consideration and Discussion of Significant Environmental Impacts.

An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. [Emphasis added]  
<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB4809520D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=%28sc.Default%29>

- Clear and visual information is needed to clarify where the bypass will be located and how much it will be elevated for the entire realigned section;
- Re-assess the need for the bypass project as it relates to:
  - Traffic congestion, since the project will increase vehicle trips and VMT, and the bypass will be attached to 2-lane highways on all sides;
  - The potential harm to TRPA's environmental thresholds (see findings required by TRPA's Code<sup>4</sup>);
  - Costs and potential harm from relocating the sewer line;
  - Benefits versus costs when compared to other options for improving pedestrian facilities and repairing the bridge;
  - Funding needs and benefits with regards to improving public transit versus constructing new roads (in fact, the TTD recently stated the need for more transit funding<sup>5</sup>);
- Analyze the impacts of the pedestrian activity and driver behavior on each alternative;
- After an updated transportation analysis has been completed, the impacts to air quality, GHGs, noise, water quality, soil conservation (coverage), vegetation, wildlife habitat, recreation, and scenic resources must be re-examined;
- Complete a revised scenic analysis which includes before and after images of all points of scenic interest, including identified scenic viewpoints, Key Observation Points (KOPs), and any areas on the Lake where the bypass (including headlights at night) may be seen;
- Perform recreation surveys to assess baseline usage and to gather data upon which to evaluate impacts to user experience;
- Perform sufficient noise monitoring (not just modeling) in areas that will be affected; and
- Reassess the cumulative impacts of the project.

Our detailed comments are attached. We herein incorporate comments submitted by the Tahoe Area Sierra Club. Please feel free to contact Jennifer Quashnick at [jqtahoe@sbcglobal.net](mailto:jqtahoe@sbcglobal.net) if you have any questions.

Sincerely,



Susan Gearhart,  
*President,*  
Friends of the West Shore



Jennifer Quashnick  
*Conservation Consultant*  
Friends of the West Shore

Cc: Matt Ambroziak, Central Federal Lands Highway Division

Attachments:

Lake Tahoe Basin Bike Trail Survey, July 2007. Tahoe Coalition of Recreation Providers.  
Excerpts from TMPO Regional Transportation Plan, 2008/Mobility 2030  
FOWS Request for Extension of Public Comment Period for DEIR/EIS/EA & TTD Response  
Fanny Bridge Inspection Report: 6/9/2014

<sup>4</sup> Code of Ordinances, Section 4.4.1.B: To approve any project TRPA shall find, in accordance with Sections 4.2 and 4.3, that: ...The project will not cause the environmental threshold carrying capacities to be exceeded;”

<sup>5</sup> <http://www.laketahoenews.net/2015/02/tahoe-making-case-for-federal-transit-dollars/>

## I. Purpose and Need:

### **The proposed action:**

The NOA states: *“This EIR/EIS/EA does not make a recommendation regarding the approval or denial of the project. The analysis included in this EIR/EIS/EA is informational in its purpose and will be used by the TTD, TRPA, and FHWA-CFLHD to render decisions regarding approval of project elements within their jurisdiction and selection of an alternative. It will also be used by other agencies with approval authority over some aspect of project implementation, such as the United States Forest Service (USFS), California Department of Transportation (Caltrans), and Placer County.”* (p. 1-2). Additionally, responses during the 1/14/2015 APC hearing for this item indicated no preferred alternative. However, we note the DEIR/EIS/EA states that: *“Alternative 1: New Alignment – Existing SR 89 Open to Local Traffic is considered by the lead agencies to be the ‘proposed action.’”* (p. 3-1).

However, it has been verbally stated that there is no preferred alternative. The agencies should very clearly disclose, including verbally, what they consider the proposed alternative. Throughout our comments, we refer to the bypass alternatives (1-4) as the “Proposed Project/alternative” and “proposed bypass.”

### **Historic versus stated purpose and need:**

The original stated need for this project, decades ago, was based on reducing traffic congestion, and improving pedestrian facilities. In fact, the current EIP list includes the following project description:

The project addresses severe traffic congestion during the peak summer and winter periods. The project also addresses existing structural deficiencies required for seismic retrofit within the next ten years. Fanny Bridge will be upgraded to improve pedestrian and bicycle safety and access. Traffic congestion will be addressed with a wider Fanny Bridge and/or a new State Route 89 realignment through the 64-acre USFS parcel located west of the existing State Route 89. (EIP 5-Year Priority Project List (January 1, 2012 through December 31, 2016).

[http://www.trpa.org/wp-content/uploads/EIP\\_5-Year\\_List-2012\\_through\\_20162.pdf](http://www.trpa.org/wp-content/uploads/EIP_5-Year_List-2012_through_20162.pdf)

The purpose of the project has for years been focused on the following three issues: bridge retrofits, traffic congestion, and pedestrian/bicyclist safety. On this note, Caltrans has already documented that seismic retrofits can be completed for roughly \$400,000 – a fraction of the \$20-30 million bill to taxpayers estimated for the bypass.<sup>6</sup> Second, as noted in our transportation comments, ample evidence now shows that adding highway capacity does not reduce long-term congestion. Third, pedestrian/bicyclists access improvements can be made to the existing bridge (for example, Alt. 6a or other alternatives suggested by the public which rehabilitate the existing bridge); a bypass is

---

<sup>6</sup> California Department of Transportation Division of Maintenance: *Structure Maintenance and Investigations*. Bridge Inspection Records Information System. Inspection Date: 6/9/2014.

not necessary to improve public safety on Fanny Bridge. The DEIR/EIS/EA concludes that all action alternatives improve pedestrian safety.<sup>7</sup>

In sum, it appears the items under the “Purpose and Need” have been expanded to go far beyond the actual purpose and need associated with the project when it was first envisioned. However, the DEIR/EIS/EA promotes the project as having been planned ‘for decades.’ If the purpose and need no longer reflect the core purpose of the original project concept (including seismic upgrades, pedestrian access improvements, and congestion relief), the eligibility for federal transportation funding is questionable, especially in light of the far less expensive alternatives that will achieve the original stated goals, and not create more traffic and environmental impacts.

*The Project Purpose and Need must be revised to reflect the true purpose and need for the project in light of the most current transportation information and alternative options available to implement pedestrian improvements (for example, options involving minor widening of Fanny Bridge for pedestrians, and repairs for structural improvements).*

#### **Project Description:**

As noted in our detailed comments below, the description of the proposed bypass is inconsistent and unclear. As a result, assessing the impacts of the project on resources, including scenic quality, is not possible.

*Each alternative needs to include a consistent project description throughout the EIR/EIS/EA. This description should clearly identify and provide visuals regarding where the bypass will be located and at what elevation. The environmental study of the impacts of each alternative requires a consistent project description for each impact section and analysis.*

#### **Reason for inclusion in RTP/SCS:**

The DEIR/EIS/EA frequently refers to the inclusion of this project in the RTP/SCS adopted in 2012. As noted in our comments below, the RTP did not analyze the environmental impacts of this project, nor did it reevaluate the appropriateness of the project given existing conditions and information about roadway capacity improvements. Not only are VMT and daily trip reductions questionable from this project (and unlikely in the long run as noted below), but no environmental improvements are identified for this project (other than the claimed transportation benefits, which affect the air quality, GHGs, and other impact assessments). In fact, the RTP notes the reason this project (listed as a “constrained project” in the RTP) was included was simply due to the likelihood of funding:

---

<sup>7</sup> **Impact 4.15-5. Traffic and pedestrian safety impacts.** Alternatives 1 through 4 would realign SR 89, which would result in construction of a new SR 89/28 intersection and improvements to the existing wye. A comparison of the safety-related features for these alternatives suggests they would result in beneficial impacts under Alternatives 1, 2, 3, 4, 6, and 6a. Because the existing wye would remain in the same location with no improvements under Alternative 5, there would be no impact associated with this alternative. (DEIR/EIS/EA, p. 4.15-45).

As described in Chapter 2, RTP/SCS Alternatives, transportation projects, programs, and operational actions of the RTP have been assembled into three distinct sets of transportation strategies (identified as Transportation Strategy Packages A, B, and C) based on relative certainty of implementation in the near-, medium-, or longterm, and based on whether funding is considered reliable (see Appendix C for detailed information). Projects on the financially “constrained” project list are those that can be funded with reasonably foreseeable revenues from a combination of federal funds (i.e., Congestion Mitigation and Air Quality Program, Federal Lands Highway Program), California and Nevada state funds (i.e., State Transit Assistance and Local Transportation Fund, Nevada State Funds, California State Highway Operation and Protection Program), and local revenue (i.e., transit farebox revenues, hotel occupancy taxes, Regional Surface Transportation Program funds). “Unconstrained” projects are those that could be implemented only if additional funding is available in either the short or long term. Transportation Strategy Packages and their application to Regional Plan Update alternatives are described as follows:...[Emphasis added] (2012 RTP EIR/EIS, p. 3.3-30).<sup>8</sup>

In other words, the listing in the 2012 RTP is not based on providing any environmental improvements, and in fact recognizes the potential degradation of scenic quality from the bypass.<sup>9</sup> Further, as explained in detail below, the 2008 RTP actually identified the *increases* in VMT and daily vehicle trips, and GHGs, from this project – which is consistent with current information about the impacts of capacity-increasing projects. The RTP also includes no analysis of the impacts of the proposed bypass, and as a result, there is nothing upon which to base any conclusions about environmental benefits from the project. This lack of evidence is carried forward by the numerous deficiencies in the environmental analysis noted herein.

*The EIR/EIS/EA must evaluate the proposed project based solely on the environmental benefits and impacts of each alternative, without regard or reference to the 2012 RTP list of projects. The evaluation must analyze and disclose the transportation impacts using the most current information regarding roadway capacity increases; including VMT, VMT per capita, and daily and peak vehicle trips.*

---

<sup>8</sup> <http://tahoempo.org/Mobility2035/#eir>

<sup>9</sup> In urban areas, new transportation facilities are expected to enhance, rather than degrade, the scenic quality. For example, the State Route 89/Fanny Bridge Community Revitalization Project (included in all alternatives) would include landscape improvements in the vicinity of the North Tahoe “Wye,” which could enhance scenic quality. This project could also result in the construction of a new bridge over the Truckee River, which would add a new visual element to the river corridor landscape (a potential degradation of scenic quality). Projects that include “complete streets” (such as the Sierra Boulevard Complete Streets Project from US 50 to Barbara Avenue) would also involve changes to views; however, these changes could be considered beneficial, as they would likely enhance the existing pedestrian and bicycle viewer experiences through the addition of new landscape elements, sidewalks, benches and lighting resulting in improvements to the roadway character and threshold standard indicator for Travel Route Ratings. [Emphasis added] (RTP/SCS EIR/S, p. 3.9-20).

## II. Reasonable Set of Alternatives/Dismissed Alternatives:

As noted in NOP comments from the LTSLT and TASC, “An alternative should be examined and a traffic model run on a scenario in which the bridge crossing is two lanes with a middle turning/emergency lane instead of the proposed 4-lanes.” Tahoe City residents and other commenters on the NOP also requested other alternatives. However, the EIR/EIS/EA hastily dismisses an alternative which would rehabilitate Fanny Bridge, improve pedestrian access, and not create the increases in roadway capacity that result in more traffic, more air pollution, more noise, and other negative impacts:

### **Rehabilitate or Replace and Widen the Existing Fanny Bridge, Provide Barriers Separating Vehicles and Pedestrians.**

This alternative would rehabilitate or replace the existing Fanny Bridge and widen it by approximately 14 feet in the downstream direction. The widening would accommodate a new shared bicycle/pedestrian sidewalk on the downstream side of the bridge, and separate the sidewalks on both sides of the bridge from traffic lanes with reinforced concrete barrier rails to provide a safe pedestrian environment.

This alternative was eliminated from consideration because it did not meet some of the basic objectives of the project including the Purpose and Need, and would not eliminate pedestrian crossings south of Fanny Bridge, and would not construct any features to improve level of service or air quality, improve safety and improve access, or provide for a “gateway experience.” (DEIR/EIS/EA, p. 3-31)

As a result, feasible alternatives have been dismissed from further review.

*The Project Purpose and Need must be based on the purpose and need originally envisioned for this project, and a revised DEIR/EIS/EA with alternatives reflecting the original purpose and need must be analyzed.*

*The EIR/EIS/EA must also evaluate alternatives to reduce the widening of the bridge, and/or accommodate pedestrian improvements through means other than a 39-60 foot increase in width proposed in Alternatives 6 and 6A. Comments provided by Tahoe City resident Jim Sajdak on the NOP and during the draft EIR/EIS/EA period have described alternative options and we reference those herein.*

### III. Transportation and related impacts

Oddly, the DEIR/EIS/EA has concluded that the project would not generate increases in daily trips or VMT<sup>10</sup>:

Because the project involves improvements to existing transportation infrastructure, no new daily trips are anticipated to occur as a result of implementation of the proposed project. Thus, the generation of new DVTE would not occur with project implementation and this topic is not discussed further in the EIR/EIS/EA. (p. 4.15-17) [Emphasis added]

...None of the alternatives, however, would generate traffic or result in increased regional traffic volumes traveling through the study area or elsewhere in the Region, because traffic volumes are determined by regional travel demand, local and regional land uses, and residential and visitor populations. For this reason, the action alternatives would not contribute to this cumulative condition, so no cumulative impact would occur. (p. 5-20) [Emphasis added]

Meanwhile, the DEIR/EIS/EA claims VMT ‘benefits’ from changes in the route.<sup>11</sup> However, without addressing the increased trips that will be induced and generated by the project, this analysis is fatally flawed.

The DEIR/EIS/EA also concludes that traffic flow will improve in the area,<sup>12</sup> which fails to account for the many studies showing that the reduction in congestion is temporary, and traffic eventually works its way back up to the previous levels of congestion. Further, impacts on intersection operations<sup>13</sup> were not analyzed because of the same incorrect assertion (that the project will not increase trips).

---

<sup>10</sup> **Impact 4.15-3. Vehicle miles of travel.** VMT is a measure of the efficiency of the transportation system and the degree to which the land use pattern would reduce personal motor vehicle travel. When VMT increases, it results in indirect environmental impacts (such as air pollutant emissions). VMT would decrease a small amount for Alternatives 1 through 4 as a result of the realignment of SR 89. For Alternatives 1, 2, 3, and 4, reduced VMT would result in a small beneficial impact. For Alternatives 5, 6, and 6a, the existing roadway alignment would remain the same; thus, no change to existing VMT would occur and there would be no impact. (DEIR/EIS/EA, p. 4.15-42)

<sup>11</sup> **Impact 4.15-3. Vehicle miles of travel.** VMT is a measure of the efficiency of the transportation system and the degree to which the land use pattern would reduce personal motor vehicle travel. When VMT increases, it results in indirect environmental impacts (such as air pollutant emissions). VMT would decrease a small amount for Alternatives 1 through 4 as a result of the realignment of SR 89. For Alternatives 1, 2, 3, and 4, reduced VMT would result in a small beneficial impact. For Alternatives 5, 6, and 6a, the existing roadway alignment would remain the same; thus, no change to existing VMT would occur and there would be no impact. (DEIR/EIS/EA, p. 4.15-42)

<sup>12</sup> **Impact 4.15-6. Mobility and operations-related impacts.**

A second bridge across the Truckee River would improve travel flow and efficiency for all transportation modes in the study area. Two river crossings that would spread the vehicular, pedestrian, and bicycle volumes across multiple locations would reduce congestion and the potential for conflict among travel modes. Implementation of Alternatives 1, 2, 3, and 4 would result in a beneficial impact. Because a second river crossing is not provided under Alternatives 5, 6, and 6a, there would be no impacts with these alternatives. (DEIR/EIS/EA p. 4.15-47)

<sup>13</sup> **Impact 4.15-2. Intersection operations.** The project would not generate additional vehicle trips that could affect intersection operations; rather, it would implement improvements to existing transportation infrastructure. (DEIR/EIS/EA, p. 4.15-36)



Rather, evidence suggests that such projects will lead to increased trips through “induced travel” and “traffic generation.”<sup>14</sup>

A project that changes user travel costs (money or time) on a particular street, road, or transit route will motivate the following changes in traveler behavior:

- **Changes in route:** Users change their route from other facilities to an improved facility.
- **Changes in mode:** Users of other modes change their mode to take advantage of an improved facility.
- **Changes in time of travel:** Users change their time of travel to a more desired time due to the decrease in congestion.
- **Generation of new trips:** Users choose to make trips they previously would not have made, because travel costs are lower.

This is called *generated traffic*, referring to additional vehicle traffic on a particular road. This consists in part of *induced travel*, which refers to increased total vehicle miles travel (VMT) compared with what would otherwise occur (Litman 2001).

This additional vehicle travel tends to increase external costs (downstream congestion, parking subsidies, accident risk, pollution emissions) and provide additional user benefits, although these benefits tend to be small since it consists of the marginal-value vehicle travel that consumers most willingly forego when their time or vehicle operating costs increase slightly.

Virtually any roadway project that increases vehicle travel speeds or reduces travel costs can induce vehicle travel, including roadway expansion and traffic signal synchronization (Noland and Quddus 2006; TRISP 2005). On congested urban roadways with significant latent demand, a major portion of additional roadway capacity tends to be filled with generated traffic and induced travel within a few years (Gorham 2009). On the other hand, congestion pricing and improvements to alternative modes (such as high quality, grade-separated public transit that parallels a highway) can reduce traffic congestion without inducing additional vehicle travel. [Emphasis added]

Notably, “external costs” referenced in this report would be incurred by the West Shore. Further, reports by Caltrans’ own reviews document the need for Caltrans to understand that increasing capacity will induce travel:

“Induced demand fills up roads as fast as they’re built...”  
- *Caltrans Research Connection, 2004*<sup>15</sup>

“...*Changing the culture.* Beyond the mission, vision, and goals, a modernized Caltrans will require capacities and skills that now are lacking: to understand and manage demand (including demand induced by new transportation facilities...” [Emphasis added]  
- *Caltrans, Jan. 2014*<sup>16</sup>

<sup>14</sup> <http://bca.transportationeconomics.org/benefits/induced-travel>; Also, “Induced demand fills up roads as fast as they’re built...” Caltrans Research Connection, 2004:  
[http://r.search.yahoo.com/\\_ylt=A0LEViWMma1UL.EAusgPxQt.;\\_ylu=X3oDMTBybnV2cXQwBHNIYwNzcgRwb3MDMgRjb2xvA2JmMQR2dGlkAw--/RV=2/RE=1420691980/RO=10/RU=http%3a%2f%2fwww.dot.ca.gov%2fresearchconn%2fpast\\_speakers%2fDrCrane%2fcrane\\_caltrans\\_9-04.ppt/RK=0/RS=xYABXn0UpTUZOiM3YY2jKqiA6kw;](http://r.search.yahoo.com/_ylt=A0LEViWMma1UL.EAusgPxQt.;_ylu=X3oDMTBybnV2cXQwBHNIYwNzcgRwb3MDMgRjb2xvA2JmMQR2dGlkAw--/RV=2/RE=1420691980/RO=10/RU=http%3a%2f%2fwww.dot.ca.gov%2fresearchconn%2fpast_speakers%2fDrCrane%2fcrane_caltrans_9-04.ppt/RK=0/RS=xYABXn0UpTUZOiM3YY2jKqiA6kw;)

<sup>15</sup>

[http://r.search.yahoo.com/\\_ylt=A0LEViWMma1UL.EAusgPxQt.;\\_ylu=X3oDMTBybnV2cXQwBHNIYwNzcgRwb3MDMgRjb2xvA2JmMQR2dGlkAw--/RV=2/RE=1420691980/RO=10/RU=http%3a%2f%2fwww.dot.ca.gov%2fresearchconn%2fpast\\_speakers%2fDrCrane%2fcrane\\_caltrans\\_9-04.ppt/RK=0/RS=xYABXn0UpTUZOiM3YY2jKqiA6kw-](http://r.search.yahoo.com/_ylt=A0LEViWMma1UL.EAusgPxQt.;_ylu=X3oDMTBybnV2cXQwBHNIYwNzcgRwb3MDMgRjb2xvA2JmMQR2dGlkAw--/RV=2/RE=1420691980/RO=10/RU=http%3a%2f%2fwww.dot.ca.gov%2fresearchconn%2fpast_speakers%2fDrCrane%2fcrane_caltrans_9-04.ppt/RK=0/RS=xYABXn0UpTUZOiM3YY2jKqiA6kw-)

Numerous other studies and references support the concept of induced travel and generated traffic associated with increases in roadway capacity:

“The results strongly support the hypothesis that added lane mileage can induce significant additional travel.”  
- *Noland, 2001*<sup>17</sup>

“When road capacity is increased, total travel time will ultimately equalize over time, until traffic moves at the previous levels of congestion.”  
- *Campaign for Sensible Transportation*<sup>18</sup>

“Traffic congestion tends to maintain equilibrium. Congestion reaches a point at which it constrains further growth in peak-period trips. If road capacity increases, the number of peak-period trips also increases until congestion again limits further traffic growth. The additional travel is called “generated traffic.” Generated traffic consists of diverted traffic (trips shifted in time, route and destination), and induced vehicle travel (shifts from other modes, longer trips and new vehicle trips). Research indicates that generated traffic often fills a significant portion of capacity added to congested urban road...”  
- *Littman, 2014*<sup>19</sup>

“The new alignment could change traffic patterns at the Tahoe City area. At the present time, many residents and visitors plan their trips to avoid the congestion associated with Fanny Bridge. If the traffic queues on SR 89 were reduced, then there would be more flexibility for making vehicle trips in the Tahoe City area during peak summer hours. It should be noted that some interests are opposed to any improvement to the conditions that exist on SR 89 because it could result in inducing additional vehicle trips to the Tahoe Basin... There is also the potential that any of the alternatives could result in cumulative impacts that are currently unknown. In addition, because the alternatives are intended to reduce the existing congestion at Fanny Bridge, there is a possibility that they could result in growth inducement. Further investigations of these issues is also warranted.”  
- *Project Study Report, March 2002*

In fact, the TMPO’s own Regional Transportation Plan (2008)<sup>20</sup> estimated the increase in VMT and vehicle trips from this project (excerpt below). This conflicts with the claim in the current DEIR/EIS/EA that the project will not increase vehicle trips or VMT.

---

<sup>16</sup> “The California Department of Transportation: SSTI Assessment and Recommendations: State Smart Transportation Initiative January 2014;  
[http://r.search.yahoo.com/\\_ylt=A0LEViWMma1UL.EAu8gPxQt.;\\_ylu=X3oDMTBvODJtaWUzBHNIYwNzcgRwb3MDMwRjb2xvA2JmMQR2dGlkAw--/RV=2/RE=1420691980/RO=10/RU=http%3a%2f%2fwww.calsta.ca.gov%2fres%2fdocs%2fpdfs%2f2013%2fSSTI\\_Independent%2520Caltrans%2520Review%25201.28.14.pdf/RK=0/RS=R\\_FtXKwCadL.ktzpaiG6r9k3iM-](http://r.search.yahoo.com/_ylt=A0LEViWMma1UL.EAu8gPxQt.;_ylu=X3oDMTBvODJtaWUzBHNIYwNzcgRwb3MDMwRjb2xvA2JmMQR2dGlkAw--/RV=2/RE=1420691980/RO=10/RU=http%3a%2f%2fwww.calsta.ca.gov%2fres%2fdocs%2fpdfs%2f2013%2fSSTI_Independent%2520Caltrans%2520Review%25201.28.14.pdf/RK=0/RS=R_FtXKwCadL.ktzpaiG6r9k3iM-)

<sup>17</sup> Robert. B. Nolan, 2001. *Relationships between highway capacity and induced vehicle travel.*

Transportation Research Part A 35 (2001) 47 - 72. <http://www.sensibletransportation.org/pdf/noland.pdf>

<sup>18</sup> <http://www.sensibletransportation.org/induced/>

<sup>19</sup> Todd Litman. “Generated Traffic and Induced Travel.” Implications for Transportation Planning. 2014. *Victoria Transport Policy Institute*;

[http://r.search.yahoo.com/\\_ylt=A0LEViWMma1UL.EAx8gPxQt.;\\_ylu=X3oDMTBzajE3bzE3BHNIYwNzcgRwb3MDMTAEY29sbwNiZjEEdnRpZAM-/RV=2/RE=1420691980/RO=10/RU=http%3a%2f%2fvtpi.org%2fgentraf.pdf/RK=0/RS=qbrb4IiN5XiCl2oKmTgu5OIPmI-](http://r.search.yahoo.com/_ylt=A0LEViWMma1UL.EAx8gPxQt.;_ylu=X3oDMTBzajE3bzE3BHNIYwNzcgRwb3MDMTAEY29sbwNiZjEEdnRpZAM-/RV=2/RE=1420691980/RO=10/RU=http%3a%2f%2fvtpi.org%2fgentraf.pdf/RK=0/RS=qbrb4IiN5XiCl2oKmTgu5OIPmI-)

<sup>20</sup> Aka “Mobility 2030 - Lake Tahoe's Regional Transportation Plan Update.” From:  
<http://www.tahoempo.org/rtp.aspx?SelectedIndex=1>

It proposes to reduce the existing U.S. Highway 50 alignment to two eastbound lanes with westbound traffic redirected on Lake Parkway.

**State Route 89 Realignment**

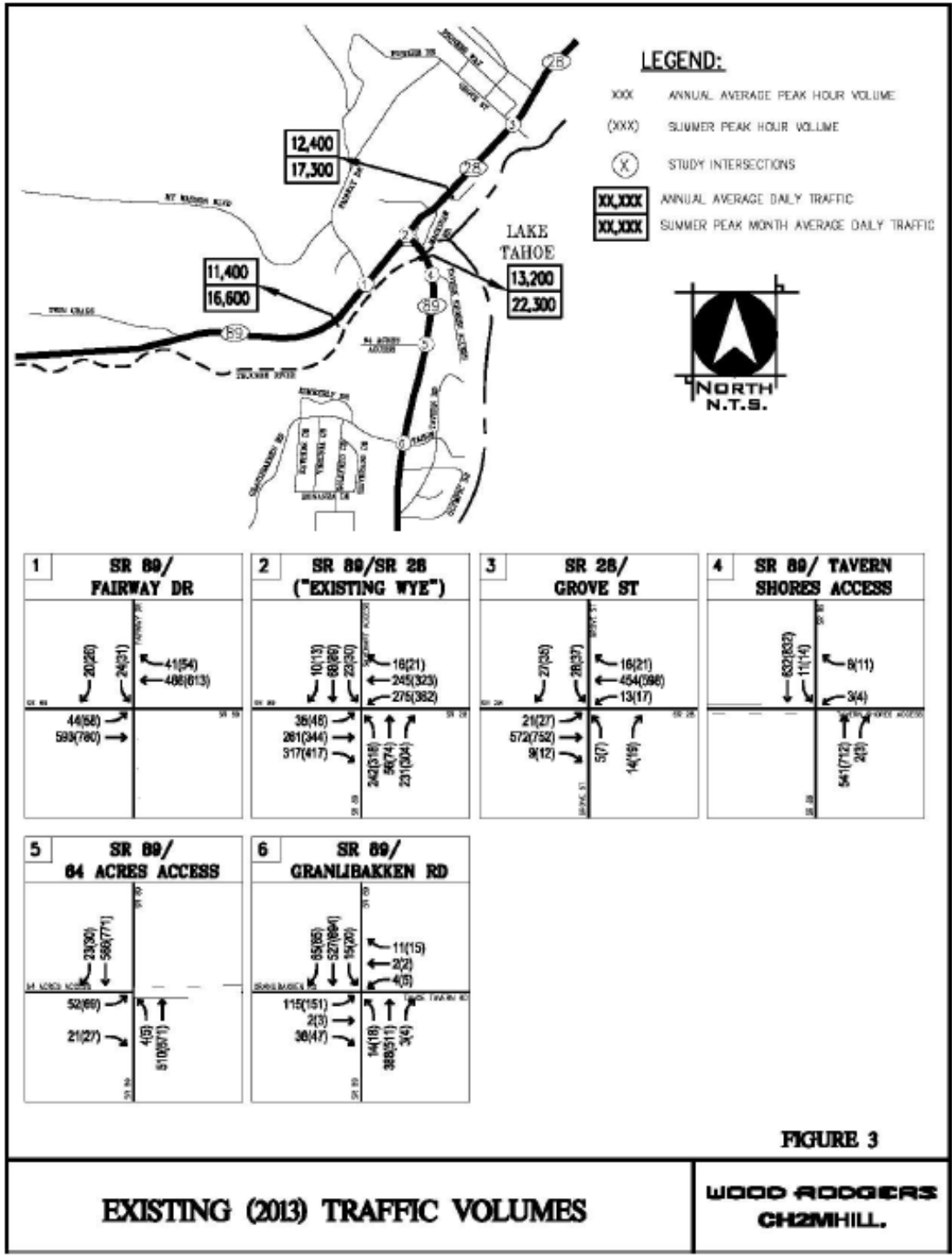
Also scheduled for completion after 2022, this project addresses seasonal traffic congestion at the Tahoe City “Wye” in Placer County and the structural and seismic deficiencies of the Fanny Bridge over the Lower Truckee River. Fanny Bridge will be upgraded to provide improved pedestrian and bicycle safety with a new State Route 89 alignment through the 64-acre USFS (U.S. Forest Service) parcel located west of the existing SR 89.

Based on the results of the TransCAD modeling and street network analysis, the resulting increase in daily VMT and vehicle trips from the two non-exempt projects have been estimated at 15,530 and 2,283 respectfully for the forecast year of 2030. In order to identify the county’s (El Dorado and Placer) VMT and vehicle trip change contribution as inputs to the on-road source emission estimates created by the two projects, the TMPO staff utilized the TransCAD model to identify El Dorado and Placer VMT and vehicle trip changes for the 2030 forecast year. Based on the results of this analysis the El Dorado and Placer County increases in VMT and vehicle trips were computed as follows for the 2030 forecast year:

EL DORADO COUNTY 2030 FORECAST	PLACER COUNTY 2030 FORECAST
VMT +10,861	VMT +4,669
Vehicle Trips +1,553	Vehicle Trips +730

**Figure 6.4**

This graphic provides estimates for each county; note the Placer County increases are attributable to the Fanny Bridge Realignment Project. The estimated increased vehicle trips are noted as the ‘daily vehicle trips.’ Although the estimates to peak hour are not included, it is noteworthy that 730 trips/day is roughly double the general range in summer peak hour trips and more than double the general annual average peak hour trips, as noted in Figure 3 from Appendix G, the Travel Forecast and Operations Analysis Technical Memorandum:



Although the average trips per day and average peak trips per day are different units, the addition of 730 trips could be highly significant in light of the existing peak numbers.

*The EIR/EIS/EA must clarify the discrepancy between the 2008 estimated increases and the DEIR/EIS/EA statements that contradict them.*

**FHWA assumptions do not apply:**

Although FHWA documents may suggest minimal changes from realignments,<sup>21</sup> the reasoning behind their conclusion is not applicable to the project area. The FHWA suggests that existing trips have simply been moved to back roads, thus with capacity increases on the highway, those drivers may move their travel back onto the highway, creating very little ‘increase’ from the capacity expansion. However, as there was no alternative route to crossing Fanny Bridge, there were no other routes available for drivers to rely on to avoid congestion. Chances are, as capacity increases, travelers who have simply avoided trips will now take them, increasing the number of trips and VMT in the area.

*The final EIR/EIS/EA must analyze and disclose the true potential increase in daily trips, by day and peak hour, as well as daily trips during peak hours for all affected intersections.*

Regarding the VMT, the RTP/SCS EIR/EIS did not specifically list, nor evaluate, the increased VMT associated with this project. Therefore, tiering from its mere “listing” in the programmatic EIR/EIS for those documents does not suffice, nor relieve the agencies of the responsibility to examine and disclose the impacts of the increased VMT from this project, both on a regional and local scale.

*The final EIR/EIS/EA must analyze and disclose the potential increase in total VMT, locally and regionally.*

**Impacts related to regional increases in visitors and residents on the West Shore:**

Further, the proposed bypass will make it more encouraging for visitors traveling from North Tahoe, Squaw Valley, Alpine Meadows, Truckee, and other areas to drive south on SR 89 along the West Shore. The popularity of Emerald Bay is a well-known visitor attraction.

*The final EIR/EIS/EA must analyze and disclose the potential increase in traffic along the West Shore from the project plus the cumulative impacts of regional developments.*

**Congestion from Grove Street Intersection**

During a recent public meeting in Tahoe City (February 11), local residents and business owners stated that the congestion through Tahoe City and affecting the SR 89/28

---

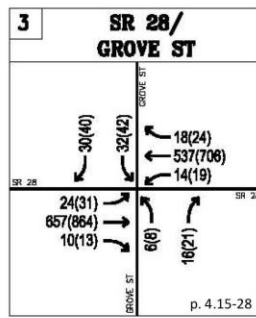
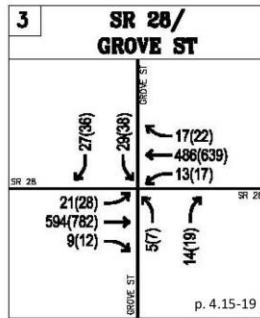
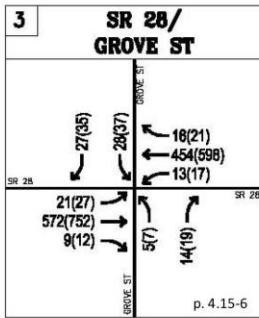
<sup>21</sup> “In metropolitan areas, highway facilities are usually built or widened where existing traffic congestion has already decreased travel speeds during certain times of the day. To avoid the congestion, some travelers may have diverted to alternative routes, changed the time they make their trips, switched to different travel modes, traveled to other destinations, or decided not to make a particular trip at all. The new or widened highway facility can carry significantly more traffic before it becomes congested. Many travelers who previously took other routes or traveled at other times may switch to the new facility to take advantage of decreased travel times. The increase in traffic on the new facility resulting from these changes is largely offset by reductions in traffic along parallel routes and at other times of the day. The net effect on region-wide daily vehicle miles of travel (VMT) resulting from these travel behavior changes is minimal” [Emphasis added]. <http://www.fhwa.dot.gov/planning/itfaq.cfm>

intersection was heavily associated with the Grove Street intersection and pedestrian crosswalk. The traffic analysis in Appendix G also refers to the impacts of the pedestrian crossing at Grove Street: “During the summer peak hour conditions, factors such as pedestrian/bicyclist activity at/near Fanny Bridge and Grove Street, additional traffic volume, and drivers unfamiliar with the area play a role in reducing the capacity of the study roadway segments.” [Emphasis added] (p. 2). Although the EIR/EIS/EA includes a forecast of vehicle counts and turns for the Grove Street intersection, there is no analysis regarding the interactions with pedestrian traffic. In fact, according to the vehicle numbers alone, in each forecast year (2018 and 2038) Alternatives 1, 6a, and 5 all show the same number of vehicles in all directions at this intersection. In other words, the EIR/EIS/EA forecasts no increase or decrease in traffic at this intersection from the proposed project. For ease of reference, images for each have been compiled below.

Existing Conditions 2013

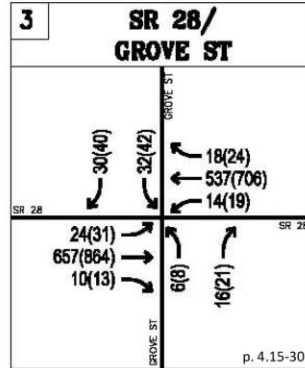
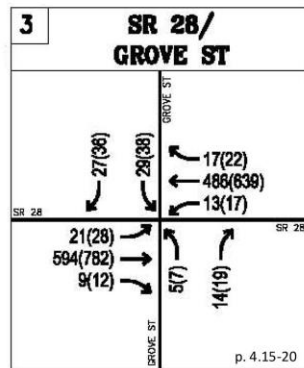
Year 2018 – No Build

Year 2038 – No Build



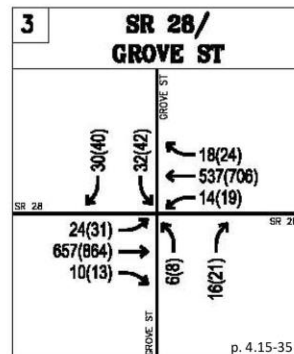
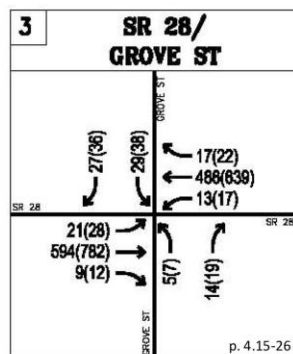
Year 2018 – Alt. 1

Year 2038 – Alt. 1



Year 2018 - Alt. 6/6a

Year 2038 – Alt. 6/6a



*The final EIR/EIS/EA must clearly assess the pedestrian and vehicle impacts at intersections in the Tahoe City area, including the cumulative impacts of each alternative and the increases in traffic from surrounding and foreseeable developments.*

*In addition, once a sufficient transportation analysis has been performed, then the impacts to air quality, GHGs, noise, water quality, soil conservation (coverage), vegetation, wildlife habitat, recreation, and scenic resources must be re-examined in light of the new information.*

### **Impacts from pedestrian activities and driver behaviors**

Throughout the DEIR/EIS/EA, it is noted that pedestrian activity plays a major role in the congestion experienced near/on the Fanny Bridge. In fact, the traffic study (Appendix G) explains that pedestrian and bicyclist activity at/near Fanny Bridge and Grove Street, and driver behavior, play a role in reducing the capacity of the roadway segments:

**Existing study area congestion.** The Field Conditions section discusses the traffic flow issues associated with the summer tourist and recreational season in the study area. During the summer peak hour conditions, factors such as pedestrian/bicyclist activity at/near Fanny Bridge and Grove Street, additional traffic volume, and drivers unfamiliar with the area play a role in reducing the capacity of the study roadway segments. Extremely long vehicular queues result at signalized locations, especially on northbound SR 89 and westbound SR 28. Since the queuing is not effectively discharged in every cycle or even within a single peak hour, the un-serviced queues tend to extend through multiple peak hour periods. (Appendix G, p. 2).

However, the modeling performed for the analysis does not adequately account for the impacts of driver-based and human behaviors without extensive calibration - which was not performed.

It is important to note that the arterial progression evaluation completed in this traffic analysis (using Synchro/SimTraffic 8 software) assumes/models random traffic arrival/discharge patterns occurring within the peak hour, and not the actual field-observed saturated traffic arrival/discharge conditions resulting from “un-serviced” residual queues from the prior peak hours. Furthermore, it should also be noted that without an extensive calibration effort, this analysis tool does not adequately account for all of the driver-based field behaviors and human factors previously discussed. Therefore, the observed queuing and congestion in the Tahoe City area is worse than the analysis results indicate in this study. For instance, high levels of pedestrian activity at/near Fanny Bridge and at Grove Street along with driving behavior of out-of-town vacationers typically exacerbate the duration of long queues on the northbound SR 89 and westbound SR 28 approaches to Tahoe City during the peak summer season.

The Synchro/SimTraffic software is an industry standard tool for analysis of intersection and roadway operations, respectively. Synchro and SimTraffic are intended to be used as companion models. Synchro is used to first determine macro level LOS and delays at intersections, and then SimTraffic is used to simulate real world conditions. While Synchro looks at individual intersections independently without the impact of queuing or blocking from downstream intersections, SimTraffic measures the full impacts of queuing and blocking by individually tracking each vehicle in the roadway system and collecting comprehensive measures of effectiveness for them at 0.1-second intervals during the simulation. For the purposes of this

arterial roadway segment analysis, the following steps were undertaken to reduce variability in results:

- Multiple simulation runs (five) were averaged to account for different arrival/discharge patterns.
- The default SimTraffic seed and recording times of 3 and 10 minutes were increased to 10 and 60 minutes, respectively, for generating more reliable results.

However, a calibration to match real-world conditions was not performed as part of this analysis. Calibrating simulation models is a time-intensive effort that involves multiple data collection efforts across all modes of travel. For instance, the pedestrian/bicyclist activity at the Fanny Bridge signal crossing and other mid-block pedestrian crossings on eastbound SR 28 between the existing wye and Grove Street would have to be counted and entered as model inputs into the SimTraffic microscopic analysis tool. After a re-run with these parameters, observed field conditions would then need to be compared with the model outputs to verify the calibration of the model. These steps would be repeated until the results match real-world operating conditions. Microscopic models like SimTraffic are resource intensive. [Emphasis added] (Appendix G, p. 15)

If, as the EIR/EIS/EA notes, pedestrian activity and human behaviors are causing the capacity of the existing roadway system to be lower (thereby increasing congestion and delays), then the EIR/EIS/EA must examine how each alternative will impact these activities and behaviors (and how these interactions will impact traffic congestion). In essence, the current analyses of the impacts of each alternative fail to carefully examine and disclose how the very causes of the congestion will continue to affect each alternative. For example, if no changes are made to improve the Grove Street intersection (which is confirmed by the graphs indicating no difference between the No Build and Alternatives 1 and 6A), then it is likely that pedestrian crossing at this intersection will continue to impact nearby roadways. However, this impact does not appear to be considered in the traffic analysis. In another example, how will driver behaviors affect traffic with regards to the new bypass? Will people find the two intersections more confusing? How will each alternative improve (or not improve) the impacts from drivers unfamiliar with the area?

*Given the direct tie between congestion in the project area and pedestrian/bicyclist activity and human behavior, the EIR/EIS/EA must account for the impacts of these activities on the projected traffic impacts of each alternative. This must include calibration of models to ensure they reflect real-world conditions accurately.*



## IV. Localized impacts of VMT on Tahoe's Nearshore:

Our comments address the regional impacts elsewhere, however, as noted extensively in our comments to TRPA on the RPU,<sup>22</sup> and in subsequent legal documents,<sup>23</sup> the RPU/RTP failed to address the localized impacts of development to Tahoe's nearshore areas. There are currently five thresholds related to Tahoe's nearshore.<sup>24</sup>

*Nitrogen Loading: (numerical)*

Reduce dissolved inorganic nitrogen (N) loading from all sources by 25% of 1973-81 annual average

*Pollutant Loading: (numerical)*

Reduce the loading of dissolved inorganic nitrogen, dissolved phosphorus, iron, and other algal nutrients from all sources to meet the 1967-71 mean values for phytoplankton primary productivity and periphyton biomass in the littoral zone.

*Sediment Loading: (numerical)*

Decrease sediment load as required to attain turbidity values not to exceed three NTU. In addition, turbidity shall not exceed one NTU in shallow waters of the Lake not directly influenced by stream discharges

*Pollutant Loading: (management)*

Reduced dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out-of-basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region.

*Attached Algae*

MANAGEMENT STANDARD

Implement policy and management actions to reduce the areal extent and density of periphyton (attached) algae from Lake Tahoe's nearshore

As a result, as required by the TRPA Compact the EIR/EIS/EA must examine the impacts of the project on all thresholds, including these nearshore indicators. With regards to VMT impacts, the annual average basinwide VMT does not provide the necessary information to analyze the impacts of localized increases in VMT on Tahoe's nearshore. For example, what are the water and air impacts associated with the additional 4,669

<sup>22</sup>

[http://www.trpa.org/documents/reisc/2\\_Other%20Organizations/League%20to%20Save%20Lake%20Tahoe,%20Friends%20of%20West%20Shore,%20Tahoe%20Area%20Sierra%20Club%20-%20Joint%20Comments.pdf](http://www.trpa.org/documents/reisc/2_Other%20Organizations/League%20to%20Save%20Lake%20Tahoe,%20Friends%20of%20West%20Shore,%20Tahoe%20Area%20Sierra%20Club%20-%20Joint%20Comments.pdf);

[http://www.trpa.org/documents/reisc/6\\_Comments%20Received%20Outside%20Comment%20Period/Comments%20received%20prior%20to%20release%20of%20Final%20Drafts/Friends%20of%20West%20Shore.pdf](http://www.trpa.org/documents/reisc/6_Comments%20Received%20Outside%20Comment%20Period/Comments%20received%20prior%20to%20release%20of%20Final%20Drafts/Friends%20of%20West%20Shore.pdf);

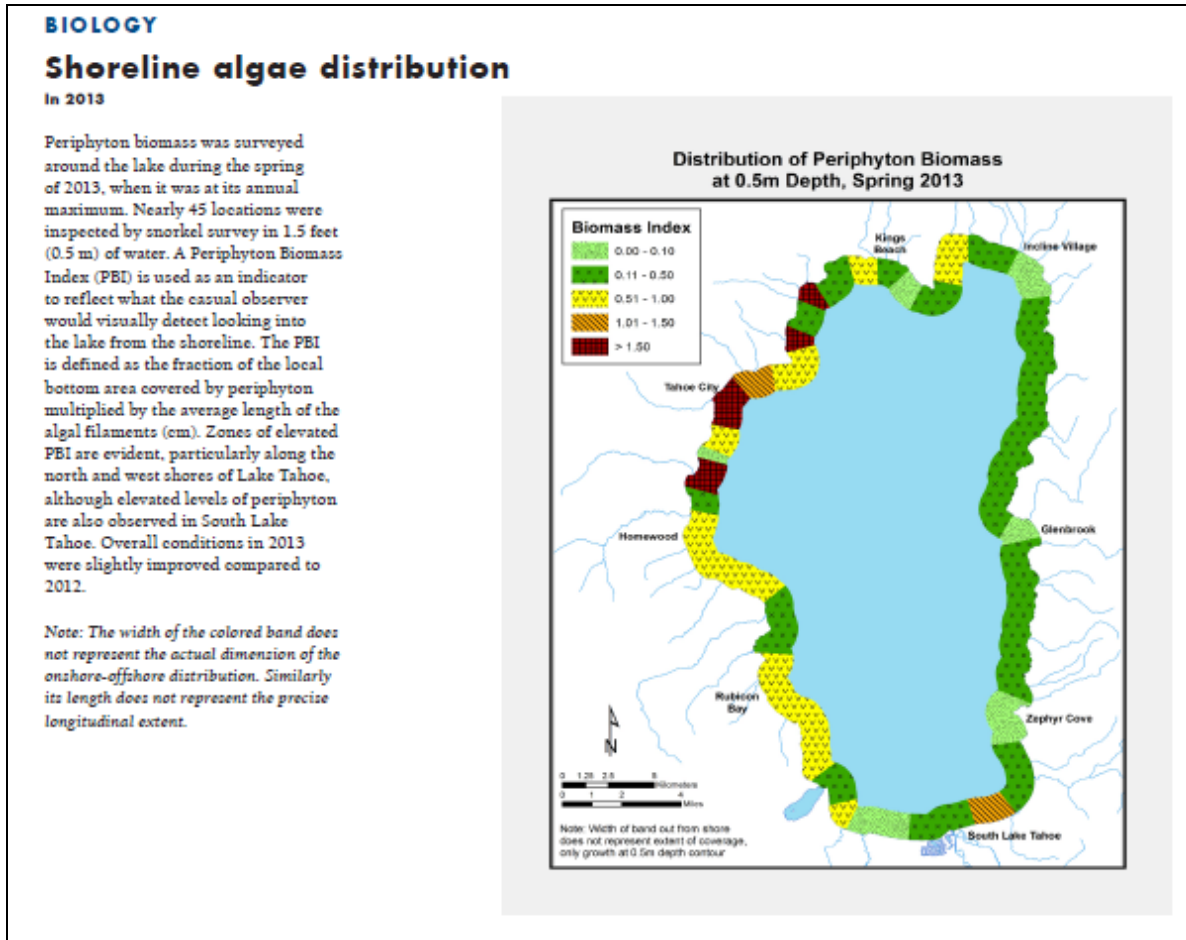
[http://www.trpa.org/documents/reisc/6\\_Comments%20Received%20Outside%20Comment%20Period/Comments%20received%20after%20release%20of%20Final%20Drafts/TASC\\_FOWS\\_8.pdf](http://www.trpa.org/documents/reisc/6_Comments%20Received%20Outside%20Comment%20Period/Comments%20received%20after%20release%20of%20Final%20Drafts/TASC_FOWS_8.pdf);

[http://www.trpa.org/documents/reisc/6\\_Comments%20Received%20Outside%20Comment%20Period/Comments%20received%20after%20release%20of%20Final%20Drafts/TASC\\_FOWS\\_2.pdf](http://www.trpa.org/documents/reisc/6_Comments%20Received%20Outside%20Comment%20Period/Comments%20received%20after%20release%20of%20Final%20Drafts/TASC_FOWS_2.pdf)

<sup>23</sup> <http://friendswestshore.org/wordpress/wp-content/uploads/2014/12/Appellants-Final-Reply-Brief-12-23-14.pdf>; <http://friendswestshore.org/wordpress/wp-content/uploads/2014/10/Sept-30-2014-RPU-Appeal-Opening-Brief.pdf>;

<sup>24</sup> <http://www.trpa.org/about-trpa/how-we-operate/thresholds/>

VMTs estimated by TRPA from this project, considering those impacts will occur along the West Shore and in Tahoe City - both areas which are documented by the Tahoe Environmental Research Center<sup>25</sup> to have elevated amounts of attached algae in the nearshore.



Example from most recent State of the Lake Report (2014)

Given the overwhelming evidence that this project will increase vehicle trips (including the TMPO's own analysis, as noted above), and not likely reduce congestion (affecting LOS) for more than a few years until traffic levels again rise, the transportation analysis is wholly inadequate. Further, this failure infects the EIR/EIS/EA's other analyses of impacts to air quality, noise, water quality, recreation, scenic, and other impacts affected by increased VMT and vehicle trips.

*The public cannot meaningfully comment on the analyses of the project's impacts across multiple environmental thresholds and standards when the draft EIR/EIS/EA fails to analyze or disclose the impacts. For this reason, the DEIR/EIS/EA should be revised to reflect these impacts and recirculated to the public for proper review.*

<sup>25</sup> State of the Lake Reports, 2008-2014; see information for "Shoreline Algae Distribution" in each Biology Chapter: "Zones of elevated PBI are evident, particularly along the north and west shores of Lake Tahoe,..."

## V. Land Coverage

The proposed bypass would create a net increase in coverage as represented below:

Table 4.5-5 Net Increase in Land Coverage				
Alternative	Surface Type	Coverage by Land Capability District (acres)		
		1b	5	Total
Alternative 1 (Proposed)	Roadway	0.53	3.66	4.19
	Bike Path	0.07	0.14	0.21
	Total	0.6	3.8	4.4
Alternative 2	Roadway	0.53	3.67	4.2
	Bike Path	0.07	0.14	0.21
	Total	0.6	3.81	4.41
Alternative 3	Roadway	0.5	2.37	2.87
	Bike Path	0.07	0.14	0.21
	Total	0.57	2.51	3.08
Alternative 4	Roadway	0.87	2.73	3.6
	Bike Path	0.03	0.16	0.19
	Total	0.9	2.89	3.79
Alternative 6	Roadway	0.28	-0.03	0.25
	Bike Path	0	0.05	0.05
	Total	0.28	0.02	0.3
Alternative 6a	Roadway	0.29	-0.64	-0.35
	Bike Path	-0.02	0	-0.02
	Total	0.27	-0.64	-0.37

Source: Wood Rodgers 2014

TTD/TRPA/FHWA-CRLHD  
 SR 89/Fanny Bridge Community Revitalization Project Draft EIR/EIS/EA

4.5-25

As noted in the RTP/SCS EIR/EIS, lands in Land Capability District (LCD) 1b are over-covered by 650 acres and are not meeting the threshold standard.<sup>26</sup> Coverage in LCD 1b must be reduced in order to attain the TRPA threshold. However, Alternatives 1-4 would increase coverage, notably in LCD 1b. The EIR/EIS/EA concludes the impacts of this increase are less-than-significant *“Because the coverage increase associated with Alternatives 1, 2, 3, and 4 would comply with TRPA land coverage regulations, including mitigation of disturbances in LCD 1b at a ratio of 1.5:1, the potential for these alternatives to create an adverse effect related to land coverage would be less than significant.”* (DEIR/EIS/EA p. 4.5-26).

However, it does not appear the proposed project/Alternatives 1-4 meet TRPA’s criteria associated with the exemptions provided by TRPA’s land coverage regulations, as discussed below.

<sup>26</sup> “According to the 2011 Threshold Evaluation for soils, LCDs 1A, 1C, and 2 through 7 are meeting the threshold standard based on hard impervious cover. LCD 1B is not meeting the standard as existing hard impervious cover is estimated to be exceeding allowable land coverage by 650 acres or 680 percent.” (RTP/SCS EIR/S p. 4-19)

**TRPA Exemptions for Coverage in LCD 1b do not apply**

The DEIR/EIS/EA states the following:

Although TRPA Code Section 30.5 prohibits additional land coverage in low capability land, an exemption is provided for public service facilities (i.e., linear public facilities or LPF). (DEIR/EIS/EA p. 4.5-26).

TRPA Code section 30.5 provides the exemption to coverage in LCD 1b (SEZ) as follows:

30.5.2.

C. Public Service

Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;
2. There is no reasonable alternative, including a bridge span or relocation, that avoids or reduces the extent of encroachment in the stream environment zone; and
3. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients. [Emphasis added]

However, as shown in Alternatives 6 and 6a, as well as documentation regarding Alternative 5 (and options Caltrans will have to address needed bridge repairs), there are reasonable alternatives that can avoid encroachment in the stream environment zone. Therefore, the exemption for the coverage provided by Code section 30.5 is not applicable and the new coverage in Alternatives 1-4 is not exempted by the Code.

Further, the ‘justifications’ provided for why the new highway section in Alternatives 1-4 should qualify completely ignore the fact that alternatives exist. The EIR/EIS/EA states:

Because the rehabilitation or replacement of Fanny Bridge is necessary because it does not meet current Caltrans seismic design standards; the position of SR 89 in proximity to the river requires the creation of land coverage for the new bridge within LCD 1b soils; and the increased land coverage and disturbance would be minimized and mitigated through application of BMPs and restoration of 1b lands at a ratio of 1.5 acres of restoration for every 1 acre of disturbance (per TRPA Code Section 30.5.3), the action alternatives would qualify for this exemption.

There are other ways to ensure Fanny Bridge meets Caltrans seismic standards, including Alternatives 6, 6a, and options available under Alternative 5. The position of SR 89 in proximity to the river is only applicable under Alternatives 1-4. The statements about mitigation only apply if the criteria regarding ‘no feasible alternative’ can be met. Given there are other feasible alternatives available, the Code cannot exempt the coverage, and the proposed mitigation is irrelevant.

Even if the coverage in the SEZ qualified for the LPF exemption, the EIR/EIS/EA suggests that coverage in excess of the base allowable may be required, and refers to two Code sections that presumably allow this. The EIR/EIS/EA also states that the amount of excess coverage cannot be determined at this stage, and will be addressed during application and review by TRPA. As it remains unclear when the public will

be able to weigh in on this issue, we include the following comments regarding excess coverage in the SEZ. First, the EIR/EIS/EA states:

“TRPA’s base allowable coverage standards by LCD normally limit the amount of coverage permitted for a project on a parcel-by-parcel basis (Section 30.4.1.A of the TRPA Code). However, because the project would be an LPF, per Section 21.4 and 30.4.2.D of the TRPA Code, the allowable land coverage would be limited to the minimum amount needed to achieve its public purpose...” (DEIR/EIS/EA, p. 4.5-26).

The statement references Code section 30.4.2.D, which does not exist. We assume the intended reference may have been Code section 30.4.2.A.2:

30.4.2.A.2. Linear Public Facilities and Public Health and Safety Facilities

The maximum land coverage for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose, except as provided for non-motorized public trails in subsection 30.4.6.D.3. Such transfer may be permitted, provided TRPA makes the following findings:

a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.8;

b. There is no feasible alternative that would reduce land coverage;

c. The project, because of its unusual configuration or service requirement, requires special consideration; and

d. The facility primarily serves the needs of persons other than those who are or will be residents of the lands in question, or the owners of the land in question. [Emphasis added]

Alternatives 1 through 4 already fail meeting these criteria based on item b. alone because there are feasible alternatives. However, we also examined item a., which refers to the following Code section:

50.8.2. Definition of "Additional" Public Service Facilities

Public service facilities shall be considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility shall be an additional public service facility subject to this chapter. The following shall not be "additional" public service facilities:

A. The reconstruction or replacement on the same parcel of legally existing public service facilities;

B. Modifications to legally existing public service facilities and their accessory uses that do not create additional service capacity;

C. Public or quasi-public utility service connections;

D. Replacement or reinforcement of pipelines or transmission lines that result in no significant increase in service capacity; and

E. Telephone lines, local distribution facilities, and similar facilities. [Emphasis added]

Alternatives 1-4 fail to meet these criteria as well, because they all create additional service capacity.

**Additional Land coverage from public facilities was not examined in RTP/RPU EIR/S:**

The EIR/EIS/EA must clearly disclose that the new coverage associated with Alternatives 1-4 was not analyzed in the RTP/RPU environmental review documents<sup>27</sup> and clearly analyze the impacts of the new coverage.

## VI. Scenic Impacts

The DEIR/EIS/EA fails to adequately analyze and disclose the potential scenic impacts of the project, both during the daytime and at night. The TRPA Compact<sup>28</sup> (Article I) specifically requires that TRPA's role includes:

“(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural public health values provided by the Lake Tahoe Basin...“(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment.” [Emphasis added].

The TRPA Goals & Policies<sup>29</sup> also call for the protection of Lake Tahoe's scenic values, and TRPA adopted thresholds<sup>30</sup> to protect scenic quality. Examples include, but are not limited to, the following:

“LU-1.1 THE PRIMARY FUNCTION OF THE REGION SHALL BE AS A MOUNTAIN RECREATION AREA WITH OUTSTANDING SCENIC AND NATURAL VALUES. The economic health of the Region depends on a viable tourist and recreation-oriented environment. It is the intent of this Regional Plan, among other things, to encourage development that enhances these values.

...

GOAL SR-1

MAINTAIN AND RESTORE THE SCENIC QUALITIES OF THE NATURAL APPEARING LANDSCAPE.

SR-1.1 ALL PROPOSED DEVELOPMENT SHALL EXAMINE IMPACTS TO THE IDENTIFIED LANDSCAPE VIEWS FROM ROADWAYS, BIKE PATHS, PUBLIC RECREATION AREAS, AND LAKE TAHOE.” [Emphasis added]

In TRPA's 1982 EIS for the development of the environmental threshold carrying capacities, it was recognized that:<sup>31</sup>

“...Scenic quality is perhaps the most often identified natural resource of the Lake Tahoe Basin. Visitors to the area enjoy views of a magnificent lake sitting within a forested mountainous environment under clear blue skies. The Tahoe Basin is unique in that it combines visual elements normally found in several different landscape settings into one clearly defined region exhibiting exceptionally high aesthetic values...”

“...The distinctive mountain landforms surround the flat plane of the Lake, creating an enclosed landscape type. The edges between sky and ridgetops, between water and shore, and between vegetation and rock all add interest to the scenic landscape.”

“...views of natural landscape features uninterrupted by manmade development rank higher than views competing with or blocked by buildings. Also, large scale panoramic views rate higher than focused or intermittent, obscured views...” [Emphasis added]

<sup>27</sup> These estimates of change in coverage do not include coverage resulting from public facilities, public infrastructure, or recreation facilities. (RPU DEIS, p. 3.7-19)

<sup>28</sup> <http://www.trpa.org/bi-state-compact/>

<sup>29</sup> [http://www.trpa.org/wp-content/uploads/Regional\\_Plan\\_Goals\\_Policies\\_Final-2012-12-12.pdf](http://www.trpa.org/wp-content/uploads/Regional_Plan_Goals_Policies_Final-2012-12-12.pdf)

<sup>30</sup> [http://www.trpa.org/wp-content/uploads/2\\_AppendixB\\_Resolution82-11.pdf](http://www.trpa.org/wp-content/uploads/2_AppendixB_Resolution82-11.pdf)

<sup>31</sup> *Environmental Impact Statement for the Establishment of Environmental Threshold Carrying Capacities*, Tahoe Regional Planning Agency. May 1982. (p. 44-45).

**Size and scope of new bypass:**

The EIR/EIS/EA describes the new bypass bridge as follows:

The new bridge over the Truckee River would be located approximately 1,800 feet southwest of the existing Fanny Bridge in four of the action alternatives (Alternatives 1-4). The bridge would include two 11-foot through-traffic lanes (one eastbound and one westbound) and 8-foot shoulders on each side. The width of the proposed bridge would range from 80 feet at the eastern abutment to 100 feet at the western abutment. The structure would widen on the western abutment under Alternatives 1, 2, and 3 to accommodate the approach to the proposed western roundabout. The structure would use precast concrete girders and context sensitive railings, reflective of Tahoe City's surroundings, would be constructed along each edge of the bridge. Aesthetic treatments would be included in the design and construction of the bridge to be compatible with surrounding natural and human environment. There would be a minimum of 10 feet of clearance below the bridge under normal water level conditions, and 10 feet of clearance over the Tahoe Rim Trail/TCPUD bike path on the eastern shore of the Truckee River. (DEIR/EIS/EA, p. 3-11)

In other words, the bridge could span up to 100 feet in width. At the western bypass, it will be elevated up to ten feet. This is a significantly-sized bridge that should clearly be represented to the public. Yet there is not one image provided in the EIR/EIS/EA of what this bridge may truly look like (Exhibit 3-6 does not suffice, as discussed below). This is one reason FOWS requested an extension of the public comment period until after an upcoming TTD meeting which advertises additional visual information (copies of our request and the TTD's response are attached).

Further, the EIR/EIS/EA is unclear about the elevation over the river. If the bypass will be elevated up to ten feet at the western roundabout, will it also be elevated over the Truckee River? It appears that in order to provide ten feet of clearance from the bike trail, which we doubt will be constructed on the river's bed, but rather at some elevated point on the eastern bank, then this would suggest the bypass will be far more than ten feet from normal water conditions. As noted below in great detail, the images provided in the EIR/EIS/EA fail to show the scenic implications of Alternatives 1-4. Further, the project description throughout the DEIR/EIS/EA is inconsistent, making it difficult for the public to follow a text description of the proposed bypass (which given the lack of visuals, is all the public has to imagine the scale and scope of this bridge). The following image was created by a Tahoe City resident, and shows a 65 foot wide bridge – notably 35 feet less than the 100 feet included in the project description.



Simulated bypass image based on 65 foot wide bridge as described in Alt. 1 from the Air Quality Appendix of the DEIR/S; from Jim Sajdak

The DEIR/EIS/EA also fails to include images to reflect the potential impacts of Alternatives 6 and 6A, which could result in substantial widening of the Fanny Bridge by 49-60 feet.<sup>32</sup>

*The DEIR/EIS/EA must be revised to include scenic information and clear project descriptions so the public can meaningfully assess and comment on the project alternatives.*

#### **Scenic impacts of elevated bypass to all locations:**

As noted in NOP comments submitted by Mr. Tom Moeller (1/30/2012), “...visitors don’t come to Tahoe to enjoy our bypasses, they come to enjoy the natural scenery.” The unique scenic beauty of the Tahoe Basin is why TRPA’s Compact specifically calls out for protection of scenic resources.

#### **Failure to identify scenic impacts as required by TRPA:**

The elevated bypass will mar scenic resources from multiple viewing areas. Because the DEIR/EIS/EA fails to examine the impacts of the elevated bypass, the EIR/EIS/EA fails

<sup>32</sup> Alt. 6: As a result, the new bridge would be 60 feet wider, and the centerline would be 28 feet downstream, as compared to the existing structure. The new Fanny Bridge would have 12-foot travel lanes, 8-foot shoulders, and 10-foot sidewalks on both sides

Alt. 6a: The increase in width would be approximately 49 feet. Similar to Alternative 6, the additional width would be downstream of the existing structure. The centerline of the new bridge would be 22 feet downstream from the centerline of the existing bridge. The new Fanny Bridge would have 12-foot travel lanes, 8-foot shoulders, and 10-foot sidewalks on both sides. (DEIR/EIS/EA, p. 2-7)



to “examine the impacts to the identified landscape views from roadways, bike paths, public recreation areas, and Lake Tahoe” as required by TRPA’s Goals and Policies (SR-1.1). Not only does the EIR/EIS/EA lack a clear description of the bypass, its route, height, and width through the 64-acre Tract, or include any simulated visuals of the elevated bypass (as noted elsewhere, the few simulated views of the roundabouts and bridge that are included do not appear elevated), but the EIR/EIS/EA also fails to consider the visual impacts from locations beyond the project area.

*Impact conclusion not supported by evidence:*

The DEIR/EIS/EA’s impact assessment related to scenic quality seemingly downplays the impact of the new elevated bypass. “Increas[ing] built environment features” does not clearly reflect the impact of constructing a new elevated highway through the forested area, nor does “experience visual change” correctly describe the replacement of open, forested views with an elevated highway bypass. The assessment concludes a “potentially” significant impact for Alternatives 1-4, although “potentially” does not seem appropriate. *Open forested views will be replaced by an elevated highway bypass.* This is a significant impact.

Impact 4.14-2. Change the existing visual character or quality of the project site after completion. Alternatives 1 through 4 would increase built environment features within the 64-Acre Tract and across the Truckee River. Views from the Tahoe Rim Trail in the 64-Acre Tract near the new bridge approach and from the river itself, would experience visual change; however, the area is already altered by the presence of urban features. Because the reduction in the quality of scenic resources would be substantial near the bridge in the 64-Acre Tract and within the river corridor, this impact would be potentially significant for Alternatives 1 - 4. Alternatives 6 and 6a would rehabilitate or replace Fanny Bridge and reconfigure the existing wye intersection, but would not substantially alter the appearance of the bridge, once completed, nor the scenic quality of views in the area. Therefore, impacts under Alternatives 6 and 6A would be less than significant. Alternative 5, the No Action Alternative, would have no impact on visual quality or character.

*Inadequate mitigation:*

The proposed mitigation measure<sup>33</sup> falls far short of addressing this impact. A non-vegetated elevated bypass through the 64-acre Tract will block existing open views just as much as a vegetated bypass. Landscaping cannot make the bypass invisible. The EIR/EIS/EA needs to clearly analyze and disclose, in clear terms, the impact of the alternatives. Where impacts are significant and unavoidable, they must be disclosed as such.

In addition, reliance on vegetation to mitigate scenic impacts of new development simply doesn’t hold water. Not only do trees die, become ill, and take a long time to grow, but as reflected in recent examples in the Tahoe Basin, project renditions often reflect a much more pleasant, and typically unrealistic image, of the scenic ‘screening’ of new projects.

---

<sup>33</sup> Mitigation Measure 4.14-2. Minimize visual change and visually screen infrastructure with replanted forest vegetation. The following mitigation applies to Alternatives 1 through 4. To maintain the existing visual quality and decrease the visual effects caused by the project, the following design, construction, and maintenance actions shall be implemented. These actions will soften the visual intrusion of the new bridge and realigned highway on the 64-Acre Tract. (DEIR/EIS/EA, p. 2-38).

For example, the Domus affordable housing project in Kings Beach looks nothing like the more subtle, screened simulation provided prior to construction:<sup>34</sup>



Pre-project artist rendition



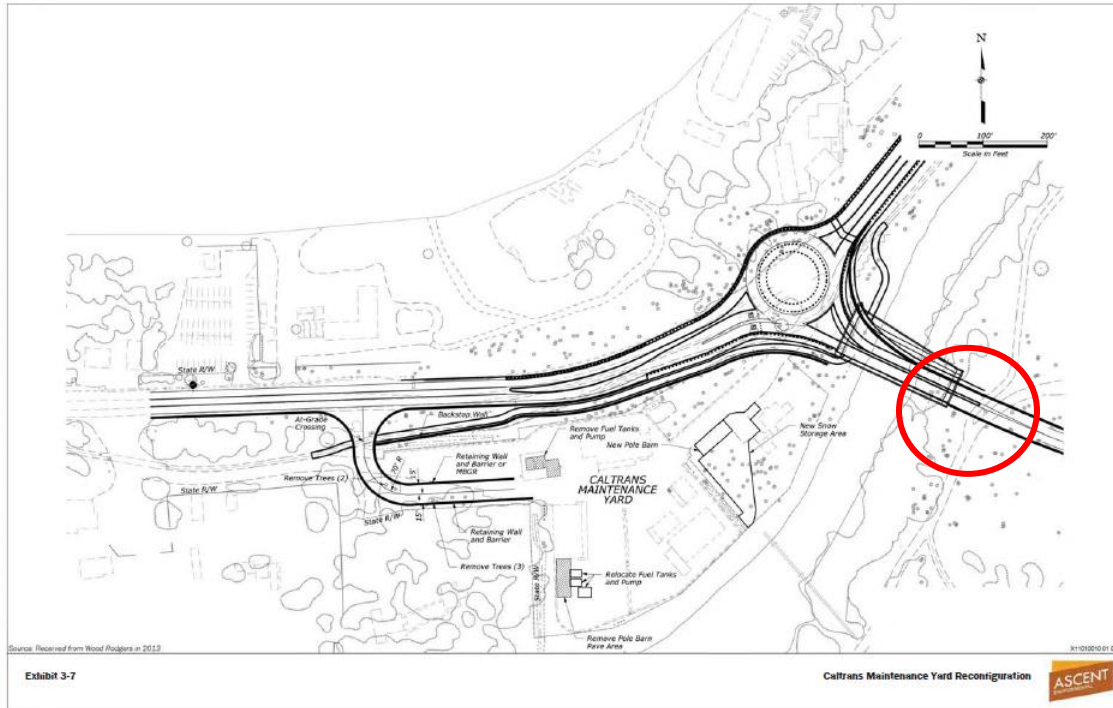
Post-project image

### **Lack of sufficient visuals:**

The photograph simulation provided in the DEIR/EIS/EA (Exhibit 3-6) is far too limited for the public to be able to discern the scenic impacts of the highway. First, it does not appear the bridge is elevated as described in the text<sup>35</sup> (more detailed comments on this are provided below). In fact, a physical sketch or image clearly showing the elevated bypass could not be located in the DEIR/EIS/EA. For example, in the sketch below, is the circled area the new segment of bike trail that will require 10 feet of clearance by the bypass above it? The EIR/EIS/EA does not make this clear.

<sup>34</sup> Photos from: <http://www.moonshineink.com/news/did-domus-deliver>

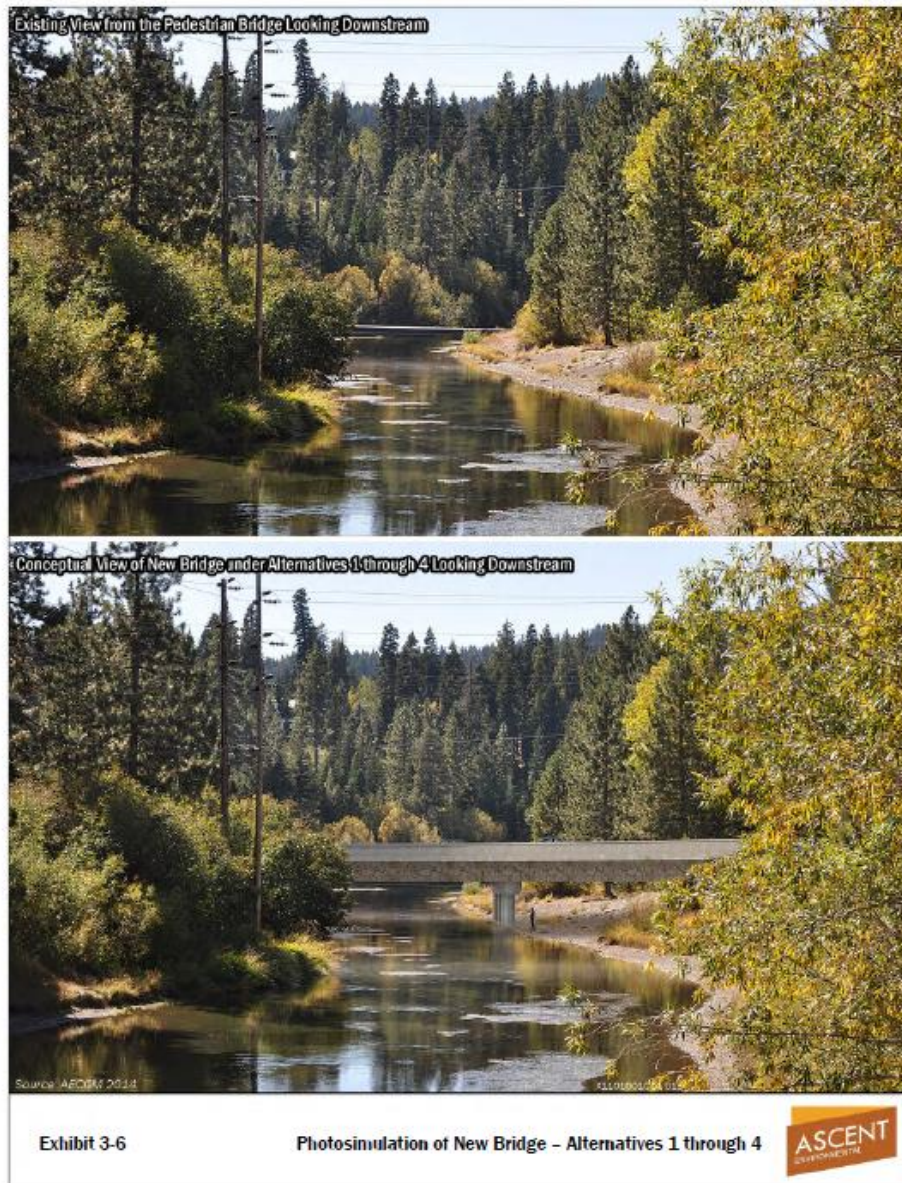
<sup>35</sup> The realigned SR 89 would be also raised approximately three to nine feet on an earthen embankment, traveling from east to west, which would increase the visibility of the roadway and passing vehicles. The bridge site would be visible from the Tahoe Rim Trail/bicycle path along the south side of the River within the 64-Acre Tract in some locations. Exhibit 4.14-8 shows the view to the north along the path of the bridge site. (p. 4.14-24).



**Unrealistic visuals:**

Although the EIR/EIS/EA’s description suggests a fairly unobtrusive image of the new bypass bridge,<sup>36</sup> the bridge will not be constructed without disturbance to the land nearby, nor will it only have one small vehicle on it as depicted in Exhibit 3-6.

<sup>36</sup> The change in view from the existing pedestrian bridge on the Truckee River looking downstream is depicted on Exhibit 4.14-11. The bridge would have a low profile so that it would not substantially obscure views of the surrounding forest but would partially truncate the distant view of the river and the forested hillside beyond. (DEIR/EIS/EA, p. 4.14-22)



Simulations must include the bridge with vehicles, from other angles, including both sides of the river, from surrounding mountaintops and Lake Tahoe (from any point where this raised highway may be seen), and views without as many trees, since trees will be cut for the project (and more trees tend to die during or shortly after construction; South Shore’s “Marriott/Heavenly Village” redevelopment is a prime example of this).

*The EIR/EIS/EA must include sufficient and correct depictions of the alternatives in order for the public to meaningfully understand and comment on the alternatives.*

**TRPA Viewpoints:**

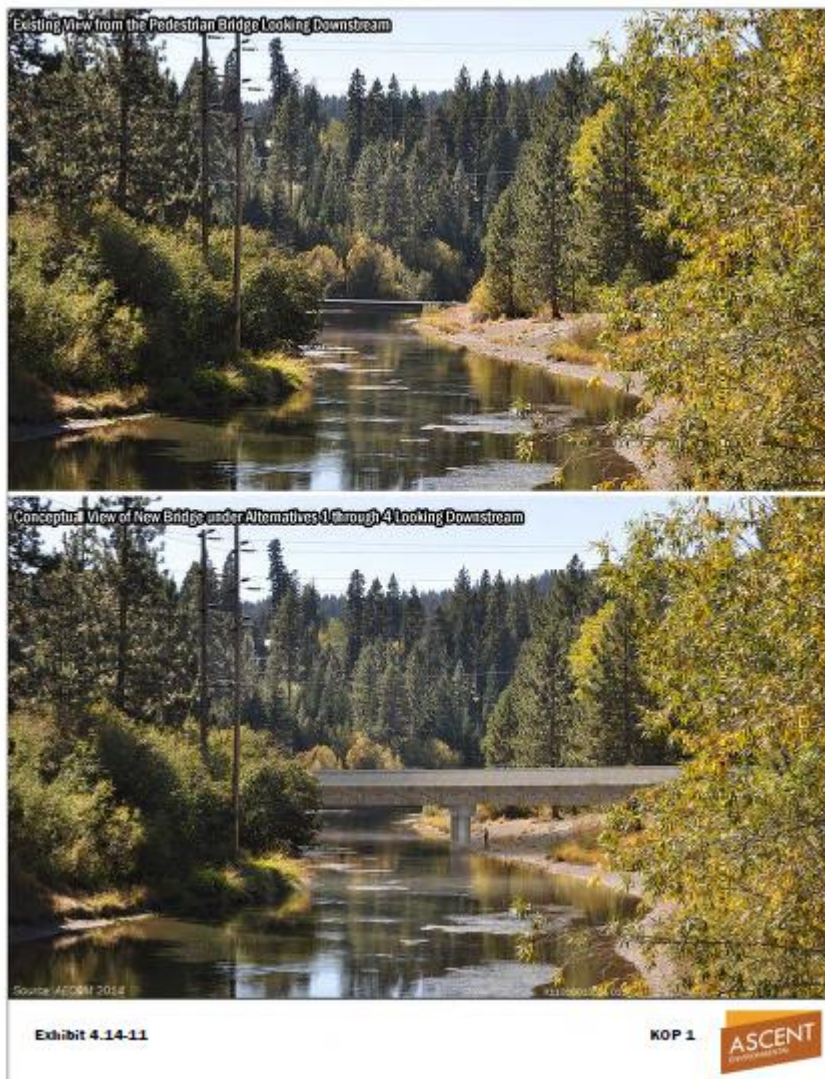
TRPA viewpoints 1, 2, 3, 4, 5, and 8 do not include areas affected by the bypass. Viewpoint 6 is pointed north on 89 where the western roundabout of the new bypass would be located, and viewpoint 7 appears to represent a site where the new bypass will cross the 64-acre Tract. Also, while the viewpoints are provided, no visual assessment of the impacts of each alternative on the viewpoints are included.

**USFS Key Observation Points:**

The Key Observation Points (KOPs) 1, 2, 4, and 6 appear to focus on areas that will be impacted by the new western roundabout and bypass. Comments are as follows:

**KOP 1:**

The EIR/EIS/EA presents the existing view from KOP 1, along with a simulated view of the bridge. However, the simulated view does not appear to represent a raised bridge, and it is unclear whether the bridge will be ten feet from the floor of the river, or ten feet above the bike path (which is presumed itself to be raised from the riverbed).



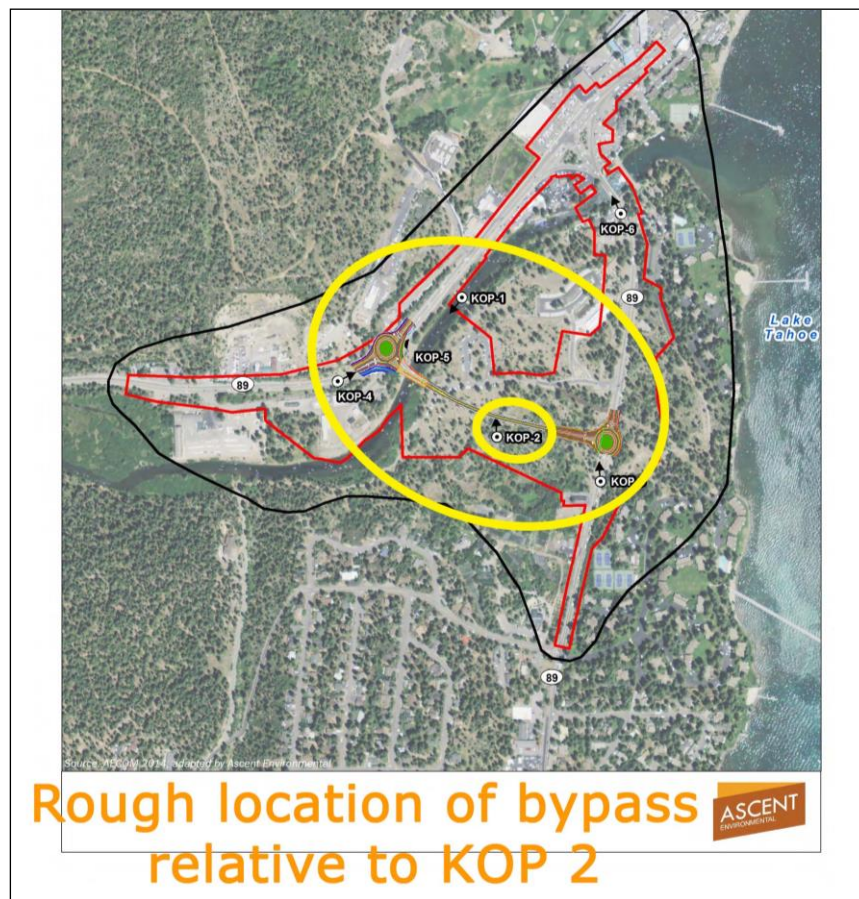
In addition, this image paints a far more pleasant picture than can be expected. For example, trees will be removed to construct this project. Vehicles will be crossing the roadway, creating dust and emissions. The EIR/EIS/EA must disclose the potential visual impacts of the project. Although the following images below have not been professionally created, they are included to represent the types of simulations that should be included in the DEIR/EIS/EA to better reflect the reality of what the impacts could be. The first image includes the EIR/EIS/EA's simulated bridge from KOP 1, however vehicles, emissions, and other highway debris have been added. The second image below includes a higher bridge, roughly raised another ten feet above grade level at the sides of the river, as it is unclear from the EIR/EIS/EA exactly how high the bridge will pass over the river.



KOP 2:

Oddly, the DEIR/EIS/EA includes no visual assessments of the impacts to KOP 2, which is an area representing the undeveloped forested section of the 64-acre Tract. The DEIR/EIS/EA acknowledges this point: *“The view from KOP 2 consists of a forest scene that provides relatively intact forest vegetation, which does not contain any urban features.”*<sup>37</sup> Although Exhibit 4.14-10 identifies the location of the KOPs, and the DEIR/EIS/EA notes the bypass *will be visible from KOP 2 and other points in the 64-acre tract,*<sup>38</sup> the DEIR/EIS/EA fails to include a picture representing the existing view from KOP 2, let alone a simulation of what it would look like with the bypass in Alternatives 1-4.

In a rough comparison of the location of the new bypass to the KOP 2, it appears the bypass would be built in the same location as the KOP 2. The EIR/EIS/EA needs to clearly show the before and after impacts to this observation point.



<sup>37</sup> The potential change in views of the 64-Acre Tract from a location adjacent to the existing bike path south of the realigned SR 89 looking north would be available at KOP 2. The view from KOP 2 consists of a forest scene that provides relatively intact forest vegetation, which does not contain any urban features. [Emphasis added] (DEIR/EIS/EA, p. 4.14-24)

<sup>38</sup> Implementation of the Alternative 1 would result in construction of the realigned portion of SR 89, which would be visible from KOP 2 and other locations within the 64-Acre Tract. The realigned portion of SR 89 would be elevated on an earthen embankment from three feet above current grade near the eastern roundabout, up to nine feet above current grade near the bridge (see Exhibit 4.14-15, typical cross-section). [Emphasis added] (DEIR/EIS/EA, p. 4.14-29)

For example, the following image is not a professional simulation, but intended to represent the type of information the DEIR/EIS/EA needs to include. Although unclear, based on the limited information available to the public, it appears the bypass may be placed right at the KOP 2 viewpoint. If this is correct, then a “*forest scene that provides relatively intact forest vegetation, which does not contain any urban features*” could be replaced with a view such as the following:



The EIR/EIS/EA must include the best available and most accurate information about how the view may be impacted. Currently, the EIR/EIS/EA doesn't even attempt to address impacts to the KOP 2 viewpoint.

KOP 4:

KOP 4 represents the view one would see entering the Tahoe basin from S.R. 89 north. The EIR/EIS/EA provides the following before and after pictures:





However, once again the visual images do not appear to reflect the description in the text, which includes a raised bypass of up to ten feet. This lack of clarity makes it impossible for the public to assess the potential visual impacts of the bypass. For example, the following image notes the approximate location of the roadway if raised 10 feet.

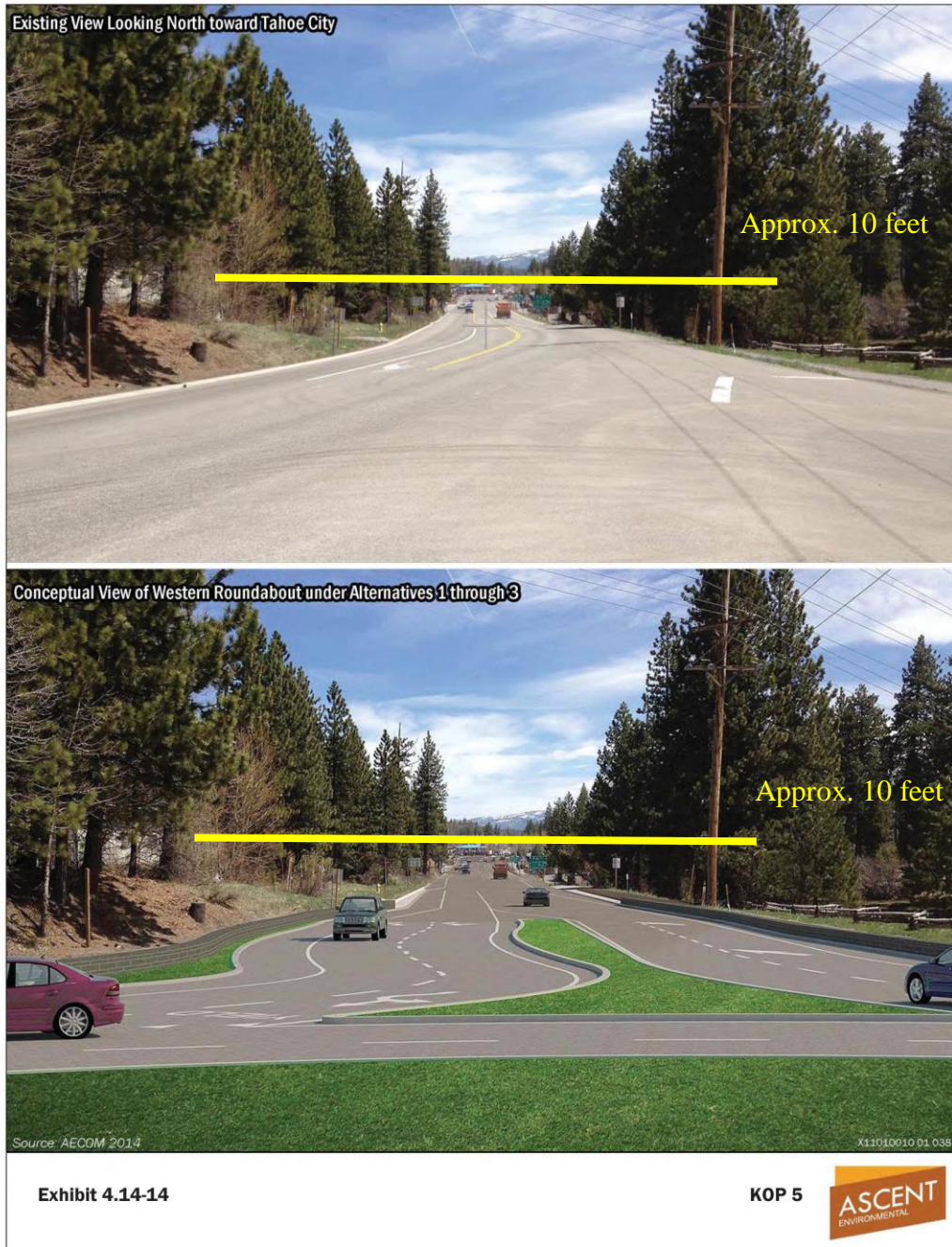


***KOP 5:***

A local Tahoe City resident placed ten foot poles at the intersection labeled KOP 5 in the EIR/EIS/EA to represent where an elevated embankment would be. As the resident's picture reflects below, the elevated bypass would significantly change the views in this area.



However, the KOP 5 simulation in the EIR/EIS/EA appears to be based on ground level. If this bypass will be elevated above the existing ground level, the visual simulations need to clearly reflect the changes.



**Vegetation and screening:**

Finally, the reality of the situation is that vegetation may not grow as depicted in the pictures, especially due to the impacts of climate change and drought. Simulations should depict vegetation more reflective of the area, which includes the dry vegetation seen in

the existing images. We refer back to the example of the simulated Domus building versus the actual post-construction Domus building as a key representation of the unrealistic portrayal these simulations can provide.

In conclusion, due to the failures to analyze all viewpoints and KOPs, to include accurate depictions of what the proposed alternatives may look like, and the use of unrealistic, ‘dressed-up’ simulations, the DEIR/EIS/EA fails to adequately assess and disclose the visual impacts of the project.

*This deficit makes it impossible for the public to consider the project impacts. A revised DEIR/EIS/EA is warranted so the public can provide meaningful comments on the scenic impacts of the project. The revised scenic analysis needs to include photographs of all points of scenic interest, including the identified scenic viewpoints, the KOPs, and any areas on the Lake, or mountainside, where the new bypass (and headlights) will be visible. The analysis must include sufficient information and simulations to disclose to the public the scenic impacts of each alternative at each location. All scenic points of interest must include a before and after.*

### **Scenic impacts to Night Sky from headlights on new bypass (Light Pollution)**

Impact 4.14-4<sup>39</sup> requires the EIR/EIS/EA assess the impacts of the alternative on nighttime views. Light pollution has become an increasing problem in many areas of Lake Tahoe, yet stargazing and dark night sky views are scenic resources appreciated by both residents and visitors (and which must be protected per TRPA’s Compact). Projects must be carefully reviewed for their impacts to this resource. Comments submitted on the NOP by Jim Sajdak requested the DEIR/EIS/EA to “Provide a night lighting study addressing the increased light levels and light pollution.” However, as noted herein, although the DEIR/EIS/EA acknowledges glare from vehicles in the daytime, the focus is solely on non-mobile sources,<sup>40</sup> and fails to even mention the impacts of headlights on the raised roadway (see discussion on p. 4.14-36 and -37).

*The EIR/EIS/EA must analyze the impacts to night sky from the headlights of vehicles that will use the new roadway. Changes in direction, location, angle, height of the roadway, and other factors will all affect the impacts of light pollution from the project. This discussion is completely absent from the EIR/EIS/EA.*

<sup>39</sup> Impact 4.14-4. Create a new source of light and glare that would adversely affect day or nighttime views in the area. [Emphasis added] (DEIR/EIS/EA, p. 4.14-36)

<sup>40</sup> ...The action alternatives would increase lighting within the 64-Acre Tract and across the Truckee River by adding new light fixtures. Existing regulations and standard design practices would restrict light fixture locations, lighting visibility from surrounding area, the type and intensity of lights, and the direction of light projection. The localized nature of new light sources and use of standard low glare and night glow designs would minimize light and glare effects in the study area. Thus, because new lighting sources would be limited to roundabouts and the new bridge, this impact would be less than significant for Alternatives 1 through 4... (DEIR/EIS/EA, p. 4.14-36)

## VII. Recreation Impacts

Given that alternatives 1-4 will result in a highway being constructed through what is now a recreational area, it is imperative that the DEIR/EIS/EA carefully consider and disclose the impacts to recreation in the project area. However, the DEIR/EIS/EA fails to even include data regarding existing conditions, let alone analyze the impacts on recreational access and experience.

### **Existing/Baseline Conditions:**

The DEIR/EIS/EA provides very little data regarding recreational uses and considerations in the project area. The only information included comes from a regional LTBMU survey, which does not address the specific conditions in the project area, and annual TCPUD surveys, which provide no information on user expectations and preferences.<sup>41</sup> Such basic information is required to evaluate the impacts with regards to the significance criteria noted for NEPA and TRPA, respectively: “[will the project] adversely alter or decrease the recreation resource values of the project area to the extent that recreational user experience or opportunity is substantially diminished,” and “[will the project] have the potential to create conflicts between recreation uses, either existing or proposed.” (DEIR/EIS/EA, p. 4.13-15). Notably, in order to assess whether the project will impact recreational uses, the existing value, user experiences, and opportunities must be determined. In fact, it is surprising that the applicant(s) failed to perform what could come down to a few days’ time performing surveys during peak and off peak times.

*The EIR/EIS/EA must examine and disclose both the existing conditions and the potential impacts of each alternative on these criteria.*

In addition, of the more detailed survey information that we could locate, it appears that none of the users of the trail sought an ‘urbanized feel’ be brought or enhanced in this area. Rather, of the forty comments from 64-acre Tract recreation users, gathered by the Tahoe Coalition of Recreation Providers (July 2007; attached) during a more comprehensive recreation survey, the general theme suggested users were extremely happy with the recreation trails, were thankful to have them and wanted more of them, and as one user noted, more trails “off roadway as possible.” However, no survey questions were posed to assess how users would feel about a large, wide elevated highway cutting through the recreational area.

---

<sup>41</sup> “Survey information regarding user satisfaction has been gathered for the overall LTBMU through the USDA Forest Service National Visitor Use Monitoring Program; however, it is not available for a single site, such as the 64-Acre Tract or the Truckee River... User data has been collected annually since 2005 by TCPUD for trails in the project vicinity. These surveys are conducted during the peak period of August and include data on use level, type of use, and visitor characteristics. Information on user expectations and preferences is not collected. Surveys collected on August 14th and 15th, 2013 found that the majority of trail users in this area are visitors or seasonal residents and that most of the trail users (65 percent) begin their trip at their home or lodging facility...”(TCPUD 2013). [Emphasis added]. (DEIR/EIS/EA, p. 4.13-13).

### **Failure to Analyze impacts to Significance Criteria:**

As noted previously, the NEPA and TRPA criteria for assessing recreational impacts include: “[will the project] adversely alter or decrease the recreation resource values of the project area to the extent that recreational user experience or opportunity is substantially diminished,” and “[will the project] have the potential to create conflicts between recreation uses, either existing or proposed.” (DEIR/EIS/EA, p. 4.13-15).

The DEIR/EIS/EA appears to take four approaches to presumably ‘address’ impacts related to use conflicts.

#### **1. Issues Not Warranting Further Examination:**

First, the EIR/EIS/EA relieves itself of any examination in the “Issues not warranting detailed evaluation” section by stating, “*Because the action alternatives would not change any existing recreation uses or types of facilities, there would be no effect on use conflict. This topic is not discussed further.*” (p. 4.13-15). Four of the action alternatives will place a new highway, raised up to ten feet, through the center of the recreational area. Clearly it does not take more than common sense to acknowledge that this new highway may create some ‘user conflicts.’ Increased noise, exhaust fumes, and the intrusion of a large highway into the now open area will no doubt have an impact on existing recreational uses.

#### **2. Reference to adopted land use plans and Dismissal of Section 4(f):**

Second, the EIR/EIS/EA suggests no impact under “Impact 4.13-3: Reduction of public forest land available for dispersed recreation,” because the “*realigned highway has been reflected in adopted land use plans for decades (since the 1980s)...*” (p. 4.13-21). There are two big problems with this claim:

- i. As frequently referenced throughout the EIR/EIS/EA, the current ‘adopted land use plan’ includes the 2012 TRPA/TMPO RTP/SCS. Interestingly, the RTP/SCS EIR/EIS included a discussion regarding the impacts of the package of transportation projects (which included the proposed Fanny Bridge realignment) on recreation. It concluded there would be no impacts related to the impact on “Compatibility with Existing Recreation Resources”<sup>42</sup> **because:** “*...protection of public park and recreation areas would be provided by Section 4(f) of the DOT Act for projects receiving federal transportation funds.*”<sup>43</sup> (RTP DEIR/S p. 3.11-13).

---

<sup>42</sup> “Impact 3.11-1 Compatibility with Existing Recreation Resources. The proposed RTP/SCS would result in projects in the Region that could potentially conflict with existing recreation resources and areas. However, existing Recreation Element Goals and Policies address potential conflicts and incompatibility of recreational areas and facilities with surrounding land uses. In addition, implementation of the RTP/SCS would provide new recreation facilities (i.e., trails) and improved access to existing recreation facilities for pedestrians, bicyclists, transit riders, and drivers. This impact would be less than significant for all alternatives.” (RTP/SCS DEIR/S p. 3.11-12).

<sup>43</sup> “Section 4(f) of the Department of Transportation (DOT) Act of 1966 states that a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance can be approved only if there is no prudent and feasible alternative to using that land and if the program or project includes all possible planning to

In fact, the RTP specifically referred to the applicability of Section 4(f) in preventing these impacts **from the Fanny Bridge Realignment Project**: “For example, the SR 89/Fanny Bridge Community Revitalization Project could result in a roadway realignment through an area designated as recreation and could affect access and uses through the USFS 64-acre tract area. For projects implemented using federal funds, Section 4(f) of the DOT Act would diminish the risk of conflict by requiring implementation of feasible and prudent alternatives to any encroachment into public park and recreation areas.” (RTP DEIR/S p. 3.11-12).

However, although the Fanny Bridge Project is receiving federal funds, the DEIR/EIS/EA dismisses Section 4(f), claiming it does not apply<sup>44</sup> (DEIR/EIS/EA p. 6-13 to 6-14). Therefore the reliance on any conclusions from the RTP/SCS (or RPU) documents – which assumed no impact *because* Section 4(f) would apply, is not appropriate.

- ii. Where the DEIR/EIS/EA suggests no impacts because the project has been listed (notably *not analyzed*) in land use plans for decades, we point out that being listed in old planning documents is no substitute for the environmental baseline/existing conditions – nor the required examination and disclosure of the impacts of each alternative on those conditions - for which the DEIR/EIS/EA must now examine.

### 3. Conclusion not based on significance criteria

Third, the DEIR/EIS/EA employs an unexplained mathematical conclusion that the impacts are less than significant because the physical footprint of the new highway segment does not exceed ten percent of the currently undeveloped public land.<sup>45</sup> However, there are no related significance criteria

---

minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.” RTP/SCS DEIR/S p. 3.11-5

“Alternative 3 would include transportation projects that would provide improved pedestrian, bicycle, transit, and vehicle access throughout the Region, including access to existing recreation facilities. Implementation of Transportation Strategy Package C would result in new bicycle and pedestrian projects that could include passive recreation facilities, but to a lesser extent than Alternative 2. Therefore, implementation of Alternative 3 would result in increased availability to recreation facilities by increasing access, especially access to alternative transportation modes. Also, protection of public park and recreation areas would be provided by Section 4(f) of the DOT Act for projects receiving federal transportation funds. Implementation of Alternative 3 would result in a **less-than-significant impact.**” [Emphasis added]. (RTP DEIR/S p. 3.11-13)

<sup>44</sup> “The Lake Tahoe Basin Management Unit of USFS provided concurrence on April 3, 2014, stating that ongoing planning for the 64-Acre Tract for both transportation and recreation uses indicates that the joint planning rule applies, and that Section 4(f) requirements do not apply (Gibson 2014).” (DEIR/EIS/EA, p. 6-14).

<sup>45</sup> “Based on conceptual engineering plans of Alternative 1, the area of the 64-Acre Tract to be occupied by highway and embankment, and therefore, no longer available for dispersed recreation uses, would be approximately 3.2 acres. This is about 9 percent of the 35 acres that constitute the existing remainder of public land from the original 64-Acre Tract...After development of the realigned highway, at least 90 percent of the 64-Acre Tract would remain available for dispersed recreation use and existing recreation

listed for NEPA, TRPA, or CEQA purposes (see pages 4.13-14 to -15), nor is there any explanation why this footprint is less than significant (or any information regarding why less than ten percent was chosen in this case).

#### 4. Speculations about the ‘Effects on the quality of recreation use experience.’”

The EIR/EIS/EA fails to address the impacts on the quality of recreation use experience (Impact 4.13-4<sup>46</sup>; discussion begins on p. 4.13-22). As noted above, no existing condition/baseline information regarding recreational experiences, expectations, and opportunities has been gathered for the project area. Unlike other impacted resources (e.g. transportation counts/modeling, air quality monitoring, etc.), gathering this information should not require a substantial amount of resources. That the project aims to place a highway through a recreation-zoned area, used by locals and tourists regularly, should clearly indicate the need for a careful and balanced examination of the impacts on recreation use experience.

Next, the EIR/EIS/EA aims to substitute a careful consideration of impacts with ‘opinions’ about what expectations ‘might’ be ‘reasonable.’

While survey research data is not available to precisely define user expectations and perceptions in the study area, the existing setting would make it reasonable to anticipate that expectations reflect the understanding that the area, which is heavily used and located where traffic, surrounding urban development, and considerable human interactions are present. Designation of the affected land as “rural” within the recreation opportunity spectrum of the USFS would be consistent with both current and post project conditions. [Emphasis added] (DEIR/EIS/EA, p. 4.13-22)

Recreational users engaged in outdoor activities are generally sensitive to changes in views; however, user expectation would reasonably include encountering infrastructure and urban features, because such features are already present in the study area and surrounding vicinity. (DEIR/EIS/EA, p. 4.14-22).

Consultant or agency opinions do not replace necessary information, assessment, and disclosure of impacts. In addition, community ‘open space’ has been identified as an important resource by countless planning agencies, including the TRPA. The apparent ‘logic’ being used to skirt the issue in the EIR/EIS/EA runs counter to the concepts associated with having community open space.

---

facilities would be maintained. Forest land on both sides of the realigned highway would be connected via a new trail section and grade-separated crossing (i.e., trail tunnel through the highway embankment). Consequently, although conversion of public forest land would be an adverse consequence, it would not be substantial because of the retention of 90 percent of the public land for dispersed recreation use, and re-established trail connectivity; this impact would be less than significant.” (p. 4.13-21)

<sup>46</sup> Impact 4.13-4. Effects on the quality of recreation use experience. The quality of an outdoor recreation user’s experience relates greatly to expectations for a visit and the ability to meet those expectations during an intended activity. Expectations are typically influenced by user experiences, physical characteristics of the recreation resource setting, and perceptions about the level and pattern of use. All the action alternatives would alter the resource setting of the 64-Acre Tract, regional trails, Truckee River, and Fanny Bridge area, which are the four major outdoor recreation resources in the study area.



Finally, the claim that experience will be ‘improved’ because new/redeveloped infrastructure will be compatible with existing uses represents a baseless, circular argument.<sup>47</sup> As noted above, the EIR/EIS/EA fails to gather information on existing uses, address whether the proposed project is compatible with the existing uses, and examine the potential impacts to recreation experiences for each alternative. This ignores the importance of open space, noise (quiet), forest, scenery, and the other values recreationalists appreciate when recreating. Recreational experiences are about more than the number of cracks in an area of the pavement.

**Survey information suggests importance of open space:**

In the limited recreation information included in the EIR/EIS/EA, it is clear that most recreation users of the 64-acre Tract walk or ride to the area. A general survey referenced in the DEIR/EIS/EA, performed by the TCPUD in 2013, indicated 65% of users began their trip from home or their lodging facility,<sup>48</sup> although this survey included more locations than just the 64-acre Tract. However, in 2007, the Tahoe Coalition of Recreation Providers (TCORP) conducted a survey which specifically identified over 70% of those recreating in the area had walked from their home or lodging facility (excerpt below; full report attached). A more general survey referenced in the DEIR/EIS/EA, performed by the TCPUD in 2013, indicated 65% of users began their trip from home or their lodging facility,<sup>49</sup> although this survey included more locations than just the 64-acre Tract. Regardless, available evidence clearly shows that *most users recreate in this area without driving to it.*

---

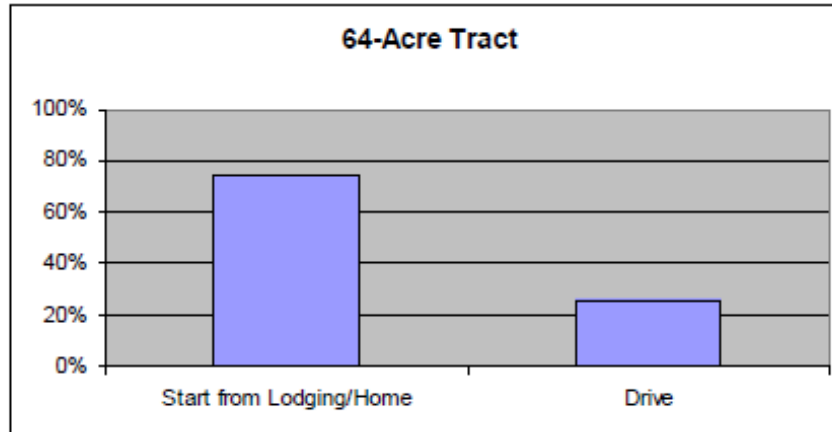
<sup>47</sup> As such, it is also reasonable to anticipate that the action alternatives would result in less-than-significant changes to the quality of recreation user experiences, because the alternatives improve, restore, or replace existing infrastructure in the study area that is compatible with its existing setting. The elevated highway realignment on an earthen embankment as part of Alternatives 1-4 would alter the visual and noise conditions of the study area, but the recreation character of the forest would not be significantly changed for dispersed recreation use. The No Action Alternative, Alternative 5 would have no impact on the quality of recreation user experience. (DEIR/EIS/EA, p. 4.13-22)

<sup>48</sup> Surveys collected on August 14th and 15th, 2013 found that the majority of trail users in this area are visitors or seasonal residents and that most of the trail users (65 percent) begin their trip at their home or lodging facility...(DEIR/EIS/EA, p. 4.13-14 and -15).

<sup>49</sup> Surveys collected on August 14th and 15th, 2013 found that the majority of trail users in this area are visitors or seasonal residents and that most of the trail users (65 percent) begin their trip at their home or lodging facility...(DEIR/EIS/EA, p. 4.13-14 and -15).

TCORP – Lake Tahoe Basin - Bike Trail Survey – July 2007  
 APPENDIX B  
 Graphic Results for Questions #2 and #4 for Selected Sites

Question 4: Did you start your trip from home or did you drive to the trail?



However, if a new bypass is added, this will bisect the now valued open space and recreation benefits of the 64-acre Tract. As a result, people may opt to visit (drive to) other less developed areas to recreate, thereby creating more vehicle trips. The DEIR/EIS/EA analysis also fails to assess recreation use off-trail, such as the dispersed uses within the forest, or along the river.<sup>50</sup>

*In summary, the DEIR/EIS/EA analysis of impacts to recreation access and experience is wholly inadequate. Recreation surveys must be conducted by an objective, experienced entity during both peak seasons (summer and winter) to assess baseline usage and to gather data upon which to evaluate impacts to user experience. Further, surveys need to assess whether the 70+% of recreation users who walk to the area from their homes or lodging locations will instead drive to recreate if the bypass is constructed. Such impacts to VMT and vehicle trips must be included in the revised transportation analysis.*

**Pedestrians and bicycle access during flooding events:**

Although the project descriptions for the bypass are unclear with regards to the east bank pedestrian/bike path, it appears the path-which will be relied upon to connect multi-model options from each side of the bypass<sup>51</sup> - may be located in an area that will be closed during flooding events<sup>52</sup> (which will increase due to climate change). It appears

<sup>50</sup> No data is available from the TCPUD surveys related to off-trail use, such as dispersed uses within the forest, along the river, or on the lakeshore. (DEIR/EIS/EA, p. 4.13-14 and -15).

<sup>51</sup> Multi-use trail connectivity on the 64-Acre Tract would be maintained for the Tahoe Rim Trail, Truckee River Trail, Lakeside/North Shore Trail, and West Shore Trail, with a grade-separated trail crossing beneath the new highway segment near the new Truckee River bridge (DEIR/EIS/EA, p. 4.13-19).

<sup>52</sup> Alternative 1 would relocate the bike path so that a portion of the bike path would cross under the proposed new bridge over the Truckee River on the east bank. Tahoe City Public Utility District (TCPUD) manages the bike paths within the project area and is responsible for closing all or portions of the bike path as necessary to protect public safety during high water events (Butterfield, pers. comm., 2014). Because

pedestrians and bicyclists would be required to cross the new bypass or walk to one of the roundabouts during flooding events. What are the recreational impacts of this change from existing conditions, where users can cross the area in any location?

*This is another impact to recreation, and safety, which must be analyzed in the EIR/EIS/EA.*

## VIII. Section 4(f) Requirements:

The EIR/EIS/EA notes: “Section 4(f) of the Department of Transportation Act of 1966 states that a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance can be approved only if there is no prudent and feasible alternative to using that land and if the program or project includes all possible planning to minimize harm resulting from the use to the park, recreation area, wildlife and waterfowl refuge, or historic site.” (DEIR/EIS/EA, p. 6-13). The DEIR/EIS/EA dismisses the underlined disclaimer through a lengthy Appendix which concludes the trails within the 64-acre Tract are not subject to this protection because they are considered jointly planned with this project,<sup>53</sup> and the impacts to adjacent trails are proposed as ‘de minimis’ under Section 4(f) provisions.<sup>54</sup>

This appendix documents the Federal Highway Administration’s (FHWA) intent to make a Section 4(f) de minimis use determination for the use of trails within the Tahoe City Public Utility District (TCPUD) multi-use trail system; a final de minimis determination will not be made until after public review of the environmental document. Also, included in this appendix is a discussion of other potential Section 4(f) properties evaluated relative to the requirements of Section 4(f), including a discussion of the 64 Acre Tract. (Appendix F, p. 1)

### **Exclusion of the trails on the 64-acre Tract:**

Although the project has been ‘listed’ in various plans for many years, no environmental analysis of the bypass, alternatives, and other impacts has been completed. The proposed project’s purpose and need have been expanded well beyond the original purpose and need for this project, and as noted, for the most part, no longer apply. It is therefore questionable that the recreation impacts to the 64-acre Tract can be excluded for this reason. The EIR/EIS/EA must clearly explain the justification for this exemption.

---

any potential flooding events would be the result of a controlled release of water from the Tahoe dam, and because access to the bike path would be closed by Tahoe City Public Utility District prior to any such release, the portions of the bike path within the 100 year flood zone would not expose users to a significant risk of injury or death from flood hazards. (DEIR/EIS/EA, p. 4.7-29)

<sup>53</sup> Because trails within the 64 Acre tract are considered jointly planned with the proposed project, trails within the 64 Acre Tract are not included in the acreage given for Section 4(f) use; however, in order to describe trail system connectivity issues, they are included in the text discussion here. (App. F, p. 2)

<sup>54</sup> As described in the Section 4(f) Report (Appendix F of this document), Federal Highway Administration (FHWA) finds that use of existing trails on the project site that are within the Tahoe City Public Utility District (TCPUD) multi-use trail system would be de minimis under Section 4(f) provisions. (DEIR/EIS/EA, p. 6-13).

**Proposed “de minimus” finding for adjacent recreation impacts:**

Section 4(f) of the Department of Transportation Act of 1966 codified in Federal law at 49 USC §303, declares that “[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that “[t]he Secretary [of Transportation] may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs which use land protected by section 4(f).

In general, a section 4(f) "use" occurs with a DOT-approved project or program when 1) section 4(f) land is permanently incorporated into a transportation facility; 2) when there is a temporary occupancy of section 4(f) land that is adverse in term of the section 4(f) preservationist purposes as determined by specified criteria (23 CFR §771.135[p][7]); and 3) when section 4(f) land is not incorporated into the transportation project, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under section 4(f) are substantially impaired (constructive use) 23 CFR § 771.135(p)(1) and (2).

Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This revision provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any 1 avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA’s final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17. (App. F, p. 2)

The DEIR/EIS/EA proposes a ‘*de minimus*’ finding for these impacts, however, the criteria for making this finding have not been met, as follows (note the same arguments apply to the 64-acre Tract area as well):

*Feasible and prudent avoidance alternative.*

- (1) A feasible and prudent avoidance alternative avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. In assessing the importance of protecting the Section 4(f) property, it is appropriate to consider the relative value of the resource to the preservation purpose of the statute.
- (2) An alternative is not feasible if it cannot be built as a matter of sound engineering judgment.

As Alternatives 6 and 6a can be built, those alternatives are feasible.

- (3) An alternative is not prudent if:
  - (i) It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
  - (ii) It results in unacceptable safety or operational problems;

The DEIR/EIS/EA concludes Alternatives 6 and 6a have a less than significant impact on Long Term access for emergency services,<sup>55</sup> therefore these alternatives do not result in ‘unacceptable safety’ problems. In addition, we reiterate that with regards to safe access for emergency vehicles, the proposed bypass in Alternatives 1-4 ends in *two lane* highways. Therefore, although emergency access may improve to and from the 64-acre Tract, other services will have to continue to drive down two-lane highways. In the larger picture, it is very unlikely that most emergency services will be confined to the 64-acre Tract compared to the entire West Shore.

In addition, we suggest there are alternatives available which have not been considered. For example, during an emergency situation such as a fire on West Shore, and given the documentation that the pedestrian signal across the highway next to Fanny Bridge is part of the reason for the congestion of traffic along S.R. 89 South, an option to improve flow in this limited area of congestion could include an officer being placed at the pedestrian signal and regulating the free-flowing crossing of the highway as needed for emergency vehicles.

The DEIR/EIS/EA also concludes that the long term operations impacts to public access and mobility are actually beneficial under Alternatives 6 and 6a.<sup>56</sup>

*In summary, alternatives 6 and 6a are both ‘prudent’ and therefore, the de minimus determination of Alternatives 1-4 is not justified. The EIR/EIS/EA must clearly disclose the justification for such conclusions.*

## IX. Greenhouse Gas (GHGs) Emissions

The DEIR/EIS/EA concludes the project will have a less-than-significant impact on GHG emissions, claiming it “would not result in an increase in GHG emissions relative to existing conditions.”<sup>57</sup> As noted in our comments on the transportation impacts, the conclusion that the project will not increase VMT or vehicle trips is not supported by

<sup>55</sup> “Impact 4.12-5. Long-term access for emergency services: Alternative 6...would be less than significant...Alternative 6a...would be less than significant.” (DEIR/EIS/EA 4.12-16)

<sup>56</sup> Impact 4.13-2. Long-term impacts on public access to the Truckee River, recreational trails, 64-Acre Tract, or Fanny Bridge area.

“...in the long-term Alternative 6 [and 6a] would result in increased public access, and thus, a beneficial impact. (DEIR/EIS/EA, p. 4.3-20)

Impact 4.15-6. Mobility and operations-related impacts.

“...implementation of Alternative 6 [and 6a] would result in a beneficial impact...” (DEIR/S.EA, p. 4.15-49)

<sup>57</sup> ENVIRONMENTAL EFFECTS OF THE PROJECT ALTERNATIVES

Impact 4.6-1. GHG emissions and consistency with the Regional Transportation Plan.

Implementation of the project alternatives would not result in an increase in VMT or associated mobile-source GHG emissions, and implementation of the action alternatives would be consistent with implementation of the RTP/SCS, which aims to achieve targets assigned by the RTAC for mobile-source GHGs. Also, construction-related GHG emissions would be less than significant for all the action alternatives. Implementation of the No Action Alternative (Alternative 5) would retain existing traffic conditions, including existing levels of congestion and traffic flow but would not result in an increase in GHG emissions relative to existing conditions. Therefore, this would be a less-than-significant impact. [Emphasis added] (DEIR/EIS/EA, p. 4.6-16)

evidence. In fact, available information indicates the project will *increase* traffic and VMT, which will *increase* GHG emissions. This was previously acknowledged by the TRPA/TMPO as noted in the 2008 Mobility 2030:

Projects included in the “increase” greenhouse gas emissions category are those that create capacity increases for motor vehicles. These capacity increases are still quite small, compared to those planned in larger, urban areas, but they create additional lane capacity for several thousand feet of roadway in order to alleviate reoccurring congestion at key points. [Emphasis added] (Regional Transportation Plan - Mobility 2030, FINAL August 27, 2008 p. 71-72)

**Figure 6.6. Regional Transportation Plan Project Strategies, Costs, and Greenhouse Gas Emission Effects**

<u>Project Strategies</u>	<u>Reduce GG</u>	<u>Increase GG</u>	<u>Unclear</u>	<u>Total</u>
U.S. 50 Bicycle and Pedestrian Improvement Project(s)	\$48,000,000			\$48,000,000
Kings Beach Commercial Core Improvement Project	\$50,000,000			\$50,000,000
State Route 89 Realignment Project		\$50,000,000		\$50,000,000
Tahoe City Transit Center	\$7,000,000			\$7,000,000
U.S. 50 Stateline Corridor Project			\$65,000,000	\$65,000,000
Waterborne			\$14,000,000	\$14,000,000

The document also states:

Exempt projects generally include projects that will not increase roadway capacity or VMT, safety improvements, maintenance of existing transit systems, such as bus replacement and the addition of bus shelters to be implemented in the Lake Tahoe Region. The following non-exempt projects have been identified for the Tahoe Region. [Emphasis added]

State Route 89/Fanny Bridge Community Revitalization Project – Scheduled for completion in 2018 this project addresses seasonal traffic congestion at the Tahoe City Wye in Placer County and the structural and seismic deficiencies of Fanny Bridge on the Truckee River. Fanny Bridge will be upgraded to provide improved pedestrian and bicycle safety with a new SR 89 alignment through the 64-acre United States Forest Service parcel located west of the existing State Route 89. (Mobility 2035. p. E-3)

As a result, the DEIR/EIS/EA fails to adequately analyze the impacts of increased GHGs from each alternative.

*After the transportation analysis has been revised to clearly identify the impacts of each alternative, the GHG emissions must be evaluated and clearly disclosed in the EIR/EIS/EA.*

## X. Utilities – Truckee River Interceptor (TRI) Line

The Tahoe-Truckee Sanitation Agency included four pages related to the potential environmental impacts of Alternatives 1-4 that the DEIR/EIS/EA needed to analyze (see App. B, Scoping Report, p. 118-123). Impacts and concerns include, but are not limited to, detailed information about the importance of maintenance of the line at all times, the challenges to preventing raw sewage from spilling into Lake Tahoe or the Truckee River, the impacts of placing the roundabout over existing manholes, the detrimental impacts associated with raising the highway up to ten feet on the river overpass, and possible impacts to the gravitational flow of the current system.

These are serious concerns for which the DEIR/EIS/EA utterly fails to respond to. The only apparent response appears to be the following in the Utilities Chapter, a section which includes minimal, generic discussion about contractors dealing with utilities:

Construction activities associated with the action alternatives include grading and other earthmoving activities. Realignment of the T-TSA TRI sewer line and modifications to the NSEF sewer export main is included as part of Alternatives 1 through 4 to accommodate the transportation improvements. Identification and location of all other known underground utility lines is a required standard condition of construction approvals. Therefore, construction contractors would be able to avoid potential conflicts with existing utility services. Thus, this impact would be less than significant for Alternatives 1, 2, 3, 4, 6, and 6a. There would be no impact under Alternative 5. (p. 4.12-9) [Emphasis added].

*The EIR/EIS/EA must assess and disclose the potential impacts identified by the Tahoe-Truckee Sanitation Agency.*

## XI. Noise Impacts

The EIR/EIS/EA notes that for the FHWA and Caltrans analysis, a substantial increase in noise occurs when the hourly estimated noise energy, or Leq<sup>58</sup>, is increased by 12 dB. The noise analysis in Appendix E estimates increases in traffic noise, noting none exceed this value, and therefore: “...no noise abatement measures were proposed at any locations in the project area.”<sup>59</sup> TRPA’s noise standards are based on the 24-hour noise

<sup>58</sup> “Equivalent Continuous Sound Level (Leq): Leq represents an average of the sound energy occurring over a specified period. In effect, Leq is the steady-state sound level containing the same acoustical energy as the time-varying sound that actually occurs during the same period. The 1-hour A-weighted equivalent sound level (Leq[h]) is the energy average of A-weighted sound levels occurring during a 1-hour period and is the basis for noise abatement criteria (NAC) used by Caltrans and Federal Highway Administration (FHWA).” (DEIR/EIS/EA, p. 4.10-4)

<sup>59</sup> “The build alternatives would create some noise level changes over No Build Alternative. The maximum increase associated with build alternatives would be 4.2 dB and 4.4 dB under Alternative 4 (2018), and Alternative 4 (2038), respectively, which is below the Caltrans definition of a substantial increase (12 dB). Based on the Protocol and relevant noise abatement criteria used by Caltrans and the Federal Highway Administration, no noise abatement measures were proposed at any locations in the project area. The proposed project would not expose any locations to a higher noise level under any of the build alternatives in 2018 and 2038, over the existing and the No-Build Alternative conditions. No noise abatement measures are evaluated in this report; therefore, preparation of a noise abatement decision report is not required.” (Appendix E, p. iii-iv).

energy standard (CNEL), where noise is weighed more heavily during typically sensitive hours (e.g. overnight).<sup>60</sup> The threshold for all receivers in the project area is 55 CNEL.

### **Noise studies based on inadequate traffic analysis:**

As noted, the EIR/EIS/EA erroneously concludes there will be no increase in traffic from the proposed bypass. This failure infects the noise analysis which relies heavily on traffic data. The EIR/EIS/EA must include a revised noise analysis based on appropriate traffic information.

### **TNM model not appropriate:**

Use of the TNM model<sup>61</sup> is insufficient to account for local site conditions, including weather, which can have a significant impact on acoustics. As noted in the *Technical Noise Supplement (TeNS) to the Traffic Noise Analysis Protocol*<sup>62</sup> (notably used to guide the Noise Study Report for the EIR/EIS/EA<sup>63</sup>), there are several limitations to the model:

#### **N-5420 Limitations**

Highways constructed along new alignments and profiles do not lend themselves to model calibration. The site before project construction does not include the new highway. Ambient noise levels are generated by typical community noises, such as surface street traffic, lawn mowers, air conditioners, barking dogs, etc. These are impossible to model.

Also, the site and source characteristics change substantially after the project, making model calibration meaningless, even if it were possible. Similarly, highway reconstruction projects which significantly alter alignments and profiles of an existing highway are also poor candidates for model calibration. [Emphasis added] (TeNS, Subsection N-5420).

#### **N-5430 Pertinent Site Conditions**

Group 2 - Site conditions that CANNOT be accounted for by the model, and are therefore ignored, even though they affect the local noise environment. They include but are not necessarily limited to:

- Pavement types and conditions. The model has no provisions to deal with these.
- A typical (or nontypical) vehicle noise populations. The California Vehicle Noise Emission Levels (Calveno) are statewide averages. Individual sites may have vehicle noise sources that deviate significantly from Calveno.
- Transparent shielding (noise transmission through material is significant: i.e. low transmission loss). Examples of this type of shielding are wood fences with shrinkage gaps (noise leaks), areas of heavy brush or trees.
- Reflections off nearby buildings and structures.
- Meteorological conditions. [Emphasis added]. (TeNS, Subsection N-5430).

<sup>60</sup> Community Noise Equivalent Level (CNEL) or Day-Evening-Night Level (Lden): Similar to Ldn, CNEL or Lden is the energy average of the A-weighted sound levels occurring over a 24-hour period, with a 10-dB penalty applied to A-weighted sound levels occurring during the nighttime hours between 10 p.m. and 7 a.m. and a 5-dB penalty applied to the A-weighted sound levels occurring during evening hours between 7 p.m. and 10 p.m. (DEIR/EIS/EA, p. 4.10-4)

<sup>61</sup> "CNEL or Day Evening Night (Lden) noise levels were predicted using TNM 2.5 for 2018 and 2038 No-Build and build alternatives:" (Appendix E, p. 119)

<sup>62</sup> <http://www.dot.ca.gov/hq/env/noise/index.htm>

<sup>63</sup> "A field noise study was conducted in accordance with recommended procedures in the Caltrans TeNS document (Caltrans 2009)" (Appendix E, p. 40);



Meteorology is one of the major problems in Group 2 site conditions. The effects of wind speed and direction on noise levels at a receiver can be substantial, even at relatively short distances from a highway. Since the prediction model does not take meteorology into consideration, noise measurements have to be taken under calm wind conditions. Section N-3600 discussed the criteria for calm winds. Any attempt to calibrate the model for a prevailing wind condition is only valid for that wind condition. Noise standards, however, are not linked to meteorology. [Emphasis added] (Caltrans Technical Noise Supplement, p. N-114)

### **Monitoring sites/calibration of model:**

Not only is the model inappropriate for use with realignment projects, but the extremely limited ‘measurements’ and sites used to calibrate the model are so minimal<sup>64</sup> that calibration is questionable.

First, the locations for the “long-term” measurement sites are both confined to the area in the immediate vicinity of the existing Wye (circled in yellow below). These two sites, neither of which are situated near the new bypass (LT-01 and -02), fail to provide information to calibrate the existing or future conditions in the area where the new bypass will be constructed. In fact, to say there were two “long-term” sites is misleading, since LT-01 represents measurements for just thirteen hours during one summer peak time period (and LT-02 is a similar site monitored in the winter months). That means the model - *which was used to forecast summer peak hour noise levels over twenty years into the future* – was calibrated based on just thirteen hours in one location. The analysis also relied on ‘modeled’ traffic values to fill in the other 11 hours, in essence using an estimated modeled value to calibrate a model. The point of calibrating a model is to use **measured** data to determine how well the model forecasts conditions. Further, the analysis includes no information regarding the other factors which may affect the traffic noise at this time.

---

<sup>64</sup> Five short-term (ST) noise measurement locations were selected to represent the major developed area within the project area along the existing portion of the project roadway segments. Two long-term (LT) measurement sites were selected to capture the diurnal traffic noise level pattern in the project area. The short-term measurement locations were selected to serve as representative modeling locations at noise sensitive areas. An additional 61 non-measurement locations were selected as modeling locations. In total, 67 receiver locations were modeled to represent the noise sensitive land uses in the project vicinity. The monitoring and modeled receiver locations are shown in Figure 5-1. (Appendix E, p. 39).



The wintertime traffic-related noise levels, which are shown to be higher than the summertime measurements (App. E, p. 50), are based on *one* 24-hour period in January 2014. No information is provided regarding the weather, or the adequacy of this time period to represent peak winter conditions. For example, peak traffic conditions in the winter tend to be associated with ski traffic, yet the time period (January 10-11, 2014) occurred when the snow pack was at less than 20% its average.<sup>65</sup> Ski resorts were struggling to make snow, opening very few runs, and visitation was down. This period also did not occur on a Holiday. This does not appear to represent the noise during **peak** winter traffic conditions.

Short term measurements were only taken for 15 minutes during one time period.<sup>66</sup> In addition, only one “short term measurement” (ST-05) site was located in the residential area that will be impacted by the new alignment. No evidence is provided to suggest the noise during this short period of time is indicative of noise levels year round and under variable conditions.

***The EIR/EIS/EA must include substantial noise measurements during both summer and winter peak times, for at least 24-hour periods, at least four times per season.***

<sup>65</sup> <http://sacramento.cbslocal.com/2014/01/03/sierra-snow-survey-20-percent-january-2013/>

<sup>66</sup> Five short term (15-minute) noise measurements were conducted at representative receiver sites, classified as Activity Categories B, C, and E within the project area, on Thursday and Friday, July 5 and July 6, 2012, between 7:00 a.m. and 6:30 p.m. when traffic was free-flowing. (Appendix E, p. 40).

*Noise impacts to humans and wildlife will be permanent, and must not be taken lightly or dismissed. Impacts must be evaluated with regards to topography/slope to receptor, weather conditions, highway conditions (e.g. if chains are required, there will be more noise), and other factors affecting how noise travels and impacts humans and wildlife. Noise monitoring (not modeling) must to include the residential areas adjacent to the new bypass and the impacts to the 64-acre Tract.*

## **XII. Cumulative Impacts**

### **VMT and Vehicle Trips:**

The EIR/EIS/EA fails to evaluate and disclose the cumulative transportation-related impacts of the project. Instead, the EIR/EIS/EA attempts to tier from the 2012 RTP/SCS EIR/EIS.<sup>67</sup> Yet the RTP/SCS EIR/EIS simply listed the project. No detailed information was provided regarding the potential impacts of the Fanny Bridge project. In other words, there was no cumulative analysis of the project, or its impacts taken collectively with other reasonably foreseeable projects. The DEIR/EIS/EA cannot tier from an analysis that does not exist.

The DEIR/EIS/EA inappropriately relies on one mitigation measure in the RPU/RTP to conclude there will be no cumulatively significant impacts on VMT:

Because the SR 89/Fanny Bridge Community Revitalization Project is included within the traffic analysis in the Regional Plan Update and this analysis, the project would contribute to a cumulatively significant impact, before consideration of mitigation. TRPA adopted Mitigation Measure 3.3-3: Implement Additional VMT Reduction, in response to the shortfall in reaching the VMT reduction goal. Under this mitigation measure, TRPA developed a program for the phased release of land use allocations, followed by monitoring and forecasting of actual roadway traffic counts and VMT. New development allocations will be authorized for release by the TRPA Governing Board every four years, beginning with the approval of the Regional Plan in 2012. Approval of the release of allocations is contingent upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard will be maintained over the subsequent four-year period. This mitigation measure was established as TRPA Code Section 50.4.3. As a result of this requirement, the project would not contribute to a cumulatively significant impact. (DEIR/EIS/EA, p. 5-7)

First, this conclusion is not supported for the reasons stated below regarding the VMT per capita assessment. Second, the noted mitigation measure does little to ensure mitigation of VMT. The RPU contains numerous loopholes and allowances that allow existing

---

<sup>67</sup> TRPA and the Tahoe Metropolitan Planning Organization (TMPO) prepared a program EIR/EIS for the environmental review and approval of the Lake Tahoe Regional Transportation Plan (RTP, also known as *Mobility 2035*) and Sustainable Communities Strategy (SCS, for the California portion of the Lake Tahoe Region) (TMPO and TRPA 2012). This program-level document provides a regional consideration of cumulative effects and includes broad policy alternatives and program mitigation measures that are equally broad in scope. Because the approved RTP/SCS EIR/EIS includes the proposed SR 89/Fanny Bridge Community Revitalization Project, some of its environmental effects, including cumulative effects, have been considered at the program level. Thus, this EIR/EIS/EA incorporates the RTP/SCS EIR/EIS by reference. It is available for review on the TMPO's webpage (<http://tahoempo.org/Mobility2035/>) and summarized in this document, where appropriate. (DEIR/EIS/EA, p. 4-2).

development to be transferred and converted to/from CFA, TAUs, ERUs, etc.<sup>68</sup>, morphed into larger sizes<sup>69</sup>, doubled, tripled, and in some cases allowed to make six times the development footprint from certain transfers<sup>70</sup> - *all without requiring new allocations*. Thus, limiting the release of “new” allocations will have minimal impacts compared to the extensive increases in development that are already allowed through regulations associated with existing development. In addition, as noted in our comments on the DEIS and FEIS for the RPU, TRPA has failed to determine how it will reduce VMT to achieve the threshold for over twenty-five years; the RPU and RTP contain no additional measures for reducing VMT other than the phased release of new allocations (which as noted, does not account for the transfers/conversions/morphing allowed by the RPU).

In addition, as Caltrans traffic counts show, the existing infrastructure has accommodated thousands more Average Daily Vehicles in the past; *nothing has been changed to reduce the capacity that already exists*. Other factors, such as economic changes, weather related changes, the deterrence due to peak hour congestion on S.R. 89, and population changes have impacted the AADV. The RPU already calls for significant increases in local residential populations for the Basin,<sup>71</sup> and the RPU’s strategies increase the size of TAUs (thereby allowing more visitors per unit),<sup>72</sup> allow more conversions, and increase resort development through the inclusion of new Resort Recreation District rezoning<sup>73</sup> will result in more visitors. The RTP’s own estimates show that over 90% of Tahoe’s visitors drive here.<sup>74</sup> These increases in residents and visitors could alone bring the AADV levels back to their highest amounts (mid-1990’s) without any changes to existing infrastructure. Increasing the capacity of S.R. 89 will only allow for *even more* vehicles on the highway. The DEIR/EIS/EA fails to analyze this potential impact, and includes no proposed safeguards to mitigate future congestion facilitated by the project. As noted in NOP comments by the League to Save Lake Tahoe (LTSLT) and Tahoe Area Sierra Club (TASC), “...*the project must have safeguards in place to mitigate any future congestion facilitated by the project, and thus must include the current maximum worst-case traffic scenario.*” (1/30/2012).

*The Final EIR/EIS/EA must include this analysis and sufficient mitigation measures for the increased VMT.*

### **VMT per capita:**

The DEIR/EIS/EA relies on the RTP/SCS to conclude no ‘considerable contribution to a significant cumulative impact’ for VMT per capita.<sup>75</sup> However, the RTP/SCS includes no specific information about the impacts of this project, and the DEIR/EIS/EA does not

<sup>68</sup> Code of Ordinances, Chapter 50

<sup>69</sup> Code of Ordinances, Chapter 51, Section 51.5.2.K.2

<sup>70</sup> Code of Ordinances, Chapter 30, see TABLE 30.4.4-1: TRANSFER RATIOS

<sup>71</sup> See TRPA RPU DEIS, p. 3.3-29, Table 3.3-8. Population Totals for 2020 and 2035 for Project Alternatives

<sup>72</sup> See Code of Ordinances, Chapter 50, Section 50.10

<sup>73</sup> See TRPA RPU FEIS, Volume 1, p. 2-3, Section 2.2.3, Resort Recreation Designation

<sup>74</sup> Mobility 2030: Transportation Monitoring Program 2010 (TRPA 2010, pp. 12-14); also, RTP/SCS DEIR/S, p. 3.3-9

<sup>75</sup> Under the adopted RTP/SCS, VMT per capita would decrease. Thus, the project’s contribution to any change in VMT per capita would not result in a considerable contribution to a significant cumulative impact. (DEIR/EIS/EA, p. 5-4)

analyze the potential increases in VMT per capita because the EIR/EIS/EA has made the erroneous claim that the project will not result in increased vehicle trips or VMT. Until this error is corrected and an adequate analysis is performed, there is no evidence upon which to conclude the Fanny Bridge/SR 89 project will not generate cumulative impacts on VMT per capita. Further, there is no evidence presented regarding the cumulative “benefits” (or rather, reductions in VMT per capita) due to the changes in pedestrian and biking infrastructure. In fact, as noted in our comments on the recreation section, there is a significant gap in the DEIR/EIS/EA’s analysis of impacts to recreation (and therefore, pedestrians and bicyclists) for the proposed alternatives which include the bypass. As a result, there is no information suggesting anyone will be more apt to get out of their vehicle to walk or bike under Alternatives 1-4 compared to existing conditions or Alternatives 6 and 6A.

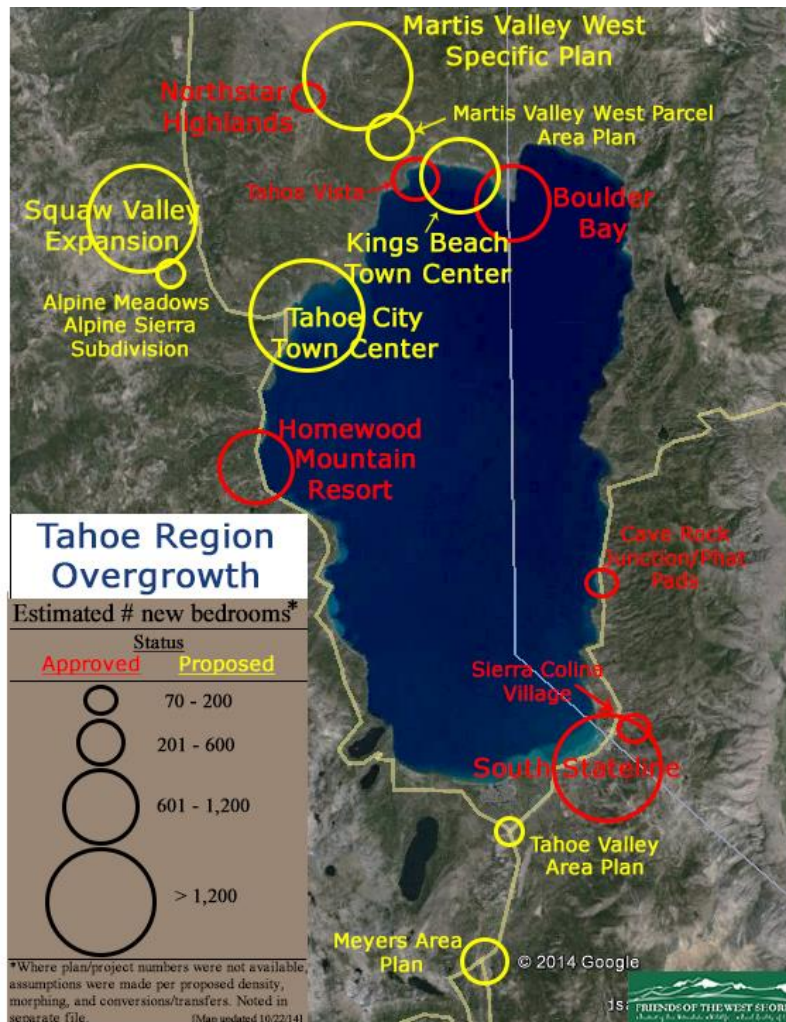
*The Final DEIR/EIS/EA must adequately analyze the impacts of the increased trip generation/induced travel, as well as the impact of the alternatives on non-motorized use, both on Fanny Bridge and through the 64-acre Tract recreation area.*

#### **Cumulative impacts of reasonably foreseeable projects:**

The cumulative impacts section fails to analyze the impacts of reasonably foreseeable projects. Simply listing the projects<sup>76</sup> does not provide a substitute for analyzing their potential cumulative impacts. Even at a rough scale, one can estimate the potential increases in traffic from new (or redeveloped/expanded) units in and around the project area. For example, the following map estimates the potential new bedrooms in the region from approved/not-yet-built and proposed projects and plans:

---

<sup>76</sup> The following discussion addresses the cumulative impacts associated with implementation of the project alternatives in combination with other past, present, and reasonably foreseeable related projects. The cumulative impacts described below are limited to those significant environmental impacts that would occur related to implementation of one or more of the alternatives evaluated in this EIR/EIS and that were not otherwise previously analyzed in the RTP/SCS EIR/EIS (see Section 5.1.4). Impacts determined to result in less-than-significant or beneficial impacts were determined to not have the potential to result in an incremental contribution to a significant cumulative impact. Thus, resources sections that are not discussed below consist of: air quality; geology, soils, land capability, and coverage; greenhouse gas and climate change; hydrology and water quality; land use; and public services and utilities. (DEIR/EIS/EA, p. 5-7).



As the regional planning agency for Lake Tahoe, the TRPA should, at a minimum, have the information available to estimate potential increases in traffic. Further, as the RPU/RTP’s mitigation for VMT and LOS impacts is only tied to *new* development allocations, the impacts of transfers, conversions, and morphing of existing uses must be evaluated. Notably, the new bedrooms in the estimated map above are tied to potential land use changes (discussed above), not new allocations. For example, Placer County is currently pursuing the purchase of 93 hotel rooms (TAUs) in South Shore, which would be converted into 279 hotel rooms in Placer County<sup>77</sup> – a net increase of 186 hotel rooms (TAUs) that do not require new allocations from TRPA, meaning they are not subject to the mitigation measure in the RPU/RTP. Such a transfer would also move traffic from the South Shore area to Tahoe City- another factor which must be addressed in the transportation analysis.

*The EIR/EIS/EA must examine and disclose the cumulative impacts of reasonably foreseeable developments in the local and regional area.*

<sup>77</sup> <http://www.bizjournals.com/sacramento/news/2014/12/11/potential-hotel-development-swap-causing-ire.html?page=all>