



Placer County, Environmental Coordination Services
Attn: Maywan Krach
3091 County Center Drive, Ste. 190
Auburn, CA 95603

August 15, 2014

Tahoe Regional Planning Agency
Attn: Brandy McMahon
128 Market Street
Stateline, NV 89449

Subject: Tahoe Basin Community/Area Plan Notice of Preparation

Dear Ms. Krach and Ms. McMahon:

The Friends of the West Shore (FOWS) and Tahoe Area Sierra Club (TASC) appreciate the opportunity to provide comments regarding the Placer County Tahoe Basin Community/Area Plan¹ (TBCP) Notice of Preparation (NOP). We are extremely concerned with the environmental and community impacts of the proposed TBCP's proposals/plans, including but not limited to the proposed changes in zoning related to allowing areas of higher density, the conversion of Commercial Floor Area (CFA) to Tourist Accommodation Units (TAUs), proposals to convert the zoning of three recreational areas and two residential areas to mixed use (in addition to mixed use changes applied by the TRPA RPU), and the intent and impacts of the "Opportunity Sites" (aka Catalyst or Incentive Project sites). In addition, the proposed TBCP appears to be another example of an effort to add more massive buildings to Tahoe's North and West Shore areas before anyone knows what is contributing to the algae attack on our nearshore - an issue raised again yesterday by Tahoe's most esteemed researchers.²

Further, we are also extremely concerned with the lack of sufficient project detail in the NOP. As noted by members of TRPA's Regional Plan Implementation Committee on 7/23, it is impossible for the public to adequately comment on the scoping for a project when the project description is incomplete and when no Area Plan has been proposed and critical details about the Area Plan are lacking. **We echo the requests made by others to extend the scoping period to allow the public at least 30 days to comment after the draft area plans are released** (currently scheduled for late August³). An inadequate project description fails to meet the requirements of CEQA Guidelines §15082(a)(1).⁴

We have provided extensive comments related to the draft Framework and draft Policy document for the TBCP; however we do not see any adjustments or considerations in the NOP to address our comments. We ask Placer County to address all public comments immediately (our

¹ As the document serves for the scoping of Placer County's Community Plan, and the Area Plan for TRPA, we have included both but will reference the Tahoe Basin Community Plan (TBCP) hereafter.

² As presented by Dr. Geoff Schladow at the Tahoe Environmental Research Center on 8/14 regarding the data summarized in the 2014 State of the Lake Report.

³ We appreciate the NOP will be re-scoped after the draft Area Plans are released, according to staff on 8/13.

⁴ Guideline 15082(a)(1): "The notice of preparation shall provide the responsible and trustee agencies and the Office of Planning and Research with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response."

previous comments are attached). Our comments on the Framework and the Policy Document address the policies used to develop the project description for scoping; it is inexcusable to ignore public comments which directly relate to the proposed project. In addition, until communities have the opportunity to truly assess what is sustainable for our areas (more details below), the agencies should not be adding unsustainable resorts and large developments.

Detailed comments follow below, and we also herein incorporate all comments submitted by Ellie Waller and the North Tahoe Preservation Alliance. We will provide further comments when the draft area plan language is released and the TBCP is re-scoped. Please feel free to contact Jennifer Quashnick at 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



Laurel Ames
Conservation Chair,
Tahoe Area Sierra Club

Attachments* (30 files):

1. Six documents pertaining to identified faults along the West Shore [1-6]
2. FOWS Comments on the draft TBCP Framework (2/1/2014) [7]
3. FOWS Comments on the draft TBCP Policy Document (6/23/2014) [8]
4. FOWS Comments to OPR (& 2 related attachments) (June 2014) [9-11]
5. Placer County re: public beach access in Homewood (1975; 2 files) [12-13]
6. FOWS & TASC Comments on Proposed Ferry project NOP (January 2014) [14]
7. FOWS & TASC comments to HRA WG (March and July 2014 & 2 attachments – Taylor 2002 and Map; 4 files) [15-18]
8. FOWS & TASC comments to Lahontan WB on Nearshore (March 2014) [19]
9. TASC Comments on Homewood NOP (2011) [20]
10. TASC Comments on Boulder Bay NOP (2008) [21]
11. TASC Comments on Boulder Bay DEIS and FEIS (2010; 2 files) [22-23]
12. TASC Comments on MVWP AP NOP (April 2014) [24]
13. NTCAA comments on CalPeco DEIR/DEIR/DEIS (2/14/2014) [25]
14. NTCAA –Exhibit B: “Assessment of the Proposed 625 & 650 Electrical Line Upgrade Project” By Thomas A. Besich, Electric Utility Power Engineer (April 28, 2014) and response to Scheuerman Report (2 files). [26-27]
15. “Dangerous Developments.” 2007. Sierra Nevada Alliance. [28]
16. 9/25/2008 letter from TASC discussing the GHG emissions from motorized boats versus on-road vehicles [29]
17. CA Lake Tahoe Water Rights Accessed 8.8.2014 [30]

* Other documents referenced via web addresses throughout these NOP comments are also herein incorporated as part of these comments; links are provided for ease of access, where possible.

Lack of Adequate Project Description:

The project description states:

The Placer County Tahoe Basin Community Plan is being developed to implement the 2012 Regional Plan; it consolidates the plans, maps, and ordinances into community vision statements and guiding principles, a policy document, an updated land use diagram, a zoning district map, and four implementing area plans.

In addition, the Community Plan components on p. 6 note:

The proposed Placer County Tahoe Basin Community Plan is comprised of the following: community vision statements and guiding principles; a policy document; four area plans; and a land use diagram and zoning district map. [Emphasis added].

We appreciate staff's agreement to re-scope the NOP once the draft Area Plans are available, as stated at the 8/13/14 Advisory Planning Commission. We have retained our comments on the project description (below) to assist in the future second NOP.

The area plans are not yet available for public review, and will not be released until weeks after the deadline for public comment on this NOP. In addition, the NOP includes a regional scale map of land use, maps specific to density proposals in Tahoe City and Kings Beach, and more, but no maps which identify the zoning districts for the entire TBCP.

The *California Office of Planning and Research, Public Notice and Land Use Planning: an Overview*⁵ states:

The minimum content requirements for an NOP include (CEQA Guidelines §15082(a)(1)):

- Description of the project;
- Location of the project indicated on an attached map (preferably a topographical map), or by a street address in an urbanized area;
- Salient environmental issues; and
- Probable environmental effects of the project.

The project description, location, and the potential environmental effects are contained in the attached materials.

The *California State Clearinghouse Handbook*⁶ recommends:

The project description provided in the NOP should be complete enough to give reviewers sufficient information to make meaningful comments. Even though a map is not required in all cases, provision of a good site map and vicinity map is strongly encouraged. The mapping should show the site in a context broad enough to indicate the area to be affected by the project, including rivers, airports, schools, railways, and highways. The Initial Study, if one has been done, should be included to show the probable environmental effects of the project.

Without the draft subarea plans, it is impossible for the public to make meaningful comments regarding the scoping for those areas. Further, no Initial Study has been attached, and there is

⁵ http://ceres.ca.gov/planning/pub_notice/part3.html

⁶ http://ceres.ca.gov/planning/sch/sch_1.html;

little, if any, discussion of probable environmental impacts. Rather, the NOP generally restates the EIR/S will examine impacts to each natural resource or area. Apparently the public must guess at possible effects in order to comment upon them. Also, the NOP makes no mention of Lake Tahoe's declining nearshore conditions, nor includes any discussion of the need to analyze the proposed project's impacts on nearshore conditions, specifically. References to the TMDL are insufficient, as the TMDL only addresses mid-lake clarity.

More confusion in Planning Documents:

As stated in our Framework and Policy Document comments, Placer County needs to clarify the various planning policies and terms. The following list is repeated from our previous letter with some additions. In order for Placer County to truly engage and represent the public, the County needs to lay information out in a way that the public can understand and provide feedback.

The NOP must clarify exactly what will be defined as an Area Plan meeting TRPA's Code Section 13, provide a description of what the Area Plan's boundaries will be, etc., and define and clarify confusing terms. The NOP must clarify the differences among the following terms, supported by references:

- Area Plans
- "Plan Areas"
- Community Plans
- Plan Area Statements (TRPA)
- General Plans (CA requirement)
- Community Plan Policy Framework
- Sub-areas
- Community Plan Policy Document
- Development Code

In addition, it is simply not known how the NOP proposes to address the unique characteristics among different communities in the Placer County portion of the Basin, because the draft plans for those areas are not yet available to the public.

Further, the Project Location (p. 1) confusingly refers to "sub-areas," with no clear sense of how these sub-planning areas figure into TRPA's planning process:

The Placer County Tahoe Basin Community Plan area includes "sub-planning areas" identified for the purpose of creating four separate area plans, which are plans consisting of maps, permissible uses, development standards, and other information that are prepared by public agencies for specific geographic areas for purposes of implementing the 2012 Regional Plan. The sub-planning areas reflect four unique communities within the Tahoe Basin portion of Placer County (Exhibit 1). The four sub-planning areas include: [Emphasis added]

At the July 23, 2014 TRPA GB hearing, questions regarding community versus area plans were raised. TRPA staff (John Marshall) incoherently stated that for Placer, these subareas are "small a's," the "Community Plan is what TRPA considers to be four subareas," but "the Area Plan for TRPA's purposes is *the* Community Plan." After three major documents have been released for public review (draft Framework, draft Policy Document, and NOP), multiple Placer County workshops and Town Hall meetings, and several TRPA GB and RPIC hearings, the public has still not received a clear answer

regarding what the boundaries of the RPU-based Area Plans will actually be, or whether there will be one large Area Plan or four smaller Area Plans.

It was also stated during the GB hearing that the alternatives for the EIR/S will be based on a “mixture of the community plan and specific direction of the four subareas.” Yet the public has not been provided with the draft document which would show the specific direction of the four subareas, or four Area Plans, or whatever the agencies eventually decide to call them. Further, the proposed zoning district map for Placer County’s Community Plan has not been provided. The failure to provide the four Area Plans and the proposed zoning district information is yet another example of the insufficiency of the project description in the NOP.

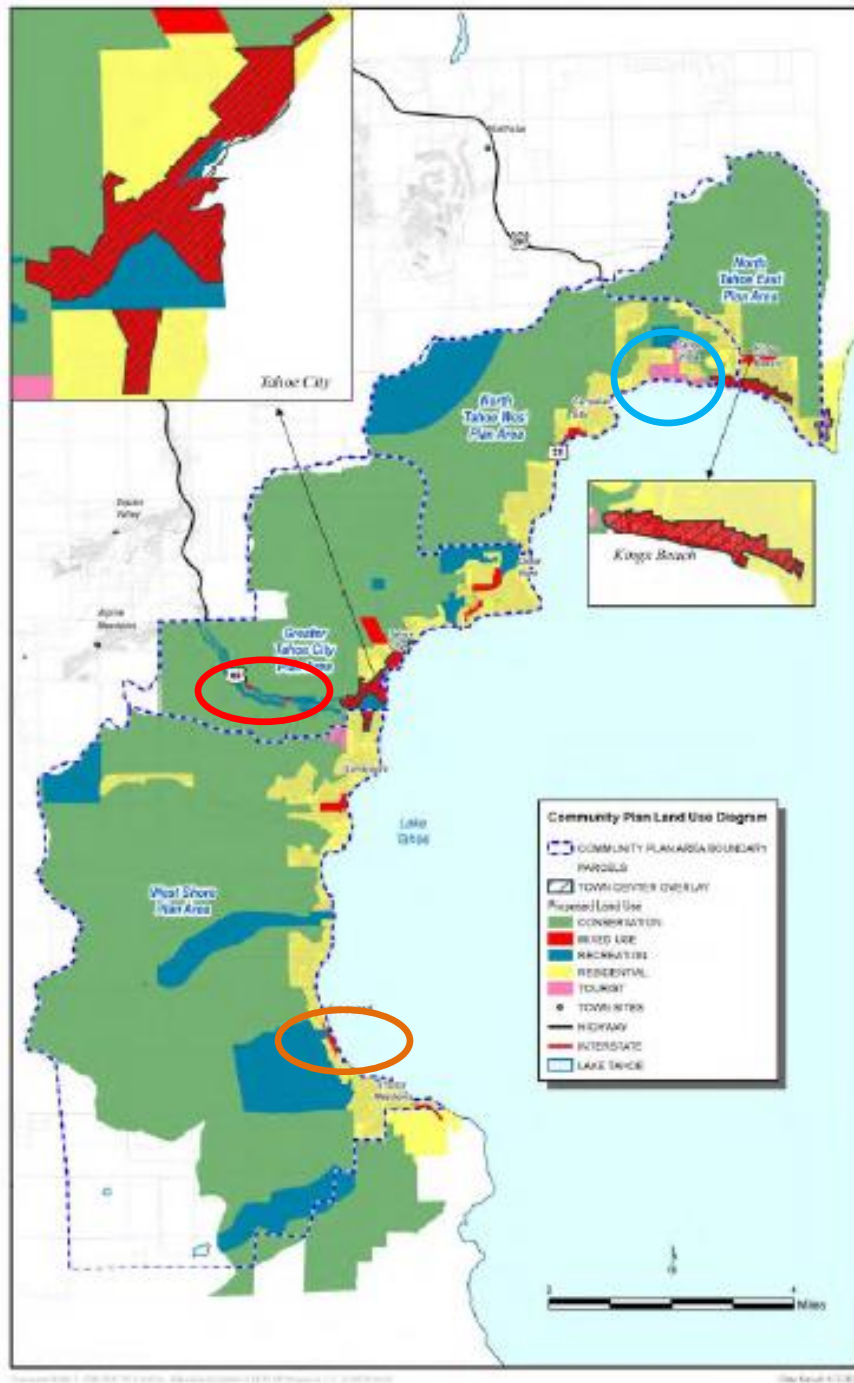
The relationship to the proposed Martis Valley West Parcel Area Plan is also confusing. The proposed map in Exhibit 1 does not separate the Martis Valley West Parcel Area Plan from the TBCP, which TRPA confirmed during the 7/23/14 GB hearing and noted that it is “not a component of” the [TBCP], although they are dealing with the same geographic area. The project description must clearly delineate the boundaries of the proposed CP/AP, the individual sub-areas, and adjacent proposed Area Plans. If the two draft Area Plans are set to analyze the exact same acreage, then this must clearly be explained to the public, along with a chronology of the processes. If the MVWP AP is being separated from the TBCP, then the map and description must clearly reflect this. We also note that the North Tahoe West Plan Area includes the recreation-zoned portion of Northstar-owned land in the Basin (blue swath in Exhibit 7, p. 15 of the NOP) which lies roughly east of the proposed MVWP AP. As the NOP fails to include the draft area plans, it is unclear whether changes are being considered for the recreation-zoned parcel as well. Given the adjacent proposed rezone to resort recreation in the proposed MVWP AP, a ski area expansion with new lifts (allowed in recreation-zoned areas) and new base development (not allowed in recreation-zoned areas) is a reasonably foreseeable impact in this area plan, and the potential must be studied in the EIR/S.

Finally, the NOP suggests consistency with the RPU,^{7,8} yet a comparison of Exhibit 7 to the RPU’s December 2012 “Conceptual Regional Land Use” map reveals several differences that do not conform with the RPU. These changes (we have circled color-coded examples below), including the rezoning of the RPU’s ‘tourist’ areas to ‘mixed use’ areas (e.g. in Homewood, Tahoe Vista), would dictate significantly different allowable land uses in these areas, and should be highlighted.

⁷ “The proposed land use designation changes described above would amend the 2012 Regional Plan, Map 1, *Conceptual Regional Land Use Map*. The proposed Placer County Tahoe Basin Community Plan Land Use Diagram (Exhibit 7) incorporates the proposed amendments, but is otherwise consistent with the 2012 Regional Plan, Map 1, *Conceptual Regional Land Use Map*.” (p. 13).

⁸ Note that throughout these comments we often refer only to the RPU EIS; however, our comments apply to the RPU EIS and RTP EIR/S.

Exhibit 7 in NOP:

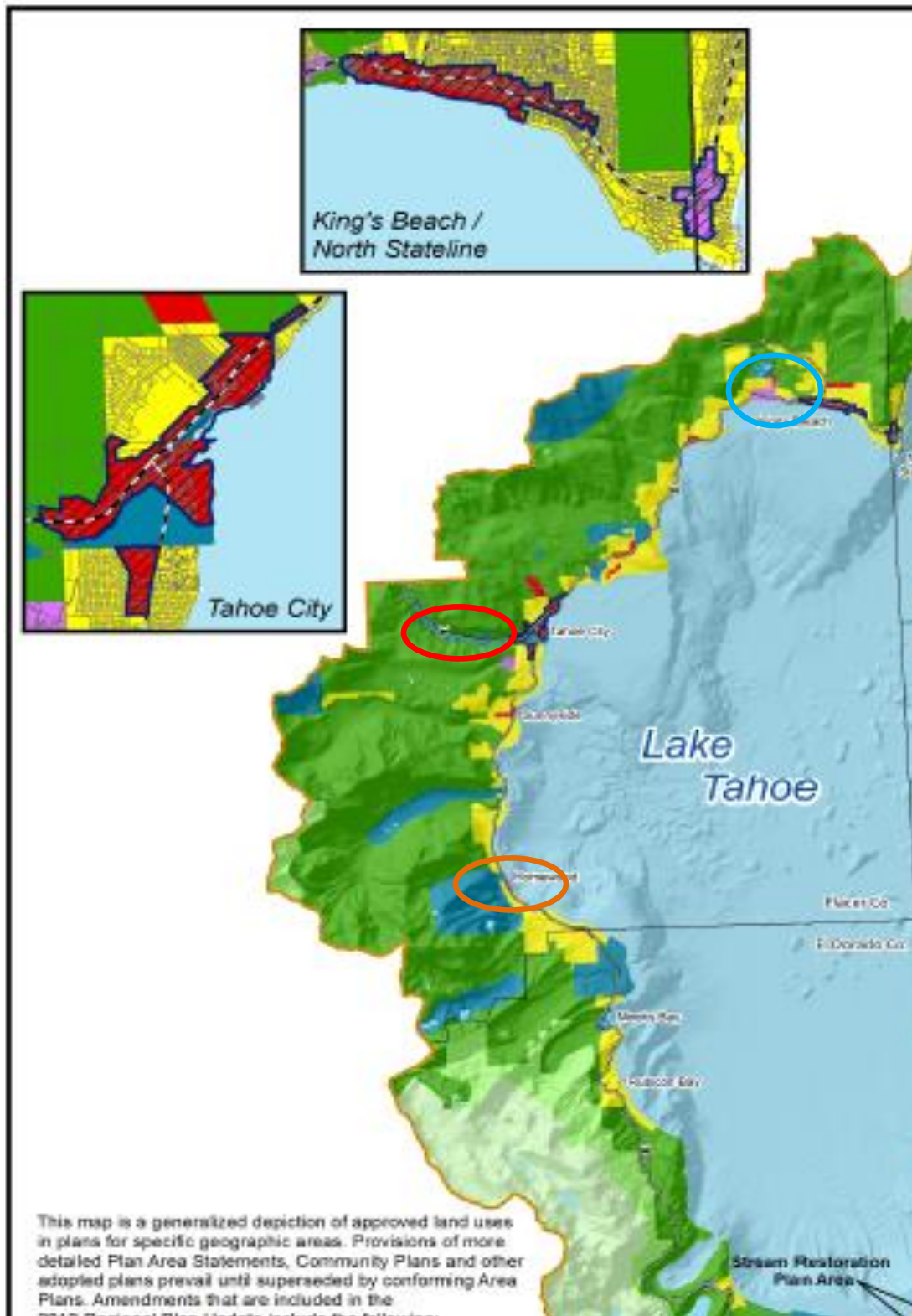


Source: Received from Placer County in 2014

Exhibit 7

Proposed Land Use Diagram

TRPA December 12, 2012 “Conceptual Regional Land Use Map:”



Planning Teams:

We note that members of the various Planning Teams (noted on Placer's website) have made multiple requests that Placer County meet with them first to review the draft plans to ensure the proposals comport with the planning teams' recommendations. We have heard meetings have been scheduled for late August and early September, and note yet again these meetings are after the close of the public comment period on this NOP. The draft Vision statements available online do not provide substitutes for the draft Area Plans/sub-area plans. In fact, Placer County and TRPA have failed to answer the public's concerns over whether the Visions for Tahoe City and Kings Beach, which are available, reflect the Vision Statements of their respective Planning Teams. We also note a previous Vision put together by the North Lake Tahoe Resort Association and North Tahoe Public Utilities District in September 2012⁹ reflects substantially more growth than the RPU analyzed, and many community members did not agree with what was envisioned.

Urban Areas and Urban Sprawl:

The TBCP's increases in development, including proposals to encourage mixed use and other growth outside of the Town Centers, promotes urban sprawl in violation of California's goals to promote reduce urban sprawl and promote infill. The following goals are summarized in the California Governor's Office of Planning and Research (OPR) General Plan Guidelines (2003)¹⁰:

“Sustainable Development goals and policies include the following:

- Promote compact, walkable mixed-use development.
- Promote infill development.
- Restore urban and town centers.
- Limit non-contiguous (leapfrog) development.
- Promote transit-oriented development.

Protect open space and working landscapes.

- Conserve prime agricultural lands.
- Conserve lands of scenic and recreational value.
- Use open space to define urban communities.

Protect environmentally sensitive lands.

- Conserve natural habitat lands.
- Preserve habitat connectivity.
- Minimize impact to watershed functions, including water quality and natural floodways.
- Avoid natural hazards.” (p. 20).

⁹ <http://friendswestshore.org/wordpress/wp-content/uploads/2012/08/TC-vision-charrette-2.pdf>

¹⁰

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fopr.ca.gov%2Fdocs%2FGeneral_Plan_Guidelines_2003.pdf&ei=TvzaU4qDMKma8QHa7oD4Cw&usg=AFQjCNF8WV8gMpKvyZsNFu9C9CDbT5cqs3Q&sig2=njrskwh2tv4tkRT34fKHEA&bvm=bv.72197243.d.b2U&cad=rja

The TBCP also applies urban development concepts, yet includes no definition of what qualifies as an urban area. Related definitions included in the glossary of the OPR's Guidelines include:

Urban: Of, relating to, characteristic of, or constituting a city. Urban areas are generally characterized by moderate and higher density residential development (i.e., three or more dwelling units per acre), commercial development, and industrial development, and the availability of public services required for that development, specifically central water and sewer, an extensive road network, public transit, and other such services (e.g., safety and emergency response). Development not providing such services may be "non-urban" or "rural." (See "Urban Land Use.") CEQA defines "urbanized area" as an area that has a population density of at least 1,000 persons per square mile (Public Resources Code §21080.14(b)).

Urban Sprawl: Haphazard growth or outward extension of a city resulting from uncontrolled or poorly managed development.

The California Public Resources Code Section 21094.5 defines an "urban area" as:¹¹

- (5) "Urban area" includes either an incorporated city or an unincorporated area that is completely surrounded by one or more \incorporated cities that meets both of the following criteria:
- (A) The population of the unincorporated area and the population of the surrounding incorporated cities equal a population of 100,000 or more.
 - (B) The population density of the unincorporated area is equal to, or greater than, the population density of the surrounding cities.

In more general terms, Wikipedia¹² defines urban sprawl as:

"Urban sprawl or **suburban sprawl** describes the expansion of human populations away from central urban areas into previously remote and rural areas, particularly resulting in low-density communities reliant upon heavy automobile usage..." [Emphasis added].

In summary, it does not appear any area within the Tahoe Basin qualifies as "urban," according to California state definitions. The EIR/S must analyze an alternative which plans appropriately-scaled development for rural areas.

The proposed TBCP also appears contrary to the RPU's goals and policies, which state "Since the development permitted under this plan is generally limited to the existing urban boundaries in which uses have already been established, the concept of this land use plan is directed toward encouraging infill and redirection." (TRPA Goals & Policies, p. 2-12). [Emphasis added]. We note the California Public Resources Code Section 21061.3 defines "infill" as:¹³

- 21061.3. "Infill site" means a site in an urbanized area that meets either of the following criteria:
- (a) The site has not been previously developed for urban uses and both of the following apply:
 - (1) The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.
 - (2) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

¹¹ <http://law.onecle.com/california/public-resources/21094.5.html>

¹² http://en.wikipedia.org/wiki/Urban_sprawl

¹³ <http://law.onecle.com/california/public-resources/21061.3.html>

(b) The site has been previously developed for qualified urban uses.

We generally support the concept of smart growth for dense, populated urban areas (where appropriate); however, as noted in FOWS's attached comments to the California OPR,¹⁴ communities in the Lake Tahoe Basin, and especially the rural communities along the West Shore, are not 'urban' by any sense of the definition, and the mixed use concepts applied by CA to large urban areas, and applied by TRPA's RPU, are not appropriate for the West Shore, nor the entire Tahoe Basin.¹⁵ Placing substantial new development in nonurban areas is not 'infill,' and expanding the uses allowed outside of the more concentrated Town Centers equates to encouraging sprawl. The proposed TBCP exacerbates this conflict by proposing to expand the uses allowed in existing recreation and residential areas (beyond the changes made by the RPU), allowing the conversion of CFA to TAUs, increasing the amount of higher-density development, and proposing other changes described in the previous draft Tahoe Basin Community Plan Policy Document (e.g. the rezone of recreation and/or tourist areas to 'mixed use'). We remind Placer County that regardless of the status of the challenge of TRPA's RPU, the TRPA has stated that local governments can choose less development than what is allowed by the 2012 RPU. We urge Placer County to consider the true nature of the Tahoe Basin and include alternatives which protect our environment and rural communities.

Project Objectives:

The NOP includes a list of twelve project objectives. We have numerous concerns:

1. The list of objectives fails to include the achievement and maintenance of the TRPA thresholds, yet this is the primary objective of the TRPA's Regional Plan, per the TRPA Compact – and this Area Plan will become an amendment to the Regional Plan (RPU Code Section 13). The lack of focus on the thresholds throughout all of Placer's documents is of great concern, coupled with the proposals to allow even more development than the RPU's already urbanizing approach.
2. The list of objectives is so narrowly defined and limited to the TRPA's 'urban' approach that it precludes a transparent and meaningful consideration of an adequate range of alternatives. For example, objective 6 notes:

Allow for the redevelopment of higher and better uses within the town centers of Kings Beach and Tahoe City with an emphasis on mixed-use and pedestrian-oriented uses to foster revitalization.¹⁶ (p. 5).

In order to meet this objective, only "higher" buildings (which appear to be presumed 'better' by Placer County) can be considered. Thus, if an alternative includes no increase in planned height, then presumably it will not meet this objective and therefore the alternative will not be feasible. It is apparent that the objectives have been written in a manner to remove height restrictions as a planning alternative. Further, there is no definition of "better" which is entirely subjective and meaningless in a statement of objectives. In another example, Objective 12 states:

¹⁴ June 12, 2014 Comments on Office of Planning and Research Guidance document (attached)

¹⁵ Note the RPU has been appealed to the Ninth Circuit Court of Appeals and awaits final hearing.

¹⁶ We assume 'higher' uses mean taller buildings.

Emphasize redevelopment efforts through investment in opportunity sites within the town centers as a means to remove development from sensitive lands. (p. 8).

The question raised here is if development of these opportunity sites is found to harm the thresholds, will an alternative which excludes these sites (and thus, their impacts to thresholds), be considered infeasible because it does not meet this objective? **The narrow list of seemingly tailored objectives appears to preclude the consideration of less-damaging alternatives that do not contain the extra development desired by Placer County.**

3. There are objectives that appear to conflict with other objectives. For example, what if higher buildings (as included in Objective 6) are found through environmental analysis not to meet Objective 8, which states:

Protect the visual character of the communities and scenic resources within the Tahoe Basin. (p. 5)

One need not have a planning degree to note that taller buildings will have negative impacts on a number of scenic resources in the Basin.

The project objectives must be revised to focus first on threshold achievement and maintenance, and to allow for broader consideration of alternatives. The current truncated set of objectives is deceptive to the general public, and precludes the consideration of adequate alternatives.

Range of Alternatives:

Although we believe the EIR/S should be re-scoped, and/or the public comment period extended to allow the public to view the draft Area Plans, in the meantime, FOWS requests the EIR/S analysis should, itself, evaluate various alternatives, including but not limited to:

- The no project alternative for all in-Basin acreage; (*maintains the existing TRPA-approved Community Plans and Plan Area Statements [pre-2012]*)
- A project which would represent the allowable development under the current RPU zoning for those areas; (*adopts the RPU's changes*)
- A project which would represent less than the allowable development prescribed by the RPU (e.g. alternatives with lower heights, densities, less mixed-use zoning, etc. than prescribed by the RPU); and
- A project which adopts and limits zoning changes to and within the RPU's designated Town Centers in Kings Beach and Tahoe City.

Conversion of Commercial Floor Area to Tourist Accommodation Units:

We are extremely concerned with the proposed latest amendment of the RPU to allow additional conversions of commodity uses, as noted on p. 9 of the NOP:

As part of the Placer County Tahoe Basin Community Plan, the county proposes an additional type of commodity conversion in the Placer County portion of the Tahoe Basin—the conversion of CFA to TAUs (the reverse of what is currently allowed). Goal DP-G-3 in the Policy Document reads as follows:

“Encourage consolidation of development and restoration of sensitive lands to a naturally-functioning condition through transfer of development rights and transfer of land coverage programs. Consider a revised allocation program that allows for inter-jurisdictional transfers and conversion of commercial floor area to tourist accommodation units.”

The county will include specific provisions for the conversion of CFA to TAUs in the development standards of the forthcoming area plans (described below).

The actual measured environmental impacts of the various uses which the RPU allows to be converted, transferred, extended, morphed, and changed in other ways have yet to be analyzed and publicly reviewed. Adding another conversion to the mix only exacerbates the extensive knowledge gap left by the complete failure of TRPA or other planning agencies to analyze the impacts of any of these changes.

Further, although the proposal suggests the new conversion would be allowed only in Placer County, TRPA’s RPU allows various conversions, transfers, etc., throughout the Region for all of these commodities. Therefore, the EIR/S must analyze not only the Placer County impacts of this proposal, but also the regional impacts of this proposal. For example, the document must consider the impacts if a project were to transfer in the CFA from another subwatershed, for example, South Lake Tahoe, and then convert this CFA to TAUs in Placer County. This has regional implications and cannot be solely evaluated within the boundaries of Placer County. As noted in our comments on the nearshore (various letters attached), there has also been no environmental analysis which sufficiently examines the localized impacts of on-land development, the topography and characteristics of Lake Tahoe near those areas, and the nearshore conditions affected by upland development. As there is no such analysis to tier from, the EIR/S must examine these impacts, and the nearshore impacts of allowing the proposed conversions.

Impacts of transfer program:

As noted in our comments on the MVWP AP and 10/3/2014 comments to the RPIC, there has been no environmental analysis presented to date which assesses the environmental impacts or benefits of transferring development rights from old, smaller hotel rooms and placing them – morphed 4-5 times bigger – in other locations in the Basin. As a result, TRPA has no evidence upon which to make environmental findings that the proposed Plan (as an RPU amendment) would help achieve and maintain the thresholds standards.

In addition, the economic impacts on communities that would suddenly be on the receiving end or on the sending end of these transfers has not been analyzed. Employment statistics, including an analysis of wage levels in terms of the commodities transferred, have not been recorded. Since the higher, better, bulkier buildings will require more service-level employees, a clear impact will be the need for additional employee and low-income housing, presumably within the same town center, in order to reduce vehicle trips and traffic.

Density Modifications in Town Centers:

We are extremely concerned with the proposal to allow higher densities throughout areas in the Town Centers. Just as where development is located has a great impact on the extent it affects the nearshore, where high density buildings are located have impacts on scenic resources, soils, water quality (mid-lake and nearshore), air quality (especially those pollutants which tend to build up in inversions), noise, and other resources. We oppose

TRPA's 'all in one bowl' approach in the RPU because it runs contrary to science; the current science of adverse impacts of impervious coverage on water is carefully documented in the 2003 study "Impacts of Impervious Cover on Aquatic Systems."¹⁷ Because the TMDL has not yet resulted in one system which effectively removes fine sediments from impervious coverage, and only one area-wide system is near to completion, the proposed density changes are likely to further exacerbate the water quality problems in the next few years. Additionally, these densities would no doubt substantially block a number of existing lake views, as well as existing mountain views from the Lake. This runs contrary to the TRPA's Compact requirements to protect natural scenic resources.

It is important to remind ourselves of the plain language of the Bi-State Compact, as noted in Article I(a) (4-10)¹⁸ [excerpts below]. It is also important to understand the concept of equilibrium. The Compact was referring to the equilibrium as of the 1980 Compact adoption, and equilibrium can be simply measured by a seesaw. When the seesaw is level, that is equilibrium.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distributions and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(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.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multi-state and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the States in fulfilling their responsibilities.

(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.

It is also reasonably foreseeable that if the proposed amendment to the RPU were approved (e.g. increases in density), more entities would propose similar modifications to their area plans. This impact must also be analyzed in the EIR/S as a reasonably foreseeable future impact.

We find it disturbing that the NOP would propose such a dramatic change without disclosing the proposed density for these areas. The terms "lower versus higher" density (as noted in

¹⁷ 2003. Center for Watershed Protection. Impacts of Impervious Cover on Aquatic Systems. Available at: http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCQQFjAA&url=http%3A%2F%2Fclear.uconn.edu%2Fprojects%2FTMDL%2FLibrary%2Fpapers%2FSchueler_2003.pdf&ei=z5XqU77yDIT2yQTq_IGoDA&usg=AFQjCNHfWxfxu1S150Cmj4RaJMXYEknZ0Q&sig2=7KFfGMpoHaLl5diVfjRfpg&bvm=bv.72938740,d.aWw&cad=rja

¹⁸ http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf

Exhibits 4 and 5) are meaningless unless the numerical densities are detailed. This represents another way in which the NOP fails to include an adequate project description.

The proposed “higher density” areas are situated in areas where tall, wide buildings are likely to block views for most of the residents and visitors in those areas. For example, consider the neighborhoods behind the proposed ‘higher density’ areas in both Kings Beach and Tahoe City. While the residents in those areas may not have a view of Lake Tahoe from their home, they likely have a view of open skies over the Lake. The proposed increases in density could cause their open sky, mountain, and in some cases lake views, to be blocked by much taller and wider buildings. The EIR/S must disclose these impacts.

The EIR/S must also evaluate impacts to the thresholds, the local economies, and social impacts that will result from placing high-end hotels in the scenic viewshed of most people in the communities targeted for the new and much larger construction. In addition, the EIR/S must disclose the proposed uses for these areas, and the criteria which delineate the lower density and higher density areas on Exhibits 4 and 5.

Expansion of Mixed-Use Areas:

Where zoning changes are proposed from recreation and residential uses to “mixed-use,” the EIR/S must document specifically what the proposed changes in zoning/land use will be. The distinctions should be described in the NOP. Residential and small commercial uses could be called ‘mixed-use,’ just as residential, tourist, large commercial, auto repair, recreation, garbage compaction, and other incompatible uses are also ‘mixed uses.’ The EIR/S must carefully examine all the existing uses in both Plan Area Statements and adopted Community Plans - which are either prohibited, allowed, or conditional/special use - and disclose the proposed changes, including the level of permission a permit applicant would be required to obtain (for example, a permissible use can generally be approved at staff level, whereas special or conditional uses require additional public notice and environmental review). The RPU applied the “mixed use” zoning to areas in the Basin, yet there has been no uniform description or definitions for what this means, or whether uses are permissible or conditional/special use, therefore this analysis cannot ‘tier from’ the RPU EIS. The EIR/S must specifically disclose these changes, and how they impact the environment, the community, the neighborhood, and the extent of required project review and public notice. The EIR/S should also consider alternatives that allow for the current existing uses (as determined by existing PAS’s and CP’s), without the new additional uses

The following proposal (below, from p. 16 in the NOP) is a puzzle at best, and unclear as to implementation. It purports to be about ease of use, yet adds new nuance to new zonings that would require interpretation. Neighborhood General is a case in point – a clear explanation of what it is, where it is allowed, where it is not allowed, and its relationship to the Area Plan boundaries would help the concept be more transparent.

While the proposed mixed-use zoning districts provide for the greatest change and opportunity for redevelopment and revitalization, the county is also proposing other zoning districts. The primary purpose of creating zoning districts is to collapse the numerous PASs and rename the districts for ease of use when navigating the four area plans and development standards for specific parcels. The additional zoning districts include: Conservation, Forestry, Neighborhood Residential, Neighborhood General, Recreation, Timberland Production Zone, Tourist, and Water. These areas are not targeted for change as part of the Placer County Tahoe Basin Community Plan. The proposed Neighborhood

General zoning district is proposed for those residential areas that are contiguous to and within walking distance of existing commercial core areas, and would allow for limited supportive neighborhood uses to help foster complete communities, including corner coffee shops or small scale markets.

The above statement says the County will propose other zoning districts, but the NOP does not disclose where. The stated purpose is to “collapse the PASs and rename districts...when navigating the four area plans and development standards for specific parcels.” It is unclear what this means. We have been told the Area Plans will set the new standards for these areas and replace the Plan Area Statements, and that TRPA considers the new TBCP to be the “Area Plan” per the Regional Plan. It appears Placer County is requesting to add another layer of zoning below or on top of the Area Plans/Community Plan. But there is no explanation of the result of that addition of new pieces of zoning. The County must describe what is the point of the new zoning.

In addition, as the entire in-Basin portion of Placer County (perhaps excluding the Martis Valley West Parcel Area Plan project area – as noted elsewhere, this is unclear) is included in the proposed TBCP, it is unclear which “residential areas that are contiguous to and within walking distance of existing commercial core areas” would undergo this proposed Neighborhood General zoning, especially if, as the document states, these areas are “not targeted for change as part of the Placer County Tahoe Basin Community Plan.” This is yet another example of an unclear project description. The public cannot even speculate on what is proposed to attempt to provide scoping comments.

Opportunity Sites:

According to TRPA, the RPU’s ‘incentives’ for redevelopment, which include higher density and taller buildings in Town Centers, were the means to encourage “environmental redevelopment.” Examples from the RPU EIS include:

Encourage property owners to transfer existing development and development rights from sensitive or outlying areas to existing community centers with the goal of restoring sensitive lands and accelerating environmental redevelopment. (P S-5);

Alternative 3 also defines four special planning designations: Town Centers, Regional Center, and High Density Tourist District, which are areas targeted for redevelopment and are collectively referred to as community centers; ... The community center overlay districts contain most of the Region’s non-residential development and have been identified as a significant source of sediments and other contaminants that continue to enter Lake Tahoe. The overlay districts are targeted for redevelopment in a manner that would improve environmental conditions, create a more sustainable and less automobile-dependent development pattern, and provide economic opportunities in the Region. (P. S-9)

In addition, any new projects using these incentives would meet “strict environmental standards onsite,” and “enhance long term [economic] sustainability.” The RPU’s biggest claims to fame – the transfer of development rights coupled with development incentives favoring large resort projects [e.g. bonus units, density, and height] – were necessary to encourage environmental redevelopment. When questioned about the economic feasibility of the concept, TRPA proclaimed economic studies supported the claims behind the transfer program. But they don’t. There is no evidence in the RPU EIS, or RTP EIR/S, that long-term sustainability of its economic goals is even likely in a drive-up tourism-based economy. However, the NOP seemingly includes another request to double down on the initial development concept and give even more ‘incentives’ to big developers:

A goal of 2012 Regional Plan and the proposed Placer County Tahoe Basin Community Plan is to focus development within the town centers. The Tahoe City and Kings Beach Town Centers include sites that may provide or are currently planned to provide opportunity for “environmental redevelopment” projects that would catalyze revitalization. “Environmental redevelopment” is a term coined during the 2012 Regional Plan update process, and acknowledges the linkage between the Tahoe Basin’s economy and the environment, noting that new projects will meet strict environmental standards onsite, as well as play a role in enhancing long-term sustainability of economic goals. (p. 17)

This new (or rather reshaped¹⁹) concept is emerging in the TBCP which appears to be based on making the same claims as the RPU – that developers need even more density and more incentives (aka development subsidies) to encourage ‘environmental redevelopment.’ So far as we are aware, the public has not yet been provided with a new published economic study from TRPA suggesting the original economic conclusions in the RPU EIS were wrong, nor has the public been presented with a study suggesting these “Opportunity Sites” need even greater subsidies to encourage developers to develop them. Since there has never been a serious academic effort to analyze the Tahoe economy as a cog in a larger state and national economy, there is little known that is of value. Marketing studies have been substituted for credible economic studies. Instead, this new zoning proposal appears as yet another attempt get bigger, larger developments approved under the guise of ‘environmental redevelopment’ – itself an abused, often misused term.

More so, although the NOP lists 9 sites as “Opportunity Sites” (p. 17-18), no criteria have been provided to show why these particular sites are more suitable than other sites. Nor has any evidence been provided to suggest why development of these sites will provide significant economic development after the initial construction activity, or result in job growth and additional private sector investment, as stated below:

Opportunity sites have been defined by the county as those of a scale that would produce significant economic development, resulting in job growth and additional private sector investment, and having a ripple effect spreading throughout the community, and which would help foster sustainability. (p. 17)

Rather, the incentives (which equate to subsidies) promoted by the TRPA RPU, the extra density and additional means to obtain TAUs as proposed in the TBCP NOP, combined with the visions and sketches presented by Placer County to date, suggest the County’s interest is in constructing large, tall, wide resort hotels. Such developments can not only harm the environmental thresholds (especially closer to the Lake), transform communities and block views, but they also result primarily in the growth of part-time, minimum wage resort industry jobs. One does not need an economics degree to understand that more minimum wage jobs in the Basin is not going to help support better economies for full time residents – the implication of the RPU as well as in this NOP. Rather, the trend of low income workers struggling to afford to live in the Basin will only continue, if not get worse. This does not foster environmental sustainability (there is no explanation of how more subsidies produce even greater environmental improvements and do not result in greater environmental impacts), nor economic sustainability. The EIR/S must include the economic information

¹⁹ This concept appears to be based on the same (failed/unproven) concepts behind the TRPA’s “Community Enhancement Program” (2007), the proposed “Catalyst Project” in the 2013 Meyers Draft Area Plan, the proposed “Incentive Project” or “Community Incentive Project” in the January and June 2014 draft Meyer Area Plans, etc.

necessary to support the presumed outcomes, as well as a revised analysis of environmental impacts. The additions further damage any intent of using the RPU EIS to tier from.

Probable Environmental Effects and Scope of the EIR/EIS:

The NOP states the EIR/S will tier from the TRPA RPU EIS. We remind Placer County and TRPA that the RPU remains subject to litigation. Our comments on the environmental impacts not adequately analyzed by the RPU EIS/RTP EIR/S are extensive and incorporated herein.²⁰ In addition, the following projects were not proposed until after the RPU EIS was certified, and therefore the impacts of these projects, including individual, reasonably foreseeable, and cumulative, must be adequately assessed in the EIR/S:

- Martis Valley West Parcel Area Plan (we incorporate our previous comments²¹)
- Revised land capability of the Tahoe City Golf Course SEZ (creating additional allowed coverage);
- Proposed RPU amendments to allow coverage transfers across HRAs;
- Proposed BMP-related changes that would result in less compliance than assumed in the RPU's water quality analysis and in the TMDL;
- Amendments to the residential allocation program; and
- The additional growth that will impact the Region associated with growth in Squaw Valley, Northstar, and Martis Valley/Truckee.

Further, the EIR/S must consider the cumulative impacts of approved large-scale projects which have not been built, including the Homewood Mountain Resort and Boulder Bay Resort. As noted in our attached comments related to these projects,²² we had many concerns regarding the cumulative impacts related to traffic, water quality, water supply, air quality, noise, and other impacts. Although the RPU stated these projects were considered in the 'baseline' for the RPU EIS, the conditions in the project areas have changed over time (e.g. more traffic, water supply concerns, etc.). The EIR/S must analyze all likely cumulative impacts of these projects, the proposed projects (list above), and the proposed TBCP, based on existing 2014 conditions.

The RPU EIS also failed to consider the impacts of climate change on the thresholds. For example, as climate change results in more rain and less snow in the Basin, and more rain-on-snow events, flooding will become an even greater issue. However, the RPU EIS did not analyze alternatives to the outdated "20-year storm" standards. The RPU EIS also failed to

²⁰ Draft EIS & Threshold Evaluation Report: http://friendswestshore.org/wordpress/wp-content/uploads/2011/06/2012-TASC.FOWS_LTSLT-Comments-DEIS-TER-6.28.pdf; Final EIS Package: <http://friendswestshore.org/wordpress/wp-content/uploads/2011/06/TASC-FOWS-Comments-on-Final-RPU-Package-12.11.2012.pdf>

²¹ <http://friendswestshore.org/wordpress/wp-content/uploads/2014/08/FOWS-TASC-comments-on-draft-MVWP-AP-8.1.2014.pdf>; <http://friendswestshore.org/wordpress/wp-content/uploads/2014/04/FOWS-comments-to-Placer-re-MVW-AP-NOP-4.28.pdf>

²² <http://friendswestshore.org/wordpress/wp-content/uploads/2011/08/Homewood-comments-Lozeau-Drury-04-18-11.pdf>;
<http://friendswestshore.org/wordpress/wp-content/uploads/2011/08/Homewood-comments-Hagemann-04-18-11.pdf>;
<http://friendswestshore.org/wordpress/wp-content/uploads/2011/08/Homewood-comments-Brohard-04-18-11.pdf>;
<http://friendswestshore.org/wordpress/wp-content/uploads/2011/06/E.-Gath-Tahoe-Homewood-Resort-Letter.pdf>

analyze the impacts of a 30-foot tsunami in Lake Tahoe, which scientists have noted is a possible natural hazard in the Basin. Further, the USGS has made two presentations to Tahoe agencies, including TRPA scientists that include the predictions for 200-year floods. To date, the TRPA has not added 200-year flood plains to its hazardous areas. Not only have massive floods occurred around the world, as predicted by scientists, but Tahoe is certainly in the queue. The 138-year flood of 1997-98 gives fair warning to the TRPA to get its plan updated sooner rather than later.

Need to assess what is Sustainable for Tahoe Communities First:

The existing TRPA RPU's allowances, in combination with approved, proposed, or conceived projects and plan amendments within and adjacent to the Area Plan, do not by their very nature represent a sustainable situation for Lake Tahoe's environment or communities. We have documented this extensively in our attached comments to the California Office of Planning and Research. We request Placer County to step back and work with the OPR and our individual communities to address what we can do to truly be sustainable, because everyone but the TRPA/TMPO²³ appears to recognize that the urbanized approaches to smart growth included in the RPU are not appropriate for rural mountain communities, in general, and/or for Tahoe, specifically.

The following list is copied from our comments to OPR as these items also apply to the TBCP.²⁴

Detailed comments on the [OPR] Report:

- 1. Many of our Basin's communities are rural with relatively small full time residential populations, yet are greatly visited (and impacted) by millions of tourists each year.**

The OPR's urban 'smart growth' strategy, as well as CEQA process, are not equipped to address the issues we face. We need the opportunity and resources to work with California and other agencies to explore how our communities can address climate change issues.

- 2. Lake Tahoe's federal designation as an Outstanding National Resource Water (ONRW), means the water quality of Lake Tahoe cannot be degraded.**

More resort development is promoted as 'beneficial' in TRPA's Regional Plan Update (RPU) due, in part, to claims that building 'mixed use locations' will reduce per capita driving. This ignores the VMT from visitors coming into and leaving the Basin. Further, for the Lake Tahoe watershed, more pavement and building closer to the Lake – also promoted by the RPU under the guise of walkable/bikeable communities – will cause more pollution to enter Lake Tahoe and degrade Lake Tahoe's water quality, contrary to the ONRW requirements that Lake Tahoe's water quality cannot be degraded.

- 3. Unlike other Sierra Nevada communities, the Lake Tahoe Basin is regulated by the Tahoe Regional Planning Agency (TRPA), an agency created by the congressionally approved Bi-State TRPA Compact. Extensive growth was never anticipated in the Basin.**

Clearly recognizing that urbanization was harming Lake Tahoe's environment and water clarity, the Compact required the TRPA to adopt environmental threshold carrying capacities (ETCCs) which protect Tahoe's unique natural resources, followed by a regulatory plan that

²³ See summary of statements from June 4th meeting in the attached comments to OPR.

²⁴ Minor typos in the original comments submitted to OPR have been repaired below for easier reading.

would allow orderly growth consistent with achieving and maintaining ETCCs. With this responsibility came a need to identify the carrying capacity of Lake Tahoe (for example, how many homes can be built before polluted stormwater runoff from too much soil coverage cannot be mitigated; or how many vehicles can drive in the Basin before air quality standards are violated and air is unhealthy to breathe). Although the agency has yet to perform this analysis over thirty-five years later, the failure to achieve and maintain the thresholds, and the ongoing loss of clarity in the Lake (including the nearshore areas), indicates that *we have likely already exceeded the capacity of the Lake Tahoe Watershed*. Growth and new development were never intended to be endless or unlimited within the fragile Lake Tahoe watershed. In fact many implementers of the 1987 Regional Plan for Lake Tahoe envisioned mostly redevelopment once the new development allowed by the Plan had been used up. Unfortunately, the 2012 Regional Plan Update failed to acknowledge this as it allows substantially far more new development in Tahoe's watershed although many environmental standards have not been achieved or are getting worse (for example, declining water clarity and quality in the nearshore²⁵).

Although additional environmental protections are required by the TRPA Compact, Tahoe communities have recently been faced with a new TRPA Regional Land Use Plan (the 2012 Regional Plan Update [RPU]) which applies the urban one-size-fits-all 'smart growth' approach to our communities, yet the approach is based upon land use challenges in large populated areas with mostly full time residents, whereas Tahoe's infrastructure and economy mean millions of visitors and a large number of seasonal, low-income jobs. This approach has already created significant challenges for Basin communities.

In addition, TRPA's RPU takes the smart growth "infill" concepts to a whole new level, allowing massive new hotel/resort structures on undeveloped land outside of the 'urban boundary,'²⁶ increasing allowed heights and densities well beyond those previously allowed, and creating development right transfers, conversion, and bonus mechanisms that TRPA's own economic reports show will most likely provide more condos.²⁷ This certainly does not comport with the state's GHG guidelines, which focus on residential improvements, infill, and sustainable communities.

4. Although our communities are not 'urban' like other metropolitan areas in California, the Tahoe Basin is a designated Metropolitan Planning Organization (MPO).

This designation places Tahoe planning agencies in a situation of following standards and guidelines and competing for planning dollars that are aimed at large urban areas which are not appropriate for small, rural communities with heavy seasonal tourism. In fact, it appears 'urban areas' are generally considered to be areas with residential populations greater than 50,000.²⁸ However, the most populated area in the Tahoe Basin, the City of South Lake Tahoe, has less than 22,000 full time residents,²⁹ while most smaller communities around the lake have a few hundred to a few thousand full time residents, at most.³⁰

²⁵ <http://www.dri.edu/nearshore-water>

²⁶ The new "Resort Recreation District" zoning allowed in the RPU identifies two undeveloped locations for resort hotels. A third and fourth location have been proposed in North Lake Tahoe on undeveloped ridgelines (Northstar and Martis Valley West; an NOP has already been issued for the latter).

²⁷ From February 2014 Advisory Planning Commission minutes, p. 3 in March packet: "*Both [economic] studies using different assumptions and methodologies came up with common conclusions... The projects that are most feasible are condominiums...*" at <http://www.trpa.org/wp-content/uploads/March-12-2014-APC-Packet.pdf>

²⁸ http://en.wikipedia.org/wiki/List_of_California_urban_areas

²⁹ http://en.wikipedia.org/wiki/South_Lake_Tahoe,_California

³⁰ According to census data online, residential populations for selected rural areas around Lake Tahoe include: Tahoma, CA: 1,191; Homewood, CA: 200; Tahoe City: 1,557; Tahoe Vista: 1,433; Meyers, CA: 3,000; Kings Beach, CA: 3,796.

5. The GHG reduction strategies in SB 375 are focused on metrics involving residential per capita VMT, using cars and light duty trucks. Tahoe's communities are visited by millions of tourists each year.

This VMT and energy use per capita approach fails to account for the impacts of tourists, Nevada residents, and off-road motor vehicles, including motorized watercraft. According to the California Air Resources Board's Emissions Inventory for Lake Tahoe, off-road motorized vehicles contribute more ozone precursors than on-road vehicles in the Basin, thus it is likely boats also create more GHG emissions than on-road vehicles³¹). The TRPA RPU and TMPO Regional Transportation Plan fail to address off-road motor vehicle emissions and provide for no reductions in motorized watercraft use.

In addition, the TMPO has partnered with other agencies to pursue approval for a waterborne taxi project. Although advertised as an alternative to driving vehicles, the air pollution, water pollution, and GHG emissions associated with the estimated 2,000 gallons of gas the taxis would burn *per day* is expected to actually create *more pollution* than if passengers drove their cars. Further, the infrastructure requirements for this ferry project would include larger boat ramps and marinas, more parking lots closer to the lake, and other requirements which would further harm Lake Tahoe's water quality. Finally, the economics of the project are anything but sustainable. The cost of the ferry operations are large, and passing those costs to passengers would likely make use of the ferry too expensive for most commuters. Additional details are provided in the attached comments we submitted on the NOP. This is another example of a unique factor for our area that statewide strategies do not currently account for.

6. The Basin is also subject to development pressures from large corporate resorts, especially ski resorts, which aim to build new 'villages' while relying upon very unsustainable practices for profit (use of water resources for snow-making; high demand for electrical power, etc.).

These 'villages' are unique to the Sierra Nevada – no entity is proposing a ski resort village in downtown LA or Sacramento – such development pressures alone warrant unique consideration. The state's urban smart growth approaches are highly incompatible with the characteristics of these 'tourist destinations' and the pressures they are bringing to our rural communities in and around the Tahoe Basin.

That said, Tahoe Basin communities are currently faced with large, resort developments which will require intensive water use (snow-making) and increases in power demand³² (creating more GHG emissions), will further divide our economic demographic (as stated at the meeting – wealthier visitors versus local, part-time minimum wage employees), draw more vehicles to our Region, place more people in fire-prone areas, disturb and build out more natural land, and cause further harm to our Lake Tahoe watershed:

Large Resort Developments in Planning Stages in our Region:

- Homewood Mountain Resort – approved;
- Boulder Bay Resort (North Stateline) – approved;
- Squaw Valley Expansion – proposed;
- Northstar Expansion – proposed;

³¹ See attached 9/25/2008 letter from the Tahoe Area Sierra Club discussing the GHG emissions from motorized boats versus on-road vehicles; CARB 2012 EI for CA side of Lake Tahoe Basin: http://www.arb.ca.gov/app/emsinv/2013/emssumcat_query.php?F_YR=2012&F_DIV=-4&F_SEASON=A&SP=2013&F_AREA=AB&F_AB=LT#8

³² In fact, a major electrical line project to increase capacity for the growth of primarily ski resorts has been proposed in North Lake Tahoe, further confirming the increased energy needs the resorts will require: <http://friendswestshore.org/other-activities-affecting-the-west-shore/> - see "Calpeco Electrical Line Upgrade Project."

- New development outside of communities on forested ridgeline – proposed [Martis Valley West Area Plan];
- New resort hotel land use on natural land [Edgewood Mountain] – land use change approved in RPU;
- New resort hotel land use on natural land [Heavenly Valley California base] – land use change approved in RPU;
- Expanded Edgewood Hotel and Golf Course – approved; and
- More land coverage closer to Lake Tahoe, more development of existing open forest lands – land use changes approved in RPU;

Therefore, while OPR is seeking policies to “*prioritize efficient infill development, preservation of the state’s natural and working lands and lands of significant cultural value, and efficient development patterns that take advantage of existing infrastructure and minimize costs to taxpayers*” (p. 1), Tahoe communities are faced with massive new developments approved/promoted by the TRPA (and local jurisdictions following TRPA’s new RPU) which appear to run contrary to the state’s efforts to create more sustainable California communities and use our natural resources efficiently.³³ We do not believe this is what California had in mind when it approved sustainable community grant funds (Rounds 1 and 2) for the TMPO.³⁴ The development pressures combined with the unique residential and visitor demographics of our area provide further evidence of the need for our rural mountain communities to have more engagement with OPR on these policies.

7. Sustainable communities are also considered to be economically-healthy. This is yet another struggle for Tahoe Basin communities as our economy is primarily tourism-driven.

As stated at the meeting by the presenter from the Lake Tahoe Sustainability Collaborative, we can’t base our economy on the hospitality and tourism industry, which tend to provide minimum wage, part time jobs. Yet the 2012 TRPA RPU is focused on drawing more large resort hotels and amenities which will create more minimum wage, part time jobs. This presents yet another struggle for our Basin communities and makes it difficult for communities to have the opportunity to truly evaluate how they can be sustainable.

In essence, Lake Tahoe communities are not only lacking strategies for addressing climate change issues and our own communities’ sustainability (environmentally, economically, and socially), but we are also placed in the position of being regulated by a new Land Use plan (the TRPA RPU) which inappropriately applies the urban model to Lake Tahoe. This has made it difficult for Tahoe communities to have the opportunity and room to engage with California and address the need for unique strategies for individual communities. As noted, the Report is based on urban-focused strategies. Consideration of rural mountain communities is a key component that needs to be reflected throughout the Report.

8. There is clearly a need for metrics and tracking mechanisms tailored to the unique strategies our rural communities have yet to develop to address climate change and population pressures.

Given the limited new growth in most Tahoe communities relative to the rest of the state, perhaps the strategies needed to achieve a 7% per capita reduction in GHG emissions are as simple as providing incentives or other mechanisms for property owners to retrofit existing buildings and improving transit systems around the Lake. For example, one reason transit is helpful for employed commuters in places like the Bay Area is the ability to predict schedules and arrive to work on time. Improved and consistent timing would also likely contribute to increased transit use by visitors. All in all, alternative strategies for reducing per capita GHG emissions in low-growth rural areas have not been explored separate from the urban smart growth model applied by the

³³ “*As the state continues to grow, we must do so in a way that is in harmony with the state’s environment and natural resources.*” (p. 1)

³⁴ http://sgc.ca.gov/planning_grants_archive.html

TRPA RPU. In fact, El Dorado County also identified the need for unique metrics in rural areas in recent comments related to SB 743.³⁵

As noted previously, another factor unique to the Lake Tahoe Basin includes a proposed waterborne transit or ‘ferry project.’ However, as noted in the OPR’s Preliminary Evaluation of Transportation Metrics, “...*subdivision (b) of the new Section 21099 requires that the new criteria “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.”* And “SB 743 requires that whatever metric is developed, it must promote reductions in greenhouse gas emissions.”³⁶ However, the report also notes that the proposed metrics and discussion are only focused on on-road motor vehicle trips (e.g. “...*VMT counts only motor vehicle trips, not trips taken by other modes...*” [p. 8]). As the ferry project currently under review by the TMPO, TRPA, and others proposes a waterborne transit system which will use approximately 2,000 gallons of gas per day, it is highly likely that the ‘per capita’ emissions of ferry passengers will be far higher than those generated by motor vehicle drivers. However, there is no current metric available from OPR, or the TMPO, which allows for this analysis. Further, the ferry project is more likely to encourage recreational use by visitors than to encourage commuting use by residents. Regardless, this is another unique situation that the current state policies do not adequately address. In this case, however, we are able to recommend a metric which may apply to this kind of unique situation: emissions per person per mile or EPPM. We have suggested this metric to the TRPA and TMPO repeatedly for several years, and again noted it in our comments on this ferry project’s NOP. We now ask that the state consider this metric (or some iteration thereof which measures the EPPM). Details are provided in our attachments, including comments on the GHG emissions from boats, comments on the draft RPU EIS, and comments on the Ferry Project NOP.

Further, as the RPU’s strategy is based on placing jobs and residences within ½ mile of each other, assuming there could be some GHG-related benefit to this for our rural communities, we are seeing proposals to locate hotels in Tahoe City’s (relatively) more urban ‘Town Center’ yet the employee and affordable housing would be located in other areas greater than ½ mile away. Further, the hotels would be closer to amenities like grocery stores, while the housing would be farther away. First, this seems contrary to the concepts behind smart growth – which encourages placing new jobs and residences closer together. Second, this is another example of how our tourism-based economy creates unique situations that require unique considerations and metrics for tracking GHG emissions.

Recommendations to OPR:

In summary, we ask that the OPR further engage our rural communities in the Lake Tahoe Basin to consider and address sustainability issues in our communities in light of the many unique issues we are dealing with. Topics include, but are not limited to the following:

- More engagement with rural communities to develop unique strategies for the sustainability of rural areas;
- The inclusion of a Tourism-related Element, which acknowledges the environmental and economic realities in tourism-dependent areas;
- A “Resort” Element to help rural mountain communities deal with unique development pressures not generally found in non-mountain areas of the state(e.g. Ski Resorts);
- A Water Quality Element which addresses snow-making demands and development in light of the unpredictability of the future water supply;
- A metric to assess the emissions from recreational watercraft use and evaluate how we can reduce those emissions;

³⁵ http://www.opr.ca.gov/docs/SB743_PublicComments_INDEX.pdf; see 2/14/14 comments: “... --There needs to be a recognition that rural or growing areas do not function the same way as urban or infill areas. As such, separate rules need to be established to accommodate the differences.”

³⁶ <http://www.opr.ca.gov/docs/PreliminaryEvaluationTransportationMetrics.pdf>

- A means to assist rural communities with developing appropriate sustainability strategies in light of regulation by an MPO that is subject to follow more urban strategies;
- Metrics for measuring and tracking emissions associated with alternative transit modes unique to our area, including proposed waterborne service (Ferry Project).

Land Use Plan and Consistency:

The EIR/S must thoroughly examine the proposed changes to the RPU, including the new transfer allowances and density changes. As it is reasonably foreseeable that other local jurisdictions would seek such allowances if Placer County's request is approved, the EIR/S must examine the reasonably foreseeable and cumulative impacts of applying these changes on a Basin-wide scale.

While the Placer County Tahoe Basin Community Plan proposes land uses and zoning that are mostly in accord with the 2012 Regional Plan, certain changes are proposed that deviate from what was previously contemplated in the Regional Plan EIS and RTP/SCS EIR/EIS. The project would also change existing design standards and guidelines, and would allow density changes in the county's town centers. (p. 19)

The EIR/S must thoroughly engage individual communities in assessing the existing community character of planning areas. The design of buildings alone does not determine community character. There are distinct neighborhoods, unique places, and certain attributes that locals cherish and want to retain. Nor do design standards alone capture the community character.

Analysis of land use impacts will focus on those areas proposed for land use changes, with emphasis on potential effects of new allowable uses and mixed-use development on land use compatibility and community character, and the potential for expansion of existing non-conforming uses. Assessment of community character will involve a discussion of the changes in combined factors that create the existing character (e.g., height, density, setbacks, design features), and that are proposed to change over time. The EIR/EIS will assess the impacts of these features on community character and compatibility with the scale and massing of existing neighborhoods, particularly areas adjacent to town centers and mixed-use districts. The EIR/EIS will also discuss consistency with the 2012 Regional Plan, the RTP/SCS, the Lake Tahoe Sustainability Action Plan, Chapter 13 (Area Plans) requirements in the TRPA Code, and other relevant planning documents. (p. 19)

Per our comments above, mixed-use, and as a result, mixed-use districts, have not been adequately defined. Further, it is unclear what is meant by "proposed to change over time" (excerpt below). This could be interpreted two ways – one, Placer County is saying communities will change over time regardless of the proposed changes (in which case, Placer needs to describe how and why, plus acknowledge that no changes under existing regulations are 'a given'), or two, this refers to how Placer's proposed changes in the TBCP will change communities over time.

Assessment of community character will involve a discussion of the changes in combined factors that create the existing character (e.g., height, density, setbacks, design features), and that are proposed to change over time.

Population and Housing:

The DEIR/S must clearly disclose the increases in both residential and tourist populations associated with the proposed TBCP. The evaluation of employment increases must also

disclose the types of employment (e.g. part time/full time, minimum wage/moderate wage, seasonal/year round) that will come from the proposed TBCP.

Further, it is important for the new plans to indicate sites in town centers that will be retained for affordable and work place housing in order to reduce auto trips and traffic associated with the needs of the lower income employees.

Air Quality and Greenhouse Gas Emissions:

The following NOP statement is not correct, as ozone was noted by researchers at DRI to be getting worse. Note that ozone is a public health problem especially at high altitudes such as at Tahoe. TRPA and Placer County are responsible for public health impacts in proposed plans. See our comments on the final RPU.³⁷

As reported in the 2011 Threshold Evaluation, the Tahoe Basin has made air quality gains over the last five years, with the majority of air quality indicators achieving attainment with adopted standards, or better.

The EIR/S must examine all motorized and non-motorized sources of air pollution, including on-road motor vehicles, off-road motor vehicles (OHVs, boats, snowmobiles, etc.), and assess the seasonality of their emissions. This analysis was not performed in the RPU EIS, and therefore no tiering is possible. For example, watercraft emissions tend to occur during roughly 100 boating days/year, therefore, the emissions per day must be examined as to daily results and daily impacts, and not spread out over 365 days as done in CARB's Emissions Inventory. The same must be applied to on-road vehicle emissions, as most driving occurs during the summer and winter months, and emissions have unique impacts to air quality at different times of the year. The analysis for the above must also evaluate the impacts of the influx and outflux of tourists, and the total VMT, total emissions, etc. (not just per capita), as TRPA's environmental thresholds are based on total VMT.

The Regional Plan amendments proposed as part of the Placer County Tahoe Basin Community Plan and redevelopment of the opportunity sites have the potential to affect air quality by influencing automobile and non-automobile use and parking demand. (p. 19).

As the RPU EIS did not include all emissions in the Tahoe Basin (e.g. Basin drive-through emissions [e.g. driving from Echo Summit to Spooner] were not included), nor did the RPU EIS assess the impacts of the many proposed resorts and other projects (previously listed) which will draw extensive visitor traffic to the Basin, the EIR/S must include a complete GHG emissions analysis. Impacts of new buildings and associated GHG sources, including HVAC systems, must also be addressed.

A GHG emission inventory and projections for the Tahoe Basin were prepared as part of the Lake Tahoe Sustainability Action Plan. The EIR/EIS will evaluate potential air quality impacts using the latest widely accepted air quality modeling tools. Projected air quality conditions and GHG emissions will be compared against the conditions contemplated in the Regional Plan EIS, RTP/SCS EIR/EIS,

³⁷ <http://friendswestshore.org/wordpress/wp-content/uploads/2011/06/TASC-FOWS-Comments-on-Final-RPU-Package-12.11.2012.pdf> and Attachments: A2: <http://friendswestshore.org/wordpress/wp-content/uploads/2014/08/A2-TASC-FOWS.-TRPA-Response-to-Peer-Reviewers.pdf>; A1: <http://friendswestshore.org/wordpress/wp-content/uploads/2014/08/A1-TASC-FOWS-Additional-Comments-on-final-TER.pdf>

and Lake Tahoe Sustainability Action Plan to determine whether they are within the envelope of what has already been analyzed.

The air quality analysis in the EIR/S must also include the air pollution emission impacts to trees in the Basin from ozone. Finally, we note the above statement does not commit the TRPA to actually report public health impacts to the public, which is an important role for TRPA.

Noise:

The EIR/S must evaluate the total potential noise associated with multiple short and long term construction projects occurring in similar areas. The potential for large developments to be constructed in the same areas around the same time is reasonably foreseeable, and must be assessed. In addition, the noise from visitor traffic, increases in motorized boats, OHVs, snowmobiles, and other motorized engines that will increase as population is increased must be analyzed. In addition, the RPU EIS delayed mitigation for the ambient noise impacts that will exist within the mixed use areas. Although minor changes were adopted in 2013, there has still been no adequate assessment, nor proposed mitigation, to address the increased exposure to ambient noise that will occur in mixed use areas. As we have noted extensively, this is especially important in Lake Tahoe, where people tend to spend more time outdoors and leave windows open during the summer months. If people are trying to sleep in new condos or apartments above a mixed use plaza, there will be noise conflicts. Also, residents and visitors alike expect a quieter environment in Lake Tahoe (in most areas). They do not expect, nor desire, the same noise that they are escaping from when they leave the larger cities to visit Lake Tahoe.

The ambient noise environment within the Placer County Tahoe Basin Community Plan Area is primarily influenced by automobile use, and boat use in locations close to the shores of Lake Tahoe. The Regional Plan amendments proposed as part of the Placer County Tahoe Basin Community Plan and redevelopment of the opportunity sites have the potential to affect noise by influencing automobile use on area roadways that could alter roadside noise levels. The proposed land use changes and the expansion of areas designated for mixed-use could also create potential noise/land use compatibility conflicts. The EIR/EIS will characterize the existing noise environment and assess the potential for short-term (i.e., construction-related) noise impacts. Long-term (i.e., operational) noise impacts, including increased noise from mobile and area sources will be assessed based on applicable local, state, regional, and federal noise standards, and will be compared against the conditions contemplated in the Regional Plan EIS and RTP/SCS EIR/EIS. (p. 20).

The “conditions contemplated” in the RPU documents noted above are based on measurements that are designed to minimize actual noise by spreading it out over 24 hours. Even one jet airplane exiting at full throttle at 4:00 a.m. would barely move the meter in the 24-hour averaging. TRPA’s single event noise standard is better for understanding the noise impacts in the Tahoe Basin, and should be the standard for “conditions contemplated.”

Hydrology and Water Quality:

The NOP’s discussion of water quality issues appears to downplay several items.

The clarity of Lake Tahoe is world-renowned and is at the heart of the scenic beauty and attractiveness of the Region to residents and visitors alike. The 2013 results for clarity data released by UC Davis indicate a 5-foot reduction in annual average depth of clarity from 2012 with specific concern about deterioration in the summer-season, but continuation of a long-term trend of clarity depth stability.

The lake's designation as an Outstanding National Resource Water (ONRW) affords it the highest level of protection under the anti-degradation policy of the U.S. Environmental Protection Agency (EPA). Lake clarity continues to be a regulatory focus: the Lake Tahoe Total Maximum Daily Load (TMDL) was approved by EPA in 2011; TRPA adopted three new water quality threshold standards pertaining to deep water transparency, nearshore attached algae, and aquatic invasive species in December of 2012; and Lahontan issued a Draft Lake Tahoe Nearshore Water Quality Protection Plan in January 2014. (p. 20).

First, the NOP should clearly explain the difference between mid-lake clarity and nearshore clarity, as the factors which affect water clarity in each area vary, as do the clarity trends. There is no 'long term trend in clarity depth stability' in the nearshore; rather, it is getting much worse. Second, TRPA did not adopt a new water quality threshold standard pertaining to deep water clarity, as stated. TRPA replaced the winter clarity standard with an annual average and claimed it was the same result. No other changes to deep water transparency standards were made. The excerpt below (from TRPA's DEIR/S, Appendix B) shows the changes that were made:

WATER QUALITY

Deep Water (Pelagic) Lake Tahoe

NUMERICAL STANDARD

Reduce dissolved inorganic nitrogen (N) loading from all sources by 25 percent of the 1973-81 annual average. Achieve the following long-term water quality standards for deep water (pelagic zone) Lake Tahoe:

- The annual average deep water (pelagic) transparency as measured by Secchi disk shall not be decreased below 29.7 meters (97.4 feet), the average levels recorded between 1967-1971 by the University of California, Davis.
- Maintain Annual mean phytoplankton primary productivity at or below: 52gmC/m²/yr.
- ~~Winter (December—March) mean Secchi disk transparency: 33.4m.~~

In addition, the RPU adopted two *management* standards; one for "attached algae" – which affects the nearshore but is not the only factor, and for the aquatic invasive species.

Attached Algae

MANAGEMENT STANDARD

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

Aquatic Invasive Species

MANAGEMENT STANDARD

Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.

The EIR/S needs to clearly distinguish between the nearshore, the deep water or 'mid-lake,' and the aquatic invasive species program.

Nearshore Environment:

The EIR/S must also include a thorough examination of the nearshore and impacts of the proposed plan, as the RPU did not. Lahontan's draft Nearshore Protection Plan does not provide a substitute for this analysis. In addition, the nearshore report titled the "Lake Tahoe Nearshore Evaluation and Monitoring Framework," released October 2013³⁸ provided new information after the RPU EIS; the EIR/S must evaluate and incorporate the information in this report. Further, the TRPA uses the term "abate" as in "abate harmful.....impacts," but does not define their interpretation of "abate." The NOP should make clear what the NOP interprets "abate" to mean.

The EIR/S must address the variations in the nearshore around the entire Basin (as Placer proposes to convert/transfer/etc.). As summarized in the press release for the Nearshore Report:³⁹

Results from the report's widespread literature review and data summary indicate that conditions can differ widely around the lake's nearshore and create more localized effects as compared to the open-waters of Lake Tahoe, which tend to be more uniform. [Emphasis added]

The report also emphasizes that pollutants entering the lake from watershed or groundwater can be temporarily concentrated in the nearshore, before eventually being mixed and diluted in the open-water, resulting in biological responses not observed or recorded in Lake Tahoe's deep water.

"The nearshore environment is inherently complex since it is immediately adjacent to stormwater flow and runoff from the developed and undeveloped portions of the surrounding watershed," said co-author John Reuter, research ecologist and associate director of the UC Davis Tahoe Environmental Research Center. "Therefore, it is recommended that a finer scale of evaluation and monitoring is necessary in this zone, especially for the nuisance blooms of attached algae found on rocks and other hard surfaces in the nearshore."

Reuter added that in addition to pollutant factors, there are numerous other aspects unique to the nearshore environment that can contribute to variation in conditions, such as greater vulnerability to increased temperature from climate change, effects of nearshore recreation, existing and future shorezone structures, and fluctuation in lake levels.

We note the horizontal secchi measurements taken by the Tahoe Nearshore Dippers,⁴⁰ and Tahoe volunteers in previous years,⁴¹ also indicate substantial variations around the Lake. In addition, data compiled into the 2014 State of the Lake Report⁴² show a continued decline in nearshore conditions:

"While this year's data shows that progress is being made on many fronts, the biggest concern is what is not able to be shown," said TERC director Geoff Schladow... "This really applies to the nearshore, where most people experience the lake. Even with the planned increase in monitoring, why it is continuing to degrade is poorly understood. I'm hoping the nearshore network will start to fill that void."⁴³ [Emphasis added]

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http://www.dri.edu/images/stories/centers/cwes/Nearshore_Evaluation_and_Monitoring_Plan_02.10.14.pdf

³⁹ <http://www.dri.edu/news/4531-scientists-present-integrated-approach-for-evaluating-and-monitoring-lake-tahoe-s-nearshore-ecology-and-aesthetics>

⁴⁰ www.friendswestshore.org/tahoe-nearshore-dippers

⁴¹ www.secchidipin.org; view data for Lake Tahoe, both Placer and El Dorado Counties

⁴² http://terc.ucdavis.edu/stateofthelake/sotl-reports/2014/sotl_2014_complete.pdf

⁴³ <http://terc.ucdavis.edu/stateofthelake/>

Excerpts from the Executive Summary of the 2014 State of the Lake Report note the need to focus on the urban nearshore:

“Lake Tahoe agencies are now keenly aware of the need for further investment in science to better understand the root causes of nearshore degradation in general...”

Nutrients and the Nearshore:

The 2014 State of the Lake Report’s press release also reiterates the need to reduce both nitrogen and phosphorus:

One likely effect of longer summers is a reduction in dissolved oxygen at the bottom of the lake. Data shows that this could take between five to 10 years if deep lake mixing was totally absent. It would affect fish life and the chemical balance within the lake. Potential solutions include reducing the flux of nutrients to the lake to reduce algal growth. [Emphasis added].

As noted throughout our comments on the RPU and nearshore, and reiterated in the Executive Summary, the RPU’s strategies (which are based on the TMDL), are not sufficient to address the nearshore.

“While some of the strategies utilized for restoring midlake clarity will also benefit the nearshore, a focus on projects that directly affect the urban nearshore are important...”

Researchers also note several areas along the West and North Shore have consistently higher periphyton (attached algae) include the nearshore by Tahoe City. **It is incomprehensible to consider adding more large buildings closest to the Lake when the impacts of more development to the nearshore environment remain unknown.**

The EIR/S must also evaluate the impacts of the use of nitrogen in fertilizers on the nearshore, and evaluate existing and future loads from the plan. Alternatives must include the reduction in the use of nitrogen-containing fertilizers, a policy which is not part of the RPU.

Water Supply:

The NOP does not mention water supply, yet water supply is a critical issue in this three-year drought, and an issue that is paramount to ensuring we do not develop more users than can be served by our existing water supply.

We are extremely concerned with regards to the increased demand for water that will be generated by the growth associated with the TBCP, taken alone and in combination with other anticipated major new and redevelopment projects (concerns regarding water supply for future resort development on the West Shore were expressed years ago, as noted in attached comments related to Homewood). The EIR/S must fully disclose the existing water supply and demand, and forecasted need based on all alternatives.

Truckee River Operating Agreement (TROA):

Our water supply is not endless. Not only will Lake Tahoe’s water levels change, but downstream users must be assured their share of water from the Truckee River. We cannot simply ‘take more water from Lake Tahoe.’ The TROA, although not fully signed, limits the amount of water available to the CA and NV sides of Lake Tahoe. The

Agreement, as it now stands, allocates 23,000 acre-feet/year to CA and 11,000 acre-feet/year to NV. Below is an excerpt from Section 204(b) of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act,⁴⁴ referenced in the proposed TROA Agreement; (<http://www.troa.net/>)

(b) Lake Tahoe-

(1) Total annual gross diversions for use within the Lake Tahoe basin from all natural sources, including groundwater, and under all water rights in the basin shall not exceed 34,000 acre-feet per year. From this total, 23,000 acre-feet per year are allocated to the State of California for use within the Lake Tahoe basin and 11,000 acre-feet per year are allocated to the State of Nevada for use within the Lake Tahoe basin. Water allocated pursuant to this paragraph may, after use, be exported from the Lake Tahoe basin or reused.

(2) Total annual gross diversions for use allocated pursuant to paragraph (1) of this subsection shall be determined in accordance with the following conditions:

(A) Water diverted and used to make snow within the Lake Tahoe basin shall be charged to the allocation of each State as follows:

(i) the first 600 acre-feet used in California each year and the first 350 acre-feet used each year in Nevada shall not be charged to the gross diversion allocation of either State;

(ii) where water from the Lake Tahoe basin is diverted and used to make snow in excess of the amounts specified in clause (i) of this subparagraph, the percentage of such diversions chargeable to the gross diversion allocations of each State shall be specified in the Operating Agreement; and

(iii) the provisions of paragraph 204(b)(1) notwithstanding, criteria for charging incidental runoff, if any, into the Carson River basin or the Truckee River basin, including the amount and basin to be charged, from use of water in excess of the amount specified in clause (i) of this subparagraph, shall be specified in the Operating Agreement. The amounts of such water, if any, shall be included in each State's report prepared pursuant to paragraph 204(d)(1) of this title.

California TROA Appropriations:

According to data from the California State Water Board's website (accessed 8/8/2014)⁴⁵, total water appropriations from Lake Tahoe total 46,919 acre-feet/year (see the attached table⁴⁶). The EIR/S must fully analyze and disclose the existing water demand, the forecast demand under each alternative, and the available supply.

This analysis must also include the source for water demands. For example, the EIR/S must disclose the existing water used for snow-making, public drinking water, etc., and the forecast demands. Alternatives must include variable uses of water for each source (e.g. a reduction in snow-making, status quo, and increase, etc.).

The analysis of water supply and demand must also address groundwater, including existing conditions, available supply, responsible managers, and distribution systems. Also note that from the above table, it appears that the California allocation is oversubscribed.

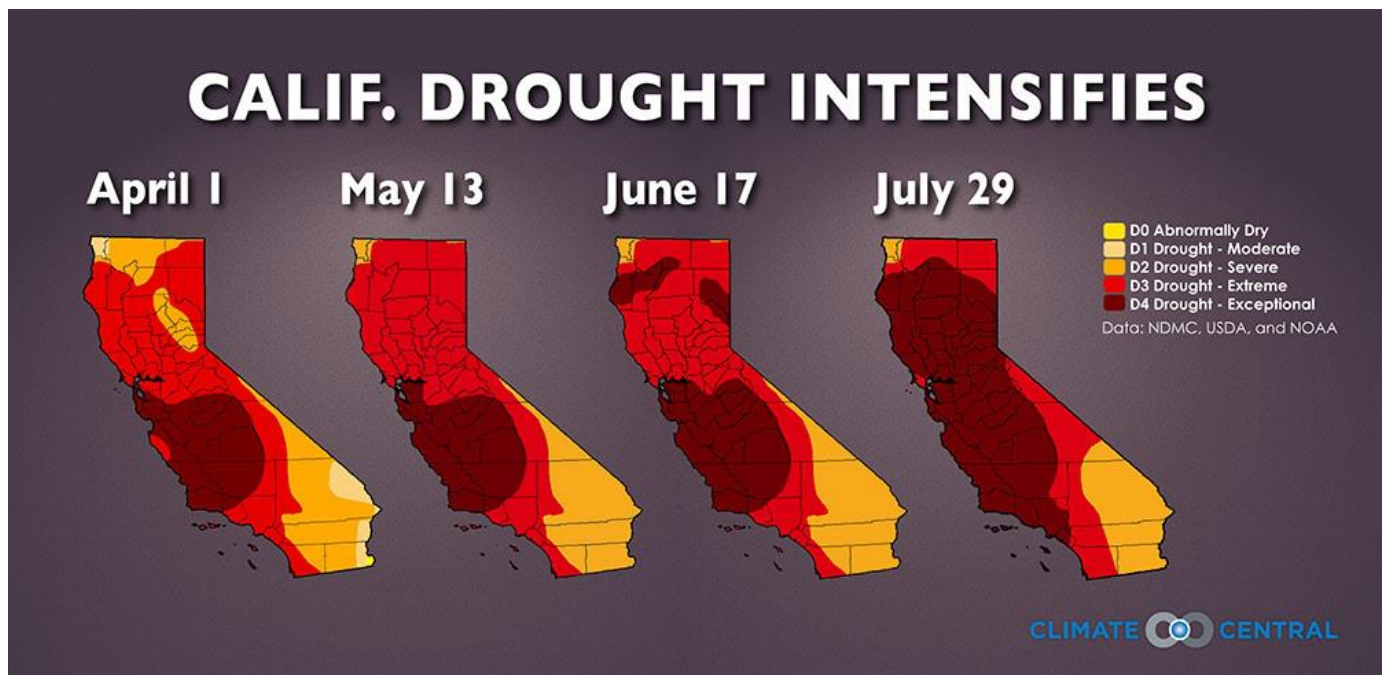
⁴⁴ http://www.troa.net/documents/PublicLaw_101-618/TitleII.htm

⁴⁵ <https://ciwqs.waterboards.ca.gov/ciwqs/ewrims/EWPublicTerms.jsp>

⁴⁶ Attachment is titled: "CA LT Water Rights 8.8.2014 Att to FOWS&TASC Comments on TBCP NOP"

Climate Change and Drought:

The EIR/S must also analyze and disclose water supply as it may be impacted by climate change and drought. For example, we are currently experiencing severe drought conditions, and there are already statewide concerns regarding meeting the water needs of the existing population. Voluntary conservation is not working;⁴⁷ as documented, voluntary actions cannot be considered for mitigation purposes.

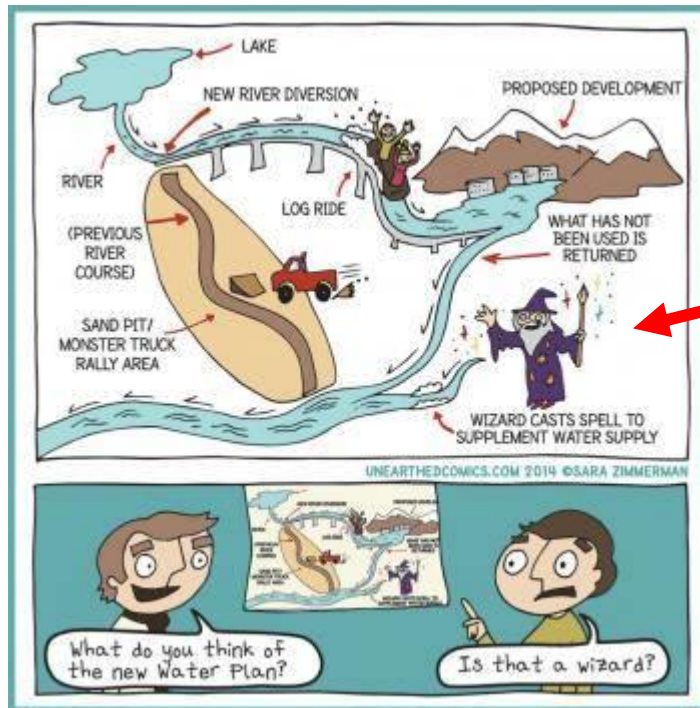


<http://unofficialnetworks.com/2014/08/california-drought-reaches-historic-proportions>

The EIR/S must also analyze the water supply available for reasonably foreseeable projects and cumulative impacts, including the future HMR development, Boulder Bay development, proposed Martis Valley West Parcel Area Plan, increases from Northstar, growth in Truckee and Martis Valley, potentially significant increases in Squaw Valley, and increases in Alpine Meadows (and all other regional increases). Further, the future developments in the Nevada portion of the basin that have not been mentioned, include Sierra Colina, Lincoln Creek, the redevelopment of the trailer park on the shoreline, and both Edgewood developments.

⁴⁷ <http://www.laketahoenews.net/2014/07/fines-possible-for-calif-water-waters/>

We note the mysterious ‘wizard’ in the depiction below (see red arrow below) of the Squaw Valley Water Supply Assessment by Moonshine Ink is not real, and therefore cannot be used as mitigation.



<https://www.facebook.com/tahoemoonshineink>

There is no doubt that Tahoe’s climate is already changing. We will experience more flooding, more wildfires, and other changes, as documented in the Tahoe Environmental Research Center’s (TERC): State of the Climate 2013 Report.⁴⁸ As summarized by TERC:⁴⁹

Meteorological conditions such as air temperature, wind speed, and solar radiation affect physical lake processes including depth of mixing and currents within the lake. This information is critical for water quality modeling. Analyses of long-term air and lake temperature data are providing evidence of global climate change and warming in the Tahoe Basin. With support of the local basin agencies and the National Science Foundation, the UC Davis Tahoe Environmental Research Center (TERC) and its precursors has conducted continuous monitoring of Lake Tahoe since 1968, amassing a unique record of change for one of the world’s most beautiful yet vulnerable lakes. In collaboration with government research agencies, such as the US Geological Survey and NASA/JPL, we have also compiled time series information on the basin’s streams, and on the spatial complexities of the lake’s surface temperatures. Combined with the more than one hundred years of meteorological data that exist for the Tahoe basin, it is now possible to examine this record to look for the impacts of the changing climate on the state of the lake.

This data record has also allowed for the development and calibration of models to look at what the future impacts of climate change are likely to be in the Tahoe basin. The 21st century climate is expected to impact the air temperature, amount and type of precipitation, stream discharge, sediment and nutrient loading, lake temperature, lake mixing, water quality, biodiversity and aquatic invasive species. Awareness of these impacts, and the range of approaches to mitigate or

⁴⁸ http://terc.ucdavis.edu/local_resources/images/research-images/climate-change.jpg

⁴⁹ <http://terc.ucdavis.edu/research/climate-change/>

minimize them, is essential for resource management agencies in the Tahoe basin, for decision-makers at all levels of government, and for those living in the Tahoe basin. [Emphasis added]

During the 8/14/2014 Tahoe Environmental Research Center (TERC) 2014 State of the Lake Report presentation, researchers stated that efforts to adapt to climate change include, but are not limited to, reducing nutrients entering the Lake, and restoring wetlands to allow overbanking. The EIR/S must analyze how each alternative will affect the levels of both nitrogen and phosphorus entering Lake Tahoe, and the extent of wetland restoration associated with each alternative. The EIR/S must also identify how the increases in coverage closer to Lake Tahoe will affect water quality (including the nearshore) and stormwater runoff.

The EIR/S must examine the impacts of the alternatives in concert with the impacts of climate change. Individual and cumulative impacts to the TRPA thresholds, all federal, state, regional, and local environmental standards, public health and safety, and other impacts must be disclosed.

Geology, Slopes, Land Capability, and Coverage:

Comments related to geology, slopes, and natural hazards are included below.

With regards to the land capability and coverage, there remains no evidence to date that coverage can be added next to the lake and the runoff fully mitigated. We have not seen any laboratory data showing that stormwater treatment systems (e.g. filters) remove the fine sediments, including phosphorus, below 5 microns - which are well documented as having the greatest impact on mid-lake clarity. Estimates based on the removal of 'total' suspended solids do not substitute for measured data. It is also well-established that the filters do not remove nitrogen. To date, the only proven and cost-effective means to truly reduce suspended sediment and nutrients entering the Lake is through natural infiltration. As noted by UC Davis researchers,⁵⁰ we need to reduce coverage closest to the Lake, not increase it:

"We should also relocate major roadways, like Highway 50, away from the lake shore," Cahill said.

"We need to create ecological buffers [between the roads and the lake], marshes that can capture runoff before it hits the lake."

The more land available to infiltrate stormwater between its source (roads, developments), and the Lake, the fewer pollutants end up in Lake Tahoe. Yet, the RPU, and the TBCP, encourage more coverage closest to the Lake. The location matters (a fact reiterated by the 2013 Nearshore Report) and the EIR/S must evaluate the impacts of the proposed coverage on mid-lake clarity, as well as in localized areas of the nearshore, in each alternative. The Basinwide analysis suggested by the NOP⁵¹ (below), and the 'analysis' included in TRPA's RPU, fail to assess and disclose the water quality impacts of the proposed development to both mid-lake and nearshore clarity.

In addition, the RPU's new concept, proposed for modification through approval of even more development by the TBCP, is based on the premise that new and redevelopment done

⁵⁰ <http://articles.latimes.com/2000/feb/16/news/mn-64810>

⁵¹ "The EIR/EIS will also discuss the effect on region-wide land coverage related to the proposed amendments to the 2012 Regional Plan." (p. 20-21) [Emphasis added].

correctly, with water treatment systems, can reduce pollutants entering the Lake. However, just three years ago, one of Lake Tahoe's most esteemed water quality researchers noted that there was still no evidence such systems worked, and recommended against approving new projects that relied on this concept until there was adequate evidence to demonstrate the systems effectiveness.⁵² He suggested ten years' time was necessary to understand and know that the experimental TMDL science would prove correct:

Underlying the argument is the notion, widely embraced by local officials, that properly designed new development can be an environmental tool to arrest the loss of lake clarity.

Until a decade ago, researchers blamed Tahoe's growing murkiness on algal growth promoted by nitrates and phosphorus carried into the lake by urban and stream runoff. But scientists now believe a big culprit is fine sediment -- essentially pulverized granitic soil -- that washes into the lake from the basin's roads, parking lots and urban areas. By incorporating catch basins, wetlands and filtration systems into new construction to capture the sediment, local officials say, they can build their way to a clearer lake.

John Reuter, associate director of UC Davis' Tahoe Environmental Research Center, said it remains to be seen if that approach will work in an alpine environment of steep slopes periodically swept by flash floods.

"It's a very interesting concept," he added. "Before the agencies just approve a lot of new projects with this as the key, it would be nice if we knew more.... They may work. They may not work." [Emphasis added.]

Hazards and Hazardous Materials

The NOP's discussion regarding natural hazards is extremely short (see below), yet the potential consequences of placing more people and structures in areas prone to natural hazards such as wildfires, avalanches, landslides, earthquakes, and tsunamis, could be severe.

Historical uses and the potential for site contamination will be documented in the EIS/EIR to the extent that information is available. In addition, this analysis will also address potential effects on emergency response plans and fire hazard risks. (p. 21)

The "Geology, Slopes, Land Capability, and Coverage" contents of the NOP note the following:

The EIS/EIR will include a general discussion of topographic alteration, slope stability, and erosion potential in the Placer County Tahoe Basin Community Plan Area. In addition, the EIR/EIS will evaluate in a programmatic fashion the potential for unstable cut and fill slopes; collapsible and expansive soil; erosion of graded areas; geologic/geomorphological hazards (e.g., avalanche, earthquake, seiche, landslides, mudslides, ground failure, subsidence, and liquefaction); unprotected drainage ways, and the potential for exposure to contaminated soils... (p. 20-21)

⁵² <http://articles.latimes.com/2011/jul/27/local/la-me-tahoe-20110727>

Avalanches, Landslides, etc.:

Additionally, concerns occurring primarily in the winter and early spring include landslides, rock falls and avalanches within the entire Area Plan. For example, Homewood is considered an area subject to both landslide and avalanche danger.⁵³ Rockfalls occur regularly on the steeper sections of the North Shore.

The Project area is located in a region that is traditionally characterized by moderate to high seismic activity (ICC 2006) and lies within a zone of influence of numerous other regional fault systems in eastern California and western Nevada. A *Geologic Hazards and Preliminary Geotechnical Evaluation* was completed for the general Project area on October 15, 2007 (Kleinfelder 2007). The purpose of the evaluation was to identify and assess potential geologic hazards at the site in accordance with the requirements of the California Board for Geologists and Geophysicists (Board) Geologic Guidelines for Earthquake and/or Fault Hazard Reports; the Board Guidelines for Engineering Geologic Reports; California Geological Survey (CGS) Special Publication 42, *Fault-Rupture Hazard Zones in California: Alquist-Priolo Earthquake Fault Zoning Act with index to Earthquake Fault Zone Maps* (Hart and Bryant 1997); and CGS Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards in California* (California Division of Mines and Geology 1997). The secondary purpose was to comply with Placer County Community Development Resource Agency guidelines for a Preliminary Geotechnical Report. The Kleinfelder preliminary report is referenced for information about the general Project area.

This danger exists in other parts of the West and North shore. As we have never heard of a method that can provide 100% assurance (or ‘mitigation’) that avalanches or rock falls will not occur. The EIR/S must discuss this danger and provide detailed disclosure of existing and potential dangers. The EIS must include risk assessment for these dangers, including existing conditions and any existing overnight uses currently in areas where these threats may occur and a comparative risk assessment for the proposed project and alternatives. The EIR/S must discuss proposed ‘mitigation’ in detail, including the established level of effectiveness (for example, evidence indicates that in “10” areas where the proposed mitigation method has been consistently used, avalanches have been mitigated “#”times). In other words, the EIR/S must include evidence that the proposed mitigation actually mitigates the impacts of natural hazards.

Wildfire:

Areas within the TBCP project area are subject to extensive danger from wildfire, placing thousands of people and structures in a hazardous area. We have attached a report regarding development in fire-prone areas: *Dangerous Developments* (Sierra Nevada Alliance 2007). The EIR/S must analyze and disclose the wildfire danger to people, property, habitat, and wildlife for each alternative. The EIR/S must include the plans for how existing communities would be evacuated in the event a wildfire breaks out, as well as how this will be done with the additional development, people, and traffic associated with each alternative.

Earthquakes and Tsunamis:

In addition to wildfire, the project area also includes mapped active earthquake faults. More information regarding the determination of faults in the project area can be found at

⁵³ http://www.trpa.org/wp-content/uploads/14_Geology_FEIR_EIS.pdf

the UNR Nevada Seismological Laboratory and the California Geological Survey. We have also attached information regarding the Tahoe-Sierra Frontal Fault Zone, which shows the mapped faults in the TBCP area (these were attached to our previous comments on the Policy Document as well). The EIR/S must fully disclose the threat to all areas within the TBCP, and the extent of these threats under each alternative (e.g. number of people, homes, buildings, etc., in the zone that would be affected by a tsunami). The EIR/S must also include the plans for how existing communities would be evacuated in the event of a major seismic event, as well as how this will be done with the additional development, people, and traffic associated with each alternative and combined with projects which have already been approved, but not yet built. For example, the Homewood Mountain Resort expansion on the west shore is located within yards of the mapped West Shore Fault with its predicted 7.2 magnitude, but the Placer County emergency evacuation plans are silent as to this future addition of autos on the crowded highway.

Transportation:

The EIR/S must base the existing conditions on the most recent transportation information; it cannot tier from the RPU EIS. Visitor traffic has increased in the Basin over the past few years as the economy has improved. This was not taken into account by TRPA's RPU EIS, which based its analysis on 2010 traffic levels. Any additional VMT and congestion must be added to the current baseline. Any additional VMT and congestion predicted in the Community Plan/Area Plan project must be added to the current baseline. Whether the project adds traffic or "influences" traffic, the amount must be added to the 2010 numbers in order to accurately compare and determine the actual increase. As we all know, everyone in town is complaining about the traffic congestion this summer (2014). In addition, although Tahoe-specific records for 2014 are not available at this time, Caltrans information for June 2014 indicates a 3.2% increase in VMT throughout the state compared June 2013,⁵⁴ and full year records through 2013⁵⁵ show a 1.86% increase above 2012 and 2.10% increase above 2011. There is no doubt VMT has gone up.

...Traffic conditions will be evaluated for the Placer County Tahoe Basin Community Plan, and compared against conditions contemplated in the Regional Plan EIS and RTP/SCS EIR/EIS.

Total changes to VMT from each alternative must be evaluated. As VMT has different impacts on the environment depending on the season and location, and the season and location associated with various water, air, and other emissions have an impact on how the emissions impact the environment, the EIR/S must evaluate VMT impacts by season and location. This must also be assessed in terms of nearshore conditions.

The cumulative VMT impacts from the proposed TBCP and other regional plans and projects (noted elsewhere), must be adequately assessed. The impacts of visitors entering the Basin during peak times (e.g. Friday afternoon/evening) and exiting the Basin (e.g. Sunday) must be assessed, as must the VMT increases associated with the increased visitation resulting from the TBCP. Although noted elsewhere, the impacts of VMT on emergency vehicles and situations must also be disclosed.

⁵⁴ <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/monthly/2014/june2014-vmt.pdf> (attached).

⁵⁵ <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/monthly/VMTHIST1.pdf> (attached).

The EIR/EIS analysis will include analysis of regional vehicle-miles of travel (VMT), and traffic volume forecasts. These forecasts will be used to assess the Level of Service (LOS) that would occur at key roadway segments and intersections. In addition, conditions for other transportation modes—transit, water transit, bicycle and pedestrian—will be assessed to determine the proposed project’s ability to reduce automobile dependency while enhancing mobility, a goal of the Regional Plan and RTP/SCS. (p. 21)

The impacts of VMT should also be evaluated and disclosed in terms of emissions per person per mile (EPPM). This metric is generally used to assess which transportation options produce the fewest emissions per person, and therefore provides a true means to evaluate the pollution associated with different modes of travel by individuals. Additional information is included in our attached comments on the scoping for the Tahoe Ferry Project. As the TBCP suggests water transit (p. 21), we herein incorporate our comments on the Ferry Project NOP.

The EIR/S must also analyze and disclose existing and future parking needs and supply, as well as applying the formula that predicts how many trips are induced by a parking space. Issues and considerations related to parking are summarized below from http://www.urbanstreet.info/2nd_sym_proceedings/Volume%202/Forinash_session_7.pdf:

Smart Growth Alternatives to Minimum Parking Requirements

By Christopher V. Forinash, Adam Millard-Ball, Charlotte Dougherty and Jeffrey Tumlin

ENVIRONMENTAL IMPACTS OF PARKING

The significant environmental costs associated with parking are not typically factored into development decisions, and only recently have begun to be considered in setting parking requirements. Construction of unnecessary impervious surfaces increases the impacts of stormwater runoff, either on the storm sewer system or the surrounding land. Paved surfaces can also result in water pollution and flooding, resulting in a decline in adjacent property values. Heat islands, or areas of artificially raised temperatures, also are exacerbated by unnecessary pavement.

Consuming land for parking also reduces the land available for greenspace or other, more productive development. Land preserved as part of the green infrastructure allows stormwater to percolate into the soil, provides wildlife habitat, provides air quality and noise reduction benefits, and is aesthetically desirable. Land developed for living, working, and shopping rather than just parking provides more intensive use. This lowers the demand to develop other land nearby or elsewhere in the region. Intensifying uses also creates a more supportive environment for transit and walking, and potentially for bicycling as well.

Providing more parking than demanded, and at artificially low prices, contributes to several harmful environmental impacts. First, this subsidy of automobile use leads directly to excess driving. This results in increased auto dependency and air pollution, accidents, and congestion. Second, it indirectly degrades the attractiveness of walking and biking, by increasing distances between activities and creating uninteresting routes. Third, it indirectly undermines the potential for transit service by decreasing the density of development possible.

All of these environmental costs tend to be greater for parking built in greenfield areas where there is more inexpensive but ecologically-sensitive open space available and where development densities are lower thus requiring more and longer automobile trips. Because these environmental costs are not realized by developers, they do not influence development decisions which are driven primarily by the direct financial costs that are typically lower in greenfield areas.

For more detailed information about the impacts of alternative development patterns, see “Parking Alternatives” (1) and “Our Built and Natural Environments” (2).

Public Services and Utilities

The EIR/S must analyze and disclose the impacts of each alternative on all public services and utilities. This must include the impacts from visitors to the Basin and adjacent areas. As noted previously, the EIR/S must carefully examine water supply. In addition, the impacts of each alternative on power demand and supply must be assessed based on existing infrastructure. As there are capacities to public services and utilities, and the demand for utilities is by its very nature cumulative, the assessment must go beyond ‘programmatic.’ We remind Placer County that, as noted in comments by the North Tahoe Citizen Action Alliance,⁵⁶ power demand based on existing infrastructure would require limited upgrades, and there is no need for the CalPeco/Liberty power line project. Instead, the large power line project is proposed in order to accommodate future growth outside of the Basin.

The public services and utilities section of the EIR/EIS will programmatically evaluate potential effects of the Placer County Tahoe Basin Community Plan and its resultant redevelopment potential on power, solid waste collection and disposal, police services, fire protection services, water treatment and distribution, and wastewater collection. (p. 21)

Recreation:

The EIR/S must assess the impacts of each alternative on all demand for all types of recreation, from the more intensive/developed uses to the lower impact, dispersed uses. Impacts to hiking, equestrian, and bike trails and their capacity must be examined, including both the environmental capacity and the capacity for people to enjoy a less crowded outdoor experience, as noted in TRPA Resolution 82-11 emphasizing high quality, undeveloped shorelines and natural areas.

The impacts from recreation on the environmental thresholds must be fully analyzed and disclosed. The impacts to recreation from additional projects which draw more residents and visitors to the Basin are cumulative in nature. For example, as more people visit the West Shore, use of existing hiking trails will likely increase. What impacts will more crowded trails have on outdoor, low-impact recreational experiences?

Alternatives should consider buffers to minimize conflicts between uses (e.g. snowshoeing/X-C skiing and snowmobile use).

The Placer County Tahoe Basin Community Plan would create mixed-use districts and designate additional lands for recreation. The EIR/EIS will programmatically discuss the project’s effect on the demand for recreation facilities, recreation capacity, public access to the lake and other recreation areas, and potential conflicts between recreation uses, (p. 21)

⁵⁶ Attachments include: NTCAA’s 2/14/2014 “Technical Comments on the Draft EIS/EIS/EIR CalPeco/Liberty Utilities 625 and 650 Electrical Line Upgrade,” and Exhibit B: “Assessment of the Proposed 625 & 650 Electrical Line Upgrade Project” By Thomas A. Besich, Electric Utility Power Engineer (April 28, 2014)

Biological Resources and Forest Resources

The EIR/S must examine the impacts of the TBCP on wildlife and their habitat. Impacts include reduced extent of habitat, reduced quality of habitat, increases in habitat intrusion by humans and development, fragmentation caused by buildings, existing areas of high use, roads, and other developments. Wildlife impacts must also be assessed in light of the cumulative impacts from other Tahoe and regional Proposed Projects.

The EIR/S must disclose the estimated number of trees (by size) and acreage of forest that will be removed or impacted by each alternative. The cumulative impacts of the potential CalPeco project that removes roughly 25,000 trees in the Basin, the Martis Valley West Parcel Area Plan, and other projects must be evaluated and disclosed. As the impacts to wildlife habitat and forests from multiple additional projects are cumulative in nature, the assessment must go beyond a 'programmatic' review.

The EIR/EIS will discuss whether the proposed project could affect the distribution, extent, and quality of sensitive and common biological resources that may be located within the project area. In addition, the EIR/EIS will discuss the potential for wetlands or stream environment zone (SEZ) areas to be affected. The relationship of the TRPA vegetation and wildlife threshold carrying capacities and forest resources will also be discussed programmatically. (p. 21)

Scenic Resources and Community Character

Comments related to the establishment of community character are included previously in this letter.

The EIR/S must examine and disclose the scenic impacts of the proposed TBCP on all views, including views from roadways, existing buildings and residences, the Lake, mountains, hiking trails, bike trails, and views from areas across the Lake. It appears the TBCP does not propose height above the 56' allowed by the RPU in Town Centers, however the increases in density in some areas will result in wider dense buildings, blocking scenic views and marring views from other areas. No landscaping or mural can replace the loss of a view of the Lake or mountains.

In addition, the impacts to Night Sky must be evaluated and disclosed.

The EIR/S must also analyze the impacts of taller and wider buildings on adjacent residential areas. Buildings may block existing open views, actual views of the lakes or mountains, or in some areas, tower over existing residential and commercial structures, creating scenic impacts, loss of sun, and other detrimental impacts. The EIR/S must evaluate and disclose these impacts. For example, the City of South Lake Tahoe evaluated the number of homes that would be impacted by the increased height of buildings from Ski Run to Stateline.⁵⁷ A similar, but more thorough analysis, with improved public engagement, is needed for the EIR/S.

⁵⁷ http://www.trpa.org/wp-content/uploads/3_Attachment-B_FINAL_11-20-2013-GB-Supplemental-TCAP-Staff-Summary_APC-Action.pdf

The EIS/EIR will evaluate effects on views from TRPA scenic travel routes and public recreation areas. The EIS/EIR will also include an assessment of effects on TRPA scenic quality thresholds, potential effects on community character, consistency with local and regional plans/design guidelines, height limits, and nighttime views in the area. (p.. 21) [Emphasis added]

FOWS and TASC agree that scenic effects and impacts can have significant effects on community character, and appreciate the County's recognition of that problem. We look forward to a solid discussion of the various impacts on existing community character in the EIS/R.

Cultural Resources

As noted in our comments on the draft Policy document, the Placer documents to date lack information provided by the Washoe Tribe. The EIR/S must include this information, as well as analyze the potential impacts of each alternative on these cultural resources.