Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

November 14, 2016

Re: Comments on the Final Placer County Tahoe Basin Area Plan Environmental Impact Report/Statement and related documents

Dear Members of the Placer County Planning Commission:

The Friends of the West Shore ("FOWS") and the Tahoe Area Sierra Club ("TASC") thank you for the opportunity to provide comments on the Placer County Tahoe Basin Area Plan (TBAP) Final Environmental Impact Report/Statement (FEIR/S) and related documents. We appreciate the additional time that was put into the FEIR/S and responding to public comments. However, as the attached comments note, we remain concerned that numerous impacts have not been adequately examined or mitigated, thereby impeding efforts to achieve and maintain TRPA's environmental thresholds and TRPA and Placer County requirements related to public health and safety. Our detailed comments include but are not limited to the following topics:

- Transportation impacts, including VMT impacts *within the TBAP boundaries* and the need to evaluate and implement *all* potential mitigation;
- Inadequate mitigation measures to address existing and future threats to public safety;
- Failure to identify nearshore conditions, evaluate impacts, and provide for measures to improve nearshore clarity and ecosystem health;
- The need to identify meaningful measurements, require adequate monitoring, and provide for accountability so that SEZ restoration efforts work as intended; and
- Inadequacies in the analysis of local coverage impacts, loss of scenic quality from buildout of Town Centers, concerns regarding future water supply, and the need to prepare for more intense periodic flooding.

We are also concerned that numerous impact assessments are being inappropriately deferred to future project-level reviews where it will be too late to address and mitigate *areawide* impacts. In addition, the FEIR/S concludes several impacts are 'acceptable' because they will occur (to some degree) with or without the TBAP, however less so for the proposed TBAP than with "No Action." However, the FEIR/S must base significance on the comparison to the *baseline* (existing conditions). Finally, the TBAP provides the opportunity to improve conditions that we know will challenge the achievement and maintenance of TRPA's thresholds; as an amendment to the RPU, the TBAP must contribute to threshold achievement and maintenance, not simply lessen negative impacts.

We strongly urge TRPA and Placer County to take advantage of the opportunity to consider new and innovative measures to not only mitigate the TBAP's impacts, but also to address problems that already exist or that will occur regardless of whether the TBAP is adopted (e.g. cumulative

traffic impacts, flooding). TRPA staff recently stated that Lake Tahoe used to be "cutting edge" with regards to environmental planning and protection,[1] but that is no longer the case. Lake Tahoe deserves better. As recently noted by a 2015 Threshold Evaluation Report peer reviewer, *"Tahoe is a gem"* and simply meeting existing standard and regulations may not be good enough, especially in the face of climate change impacts.[2] While researchers may not have all of the answers (e.g. nearshore processes), we do have enough scientific information to understand some of the actions we can and should take *now*. We therefore request that TRPA and Placer County revise the EIR/S to address the numerous impacts to thresholds and public safety that have not been fully disclosed or mitigated, and to include additional measures to increase environmental protection and public safety.

Finally, although Placer County's contract with the consultant required an amendment to cover additional time required for the FEIR/S,[3] the public has not been afforded this same increase in time to review the FEIR/S and related documents. Given the TBAP will guide development in the North and West Shores for the next twenty years, the approval should not be rushed, and the public should be provided ample time to review all FEIR/S and related documents. However, the FEIR/S was released late in the afternoon on 11/4/2016. Further, several files were corrupt or not accessible for several days on Placer County's website. Although documents were also posted on TRPA's website, the Notice of Availability directed the public to the Placer County website.[4] This made an already short timeline for public review even more difficult. We request the meeting schedules be revised so the public is provided at least thirty days to review and comment on the FEIR/S and related documents *before* the first public hearing. While meetings have already started, it is not too late for Placer County and TRPA to revise their schedules and provide the public additional time.

We would be happy to meet with you to discuss our concerns. Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net or Laurel Ames at amesl@sbcglobal.net if you have any questions.

Sincerely,

Susan Gearhart,
President
Friends of the West Shore

Laurel Ames,
Conservation Chair
Tahoe Area Sierra Club

Jennifer Quashnick,
Conservation Consultant

[1] John Marshall, 9/7/2016 Development Rights Working Group meeting
[2] From Dr. Kevin Rose: "Tahoe is a gem and meeting the various regulations and standards may not in some cases be sufficient in order to improve water quality conditions to targets given nonstationary climate conditions. (2015 TER, App. D, p. D-128)
[3] http://www.placer.ca.gov/upload/bos/cob/documents/sumarchv/2016/161025A/05a.pdf
[4] http://www.placer.ca.gov/~/media/cdr/ecs/eir/tahoebasincp/feir/form_noa_feir.pdf?la=en

Contents

Transportation Impacts

1. FEIR/S findings:

The FEIR/S reiterated the DEIR/S findings as follows.[5]

The proposed Area Plan would:[6]

- Worsen LOS for one roadway segment in Tahoe City;[7]
- Decrease VMT;[8] and
- Contribute to a cumulatively considerable impact to both LOS and VMT.[9]

The FEIR/S deems this beneficial because VMT will presumably decrease, and LOS would be even worse under the No Action alternative versus the proposed Area Plan.

The Tahoe City Lodge (TCL) will:[10]

- Increase VMT; and
- Reduce (worsen) LOS.

The FEIR/S concludes the TCL impacts to be less-than-significant because there will be a reduction in average daily trips, and the increased VMT and reduced LOS impacts are less than would otherwise occur under the No Action alternative.[11]

We appreciate the revisions and additional mitigation measures included in the FEIR/S to address transportation impacts, including Vehicle Miles Traveled (VMT) and congestion. In addition, the explanation of historical changes regarding VMT modeling is extremely helpful; we appreciate this being laid out in detail for the public in the FEIR/S.[12]

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[5] FEIR/S, p. 3.1-2

[6] "As for impacts from the proposed Tahoe City Lodge project, the Draft EIS/EIR discloses that the project would reduce average daily trips, but produce both a small increase in VMT and decrease in LOS as compared to the baseline condition, but a decrease in VMT and better (increase) LOS when compared to the "No Project" alternative (Alternative 4)." (FEIR/S, p. 3.1-2)

[7] "As compared to existing conditions, LOS would either continue to operate at an unacceptable level or worsen with additional localized densities in the town centers within the Plan area…" (FEIR/S, p. 3.1-2)

[8] "Chapter 10 discloses that implementation of Alternative 1 (the proposed Area Plan) would reduce vehicle miles traveled (VMT) as compared with the baseline condition, due to the more compact land use pattern and mobility improvements. As a result, the Draft EIR/EIS determined that Alternative 1 would have a beneficial impact related to VMT, and the alternative would promote continued attainment and maintenance of TRPA's VMT threshold standard." (FEIR/S, p. 3.1-2)

[9] "The cumulative analysis found that with the addition of external trips that could result from buildout of surrounding areas outside of the Lake Tahoe Basin, VMT in the Tahoe Region would increase above baseline levels, but would remain below the TRPA VMT threshold standard, resulting in a less than significant impact." (FEIR/S, p. 3.1-2)

[10] "As for impacts from the proposed Tahoe City Lodge project, the Draft EIS/EIR discloses that the project would reduce average daily trips, but produce both a small increase in VMT and decrease in LOS as compared to the baseline condition..." (FEIR/S, p. 3.1-2)

[11] "[The TCL would produce a] decrease in VMT and better (increase) LOS when compared to the "No Project" alternative (Alternative 4)." (FEIR/S, p. 3.1-2)

[12] p. 3.1-3 to 3.1-6

2. VMT impacts:

The TBAP FEIR/S states cumulative regional VMT will increase even under the No Action alternative. As noted in our comments on the RPU EIS and TBAP DEIR/S (i.e. regarding changes such as conversions of CFA to TAUs), we do not believe the transportation analyses have sufficiently evaluated the TBAP's potential VMT impacts. Even if regional VMT were reduced by the RPU, this would still not address the local increases in VMT within the TBAP boundaries.

TRPA's RPU EIS deferred analysis of local impacts to the environmental analysis that would accompany the Area Plans.[13] However, the TBAP fails to consider the local impacts, citing this is not necessary because the regional VMT standard would not be violated.[14] TRPA's 2015 Threshold Evaluation Report (p. 12-27; see Table 12-15 below) shows an increase in traffic in the North/West area of the Tahoe Basin; notably, decreases in the South Shore appear to 'cancel out' the impacts of increased VMT in the north/west shore when only the regional VMT is considered.

Table 12-15. *Change (Δ) in Daily Vehicle Trip Ends (DVTE) and Vehicle Miles Traveled (VMT)*

Jurisdiction	2010	2011	2012	2013	2014	Total Δ by Jurisdiction
Douglas						
DVTE	800	1,259	-1,549	-2,732	3,724	**1,502**
VMT	3,200	11,353	-14,628	-12,649	15,082	**2,358**
Washoe						
DVTE	0	251	-892	-378	981	**-38**
VMT	0	6,171	-14,495	-1,908	6,565	**-3,667**
El Dorado						
DVTE	-1,500	4,200	-200	0	-7,900	**-5,400**
VMT	-5,643	13,935	-10,840	0	-33,866	**-36,414**
Placer						
DVTE	-800	1,000	-500	0	4,000	**3,700**
VMT	-4,040	14,477	-12,185	0	17,480	**15,732**
Annual Δ						
DVTE	**-1500**	**6,710**	**-3,141**	**-3,110**	**805**	**-236**
VMT	**-6,483**	**45,936**	**-52,148**	**-14,557**	**5,261**	**-21,991**

Notes: Based on traffic counts collected by Caltrans and NDOT. VMT is calculated by TRPA using average trip length, survey data and modeling.

Source: TRPA, Caltrans and NDOT Annual Traffic Count Programs

It is contrary to CEQA for TRPA's RPU to defer local impact analyses to future area plan reviews and then for subsequent area plan reviews to fail to perform local analyses because the RPU concluded regional standards will be met. This begs the question – if neither the RPU or area plans will address improvements to local traffic impacts compared to existing conditions, then when will this occur? Traffic is a regional and areawide issue, just as many solutions are also most effectively implemented at the regional and areawide scale (i.e. improved transit programs require coordination and implementation at a larger scale). Skirting this issue and

[13] Noted in our NOP and DEIR/S comments.

[14] "As described above, the Draft EIR/EIS clearly identified the significance criteria related to VMT, which is appropriately based on the only adopted VMT standard in the region." (FEIR/S, p. 3.1-7)

claiming future project-level reviews will address these impacts completely disregards the opportunity to ever address these impacts.

Further, from a GHG emissions perspective, while the FEIR/S claims the TBAP meets TRPA's RTP/SCS document, we believe that Tahoe should strive for more than the minimally-required reductions. TRPA's Development Rights Working Group recently discussed concerns that Lake Tahoe used to be "cutting edge" with regards to environmental planning but no longer are.[15] Members agreed it was important to once again be a leader. The TBAP provides an opportunity to adopt innovative and more protective approaches to protect our climate. Further, as an area that will be subjected to the significant environmental and economic impacts of climate change, Lake Tahoe deserves better than the minimal effort.

Regional vs. local VMT impacts:

While it is correct that TRPA's VMT threshold standard is only regional, impacts to other threshold standards such as water quality, air quality, noise, and to other resources and public health and safety will still occur on a *local* scale; these impacts are not addressed by a regional VMT standard (we herein incorporate the 8/15/2016 comments by Greg Riessen, PE, submitted on the DEIS/R on behalf of the League to Save Lake Tahoe). CEQA and the TRPA Compact require that all impacts must be analyzed and disclosed, and mitigated where significant impacts may occur. This is why we have repeatedly requested, as early as in our NOP comments, that the EIR/S examine local impacts. That TRPA and Placer County failed to include significance criteria when the public first requested this analysis (notably, we requested this in the RPU analysis as well) to evaluate these impacts is no excuse to fail to evaluate them. The FEIR/S recognizes that traffic will increase within the Area Plan boundaries. It violates CEQA to fail to address these impacts to traffic within the TBAP, let alone the related local VMT impacts to other standards (i.e. water quality).

The FEIR/S also states that TRPA could choose to adopt a policy to examine local impacts, however, because no such policy currently exists now, it is not necessary to evaluate local impacts.[16] While we appreciate that the FEIR/S acknowledges this issue, it still does not negate CEQA and TRPA requirements to evaluate all environmental impacts.

The FEIR/S also states that no meaningful information would come from an evaluation of local impacts.[17] We do not agree. The reports regarding north/west shore trips versus south shore trips alone provide meaningful information, showing that traffic is on the rise in the TBAP area. This should necessitate that the TBAP include stronger traffic-reducing measures. Further, all available information regarding nearshore impacts indicates increased impacts from roadways and covered surfaces that are located closer to Lake Tahoe. This information necessitates that coverage closer to Lake Tahoe be reduced from existing amounts, and certainly not increased.

[15] TRPA Attorney John Marshall, 9/7/2016.

[16] "No other adopted VMT standards or regulatory requirements exist; development of an alternative VMT standard is within the policy discretion of the TRPA Governing Board. Placer County has not adopted a significance threshold with respect to VMT." (FEIR/S, p. 3.1-7)

[17] "An analysis of the proportion of VMT that could occur within specific portions of the Plan area was not included because it would not provide meaningful information to assist in evaluating the Area Plan alternatives." (FEIR/S, p. 3.1-13)

These are just two examples of why local information is meaningful and necessary to guide future development in a way that protects Lake Tahoe.

We reiterate our request that the EIR/S examine local impacts, and believe its failure to do so is a violation of CEQA and the TRPA Bi-State Compact.

Proximity of roadways to Lake Tahoe:

It is inappropriate to rely solely on a regional focus when it is known that the closer roadways are to Lake Tahoe, the greater the threat from pollution. TRPA's 2015 TER notes that, "*Atmospheric deposition of fine sediments and adsorbed nutrients from road dust can have a disproportionately greater effect on the nearshore compared to deep lake sites due to proximity."* (p. 4-37). The Lahontan Regional Water Quality Control Board's Lake Tahoe Nearshore Water Quality Protection Plan (2014) cited by the FEIR/S also notes that controllable factors such as the proximity of impervious surface to the lake may be partly responsible for local "hotspots" of periphyton.[18] Further, the response to comments also acknowledges that traffic volumes have variable impacts on the nearshore water quality.[19]

3. Level of Service (LOS) Standard:

Substitute LOS Standard for Tahoe City:

Our comments on the DEIR/S raised concerns about the adoption of a substitute standard for LOS in Tahoe City to allow more congestion (lower LOS). The FEIR/S erroneously frames this issue as if there are only two options: one, to allow LOS to worsen, or two, to expand roadway capacity.[20] However, this ignores the third option: to evaluate and implement all available measures to reduce traffic on the roadways. While the FEIR/S includes revised and additional mitigation measures, not all available options were considered. In addition, measures that are difficult to implement or 'outside of the box' were dismissed; at some point, we will need to start going beyond the status quo to address these impacts. As our comments asked previously, if not at the RPU level, and not at the TBAP level, then when?

[18] "The nearshore agencies have identified the need for geographically focused investigations of land uses and soils/geology to determine the causal factors affecting localized nearshore "hotspots" where elevated periphyton, increased turbidity, and/or high invasive clam populations have been measured. Controllable factors, such as proximity of impervious surface to the lake, sewer line exfiltration, concentrated recreation activities, and uncontrollable factors such as climate change and geology may be responsible for observed conditions" (p. 10)

[19] "It is true that traffic volumes (or VMT, when volumes are multiplied by roadway length) may have differing impacts on water quality, but no local or regional standards have been defined for near-shore roadways." (FEIR/S, p. 3.3-143)

[20] "However, while there are those who disagree with the change in policy, Placer County and TRPA have concluded that increases in roadway capacity would be inconsistent with the Regional Transportation Plan and Regional Plan because they would also serve as an incentive for visitors and residents to use private automobiles instead of using alternative travel modes." (FEIR/S, p. 3.1-15)

The FEIR/S also claims that the impacts of the revised (weakened) LOS standard need not be evaluated for the TBAP because this change will not result in any actual changes.[21] This makes little sense. CEQA and the TRPA Compact require that the impacts of any proposed project be adequately evaluated; this applies to planning documents, not just individual projects. In fact, if the FEIR/S's logic were followed, then no planning document – from the TRPA RPU, to General Plans, Specific Plans, and other land use plans – would require environmental review. Clearly, this would be a violation of environmental laws.

We believe the TBAP is the appropriate time to plan such measures and reiterate our request that this be done. If not now, then we ask TRPA and Placer County to identify when this planning will occur.

Impacts to allocation of new development:

We also questioned how this revised standard would impact the RPU's mitigations for LOS impacts which limit the release of new allocations based on anticipated traffic impacts. Since new allocations are tied to the achievement of LOS standards, revisions to those standards to weaken them may result in allocations being released sooner than anticipated by the RPU EIS. The FEIR/S does not address this issue; it merely states that there is no impact because Code requirements will have to be met. This statement misses the point – the TBAP is proposing to change those very Code requirements.

We request TRPA and Placer County clarify how the to-be-revised LOS standard will add or limit allocations for new development.

Caltrans LOS standards:

Our DEIR/S comments identified the errors in the document which misstated the LOS standards that apply to SR 267 and SR 28.[22] Although TRPA could choose to apply different LOS standards to state highways than Caltrans requirements, as well as the standards TRPA in fact used in the 2012 RTP, Caltrans' Concept LOS standards (LOS E in for segments in the Town Centers and LOS D for SR 267 north of SR 28) have not been changed. As noted by Caltrans in a previous letter (cited in our DEIR/S comments), this document must identify impacts that violate the Caltrans LOS standards as significant; the TBAP will cause Caltrans Concept LOS to be violated. The FEIR/S also erroneously states that TRPA's LOS standards are the most stringent. Caltrans' LOS standards require a LOS D and E for various segments; as note in our DEIR/S comments, TRPA's proposed LOS standards are less stringent (meaning they allow more congestion) than Caltrans.

We request these errors be corrected and the FEIR/S identify the impacts to LOS on SR 267 as significant. We further request that measures to mitigate these impacts be evaluated and included with the TBAP.

[21] "The Draft EIR/EIS analyzes the effects of the change in the LOS standard on page 10-17. The analysis notes that the change in the LOS standard would not change the actual LOS of intersections and roadway segments in the Plan area." (FEIR/S, p. 3.1-15)

[22] See comments labeled as 12-33 and 12-34, p. 3.3-61 and 3.3-62

Parking:

The FEIR/S acknowledges that paid parking can result in substantial reductions in auto use, however dismisses this mitigation measure because most of the parking supply in key town centers is privately-owned. The FEIR/S also states that paid parking can place businesses in the paid parking area at a disadvantage compared to those outside of the paid parking area, and encourage more side street parking. The FEIR/S also states that paid parking alone is not likely to reduce personal auto use substantially, unless coupled with other measures such as improved transit. However, the FEIR/S fails to evaluate the potential for paid parking combined with transit improvements to reduce traffic. This should at least be assessed in the document; Placer County and TRPA will still have the option to choose otherwise, but CEQA and TRPA's Compact require all feasible mitigation to be implemented where significant and unavoidable impacts may occur. In this case, such impacts are noted for LOS in Tahoe City, and we believe with proper analysis, local VMT increases would also be significant. Therefore, such mitigation should at least be evaluated in the document.

We request these mitigation options be evaluated in the EIR/S.

With regards to the parking for the Tahoe City Lodge, we suggested the Lodge could implement incentives to reduce vehicle use (and parking needs) by guests, and disincentives to discourage additional vehicles. We also herein reference the recommendations made by the League to Save Lake Tahoe regarding options the Lodge can take to reduce parking demand and associated vehicle use. However, the FEIR/S fails to include these measures.

We request these additional measures be included if the Tahoe City Lodge is approved.

Road User Fee/Toll:

The FEIR/S dismisses consideration of road user fees and tolls, stating a variety of reasons, although no information or analyses are provided to support this assertion.[23] However, the FEIR/S fails to include an evaluation of this potential measure, thereby providing no evidence that these assumed impacts would occur, nor any opportunity to consider variations on this mitigation or alternative options that could produce the same benefits without creating the negative impacts that are suggested in the FEIR/S. In addition, the FEIR/S states that environmental impacts would include the 'footprint' of tolling booths; however, TRPA exempts numerous other projects with far greater coverage based on presumed net environmental benefits. In fact, the 2015 TER discusses how coverage exemptions have often been associated with Environmental Improvement Program (EIP) projects.[24] In many cases, TRPA has decided

[23] "A road user fee (such as a tolling program at Tahoe Basin entry points) would have substantial economic impacts (as commercial entities would be at a competitive disadvantage compared with competing nearby entities not within the toll area), environmental impacts (associated with the physical footprint of tolling facilities, for example) and social equity impacts (depending on the specifics of resident versus visitor tolling rates, among other factors)." (FEIR/S, p. 3.3-140)

[24] "Projects that include coverage in SEZ are primarily those of the EIP that are designed to deliver environmental benefits and are subject to appropriate environmental review, that includes exploration of alternative to avoid or minimize SEZ disturbance..." (2015 TER, p. 5-16)

that the benefits from new coverage associated with EIP projects outweigh the negatives for such projects; therefore, this mitigation option should not be dismissed without being considered, just as many other EIP projects have been.

The FEIR/S also refers to language in the TRPA Compact that prevents the Tahoe Transportation District (TTD) from imposing road user fees.[25] However, as cited in our DEIR/S comments,[26] the final EIS for TRPA's 2012 RPU[27] explains that TRPA does have the authority to consider and implement such fees. The prohibition regarding the TTD only applies very specifically to what the TTD can do. Again, if more aggressive measures are not evaluated now, then when?

We request the EIR/S be revised to include a comprehensive assessment of this option and any viable alternatives that are available to help reduce traffic impacts. We understand this will require extensive coordination with external entities, however the Bi-State Compact states that it is TRPA's responsibility to do so and therefore cannot be ignored.[28]

Baseline traffic:

CEQA requires that the impacts of future alternatives be compared to existing conditions. As the FEIR/S notes, the document relies on a baseline year of 2015 to assess traffic impacts. Our comments on the DEIR/S identified the need for the FEIR/S to include the potential increases in VMT (and impacts to LOS) associated with economic recovery as the infrastructure for more driving already exists. This is clearly an impact that should be included in the cumulative impact assessment. However, the response in the FEIR/S appears to reframe this issue, suggesting that the public requested this information be incorporated into the baseline conditions and then explaining why this is not appropriate.[29] We agree this is not appropriate for inclusion in the baseline values, but by responding to the wrong question, the FEIR/S has failed to adequately address cumulative impacts.

We request the EIR/S include the potential increased VMT and decreased LOS associated with economic recovery in the cumulative impact analysis.

Our comments also noted that the TBAP EIR/S needed to assess whether the RPU EIS assumptions regarding future development were still applicable. For example, we noted the RPU

[25] "It should also be noted that Article IV (f) 8 of the Tahoe Regional Planning Compact specific[ally] prohibits the Tahoe Transportation District from "*imposing ... a tax or charge that is assessed against people or vehicles as they enter or leave the region."* (US Congress, 1980). It would also have ramifications for other portions of the Tahoe Region beyond the Area Plan area. For these reasons, this is not considered to be feasible." (FEIR/S, p. 3.3-140)
[26] Labeled as comment 12-105 in the FEIR/S, p. 3.3-131.
[27] "[User fees] could be imposed in a variety of different ways that comply with Compact restrictions—for instance, as a congestion toll within the Region, or as a parking fee. This would provide a cost disincentive to driving and a cost incentive to utilizing the intercept lots and shuttles." (RPU FEIS, Volume 1, p. 3-462).
[28] Article V (i): "Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of State and Federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons."
[29] See FEIR/S, p. 3.1-10 and 3.1-11.

EIS assumed 47% of future TAU developments would occur in Placer County. However, the TBAP EIR/S failed to examine whether this was still appropriate; in fact, with TRPA's post-RPU changes allowing the conversion of Commercial Floor Area to TAUs, it is possible that a larger percentage of new TAUs will be constructed in Placer County. The FEIR/S has not examined how this change would impact VMT. Rather, the FEIR/S starts with the RPU's total VMT estimates, which rely on numerous assumptions (that need to be evaluated for appropriateness under existing and anticipated future conditions), and then applies revisions to those forecasts, but only revisions associated with the TBAP's proposed changes. There has been no attempt to go back and examine whether the RPU's assumptions were still appropriate or needed to be adjusted. The FEIR/S simply asserts that the post-2012 Code amendments would not change the total amount of development *in the region*[30] – however, this does not address how it would impact development within the TBAP.

We request the EIR/S review the assumptions made by the RPU based on the existing Regional Plan and environmental conditions, and adjust the analysis as appropriate.

Cumulative Impacts:

Our comments noted the cumulative impact analysis was flawed because it relied on the traffic assessments from regional projects that underestimate traffic impacts in the Basin. Specifically, the Village at Squaw Valley Specific Plan (VSVSP) and Martis Valley West Parcel Specific Plan (MVWPSP) EIR's are technically inadequate. The FEIR/S response states that no evidence has been provided of such inaccuracy, however our comments, as well as those submitted by other members of the public, cited extensive detailed technical comments on these EIRs that noted why the analyses were deficient.

If anything, the FEIR/S could take a conservative approach and examine the impacts from those projects in the event they are 10%, 25%, or 50% greater than those estimated by each EIR. This could be compared to the 'window' of VMT between the maximum cumulative VMT and the regional VMT standard to give the public and decision-makers an idea of how close we may be to violating the VMT standard. In addition, this information is also important in the evaluation of the local VMT impacts (discussed previously). The FEIR/S also fails to consider the increased VMT associated with the conversions of development that may allow for substantial increases in VMT without requiring additional allocations.[31]

Finally, the FEIR/S appears to conclude less than significant impacts because the proposed TBAP and TCL will result in "less" new VMT than the No Action Alternative. However, CEQA requires significance be based on a comparison to baseline conditions.

The FEIR/S needs to correct this assessment and disclose the significance of impacts based on a comparison to baseline conditions.

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[30] "These Code amendments, however, would not affect the total amount or location of development that could occur in the region, and they would not alter the land use assumptions included in the Regional Plan land use scenarios. Therefore, it was not necessary to alter the land use assumptions to reflect recent code amendments." (p. 3.1-8)

[31] See our DEIR/S comment labeled as 12-22 on p. 3.3-45

4. Other technical issues:

Margin of Error for VMT estimates:

With the inclusion of cumulative impacts, regional VMT is estimated to increase such that it is just 3% below the standard (which is a maximum cap). The margin of error from VMT estimates alone may be 3% or greater; thereby it may be possible the threshold has already been violated or will promptly be violated solely based on the addition from nearby out-of-Basin projects. While the FEIR/S lays out the variations in VMT values throughout the documents, focusing only on the VMT values in TRPA's Threshold Evaluation Reports, it appears the margin of error may possibly be as high as 15% (see below). In addition, the 2015 TER reports that the VMT standard is currently only 5% shy of violating the standard,[32] in which case the impacts of Squaw Valley and Martis Valley West Specific Plans (which total almost 2% of the VMT standard[33]) are even more likely to bring Tahoe closer to a violation of the regional standard.

The 2015 TER finds that the VMT standard has been in attainment since 2007, and is currently estimated to be 1,937,070 VMT per day.[34] Based upon information in the 2011 and 2015 TERs, information suggests there is at least a 2% variation in the data as a result of modeling changes (variation is even higher when the 2006 TER value is examined). Specifically, the estimated VMT value representing a 10% reduction from 1981 levels (in other words, the standard not to be exceeded) was identified as 2,067,600 in the 2011 TER.[35] Due to model adjustments, the VMT value for the standard is now said to be 2,030,938 (a difference of 36,662 miles).[36] In the 2006 TER, this standard was said to be 1,790,000 (a difference of 277,600 miles)[37] - a 15.5% increase from the 2006 value, suggesting that modeling and methodology variations alone may account for a difference of over 15% in the VMT value. Peer reviewer Dr. Sonia Hill also noted concerns with the accuracy of the model, and TRPA's response to her comments on the TER did not provide additional information regarding the accuracy of, or margin of error associated with, the model.[38]

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[32] "In 2014, the most recent year where traffic modeling was available, there was an estimated 1,937,070 VMT, which is approximately 95 percent of the target." (2015 TER, p. 3-60)

[33] "The project would result in an estimated 1.2 percent increase in VMT within the TRPA boundary." (Village at Squaw Valley Specific Plan FEIR, p. 3-25); "Based on this benchmark, which is considered the best available data, the project would result in an estimated 0.7 percent increase in VMT within the TRPA boundary." (Martis Valley West Parcel Specific Plan FEIR, p. 3-17)

[34] "Status – At or somewhat better than target. In 2014, the most recent year where traffic modeling was available, there was an estimated 1,937,070 VMT, which is approximately 95 percent of the target. Therefore, a status of at or somewhat better than target was determined. This indicator has been in attainment since 2006." (TER, p. 3-60)

[35] Page 3-67 (2011 TER).

[36] Page 3-60 (2015 TER).

[37] Difference between the 2011 TER value of 2,067,600 and 2006 TER value of 1,790,000. Page 2-13 (2006 TER).

[38] "P 3-61: Given the statement under Confidence that VMT was estimated with progressively more sophisticated – and hopefully, more precise – models, the statement under Effectiveness that current programs and policies are mostly effective in reducing VMT is unsupported. Isn't it possible that the decreasing trend in VMT could simply be due to increasingly accurate or precise measures, rather than an actual improvement in the indicator?
TRPA RESPONSE - While the current model is more precise, the outside demographic factors which determine VMT growth (i.e. residential population, employment, sales tax and visitation) coupled with current TRPA regulatory programs to reduce VMT all substantiate the models decrease in VMT." (2015 TER, App. D., p. D-64)

We request that the TBAP EIR/S adequately addresses the margin of error and includes stronger measures to reduce VMT and ensure the VMT standard is not violated.

5. Revised TBAP policies:

The Final TBAP includes the following additional Policies:

- Policy T-P-10: Collaborate with Caltrans to develop adaptive traffic management strategies for peak traffic periods at Basin entry/exit routes of SR 267 and SR 89 which support the TRPA Regional Transportation Plan.

- Policy T-P-12: In an effort to reduce peak-period vehicle trips and improve LOS, future development project proposals which will employ between 20 and 100 employees and/or include tourist accommodation or recreational uses will be required to submit to Placer County a Transportation Demand Management Plan (TDM) upon Development Review.

We appreciate the inclusion of these additional policies and believe these will contribute toward traffic and VMT improvements. However, we have two questions which focus on the clarity of each policy. For Policy T-P-10, we recommend deletion of: "*which support the TRPA Regional Transportation Plan*" because the purpose is to improve peak period congestion. By nature, the RTP contains measures that will help meet this goal, however the policy itself should state the impact this intends to affect, not refer to other plans that implement other measures to help achieve the goal. Regarding Policy T-P-12, we request clarification of whether this is the actual number of employees, or the "Full Time Equivalent" employees used to assess the affordable housing implications of developments.

6. New/revised mitigation measures:

We appreciate the revisions and additional mitigation measures (MMs) that have been included in the FEIR/S, and add the following comments:

MM 10-1a:

The measure now includes the provision that the hybrid beacon will be installed within three years of TBAP adoption.[39] However, the DEIR/S noted that it would be installed within two years,[40] and our comments questioned provisions to require this occur. We appreciate the FEIR/S explanation of why it may take two years to occur, but request the revised language state two years, as identified in the DEIR/S.

MM 10-1b:[41]

We appreciate the inclusion of standards requiring at least 16 additional transit hours per day during summer months, and also the additional information regarding the proposed Zone of Benefit fees. However, it is unclear how 16 hours/day was determined and to what extent this will mitigate impacts. Further, an adequate cumulative impact analysis may reveal we have

[39] "To reduce traffic delays on SR 28 through the Tahoe City Town Center during peak summer periods, Placer County shall construct a pedestrian activated hybrid beacon crossing at the Grove Street and SR 28 intersection in Tahoe City within three years of adoption of the Area Plan." (FEIR/S, p. 2-6)
[40] DEIR/S, p. 23-4
[41] FEIR/S, p. 2-6 to 2-7

already violated the regional VMT standard, or that nearby out-of-Basin projects will cause such a violation. The TBAP should include measures to create a net reduction in VMT compared to baseline conditions. The current mitigation measures simply aim to reduce the net increases.

The FEIR/S also refers to examples of Zones of Benefit (ZOBs) in Martis Valley; we request the FEIR/S disclose how existing programs are working. For example, are they adequately mitigating impacts, as intended? Are adjustments needed? There may be modifications that can be incorporated into the TBAP to improve the mitigation value of ZOBs based on learning experiences associated with other ZOBs in Placer County. In addition, future development (and redevelopment that expands capacity) should only be approved if performance measures are met, and if ZOB fees are mitigating as intended.

MM 10-1f:[42]
We appreciate the inclusion of requirements for periodic assessment of the effectiveness of mitigation strategies, and believe such requirements are key to ensuring environmental benefits as well as informing future actions. However, the new MM does not define "periodic." We request the measure include specific timelines for bi-annual assessments (to coincide with the TRPA RPU requirements to evaluate LOS and VMT every two years[43] specific requirements that ensure corrections are made and a reassessment is made within one year if measures are found to be less effective than assumed.

MM 10-1g:[44]
We appreciate the inclusion of this new measure to require four-year reviews to ensure future trips don't exceed forecasted trips. However, this appears to simply be a reiteration of the RPU's existing requirements;[45] in other words, it does not appear to provide anything more

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42 "Mitigation Measure 10-1f: Long-term monitoring and adaptive management of mobility strategies
This mitigation measure applies to Area Plan Alternatives 1, 2, and 3.
Utilizing monitoring data continuously collected by various partner agencies, Placer County and TRPA will periodically assess the effectiveness of the long-term implementation of mobility strategies within the Plan area." (FEIR/S, p. 2-8) [Emphasis added]

43 "50.4.3. LOS and VMT Monitoring. Two years after each release [of allocations], TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period." (TRPA Code of Ordinances, p. 50-3)

44 "Mitigation Measure 10-1g: Four-year review of vehicle trips and mobility strategies
This mitigation measure applies to Area Plan Alternatives 1, 2, and 3.
Concurrent with TRPA's four-year Area Plan recertification process, should actual vehicle trips surpass the Area Plan vehicle trips projected for travel into and within the Plan area, as shown in Chapter 19 of the Draft EIR/EIS for the Tahoe Basin Area Plan, the County and TRPA shall jointly revise mobility strategies in the Area Plan transportation chapter to address the increased vehicle trips. Placer County and its partners shall develop financing mechanisms to ensure implementation of new or modified mobility strategies within a feasible period of time. Placer County shall submit the revised Area Plan to TRPA for approval." (FEIR/S, p. 2-8) [Emphasis added]

45 "After adoption of the 2012 Regional Plan, a regular four year cycle of plan evaluations and updates will be maintained. Regular four year updates will maintain consistency with the federally mandated transportation planning cycle for the Tahoe Metropolitan Planning Organization (TMPO) and will facilitate amendments based on the status

than what the RPU already requires, as presumably the four-year review of the RPU, for which the TBAP will become an amendment to, would also necessitate actions be taken within a "feasible" period of time if vehicle impacts are greater than anticipated. However, there is no time period identified for what is considered "feasible." Further, this review does not ensure mitigation so long as there are no disincentives associated with failing to achieve the standards. Notably, the five-year Threshold Evaluation Reports have documented ongoing failures to achieve environmental standards and repeatedly included recommendations to improve the standards, however development approvals generally continued forward, even when they would further impede threshold attainment (examples were provided in our 2012 comments on the RPU and 2011 TER). The TBAP must include standards that will both incentivize achieving standards and disincentivize failure to do so.

Emergency Evacuation/Public Health and Safety:

The FEIR/S has included a new assessment of the number of vehicles that may need to be evacuated during an emergency situation and estimated the increases associated with each alternative.[46] The new information estimates that the increases will be 13-14% without Brockway Campground, and 17-18% with Brockway Campground. The FEIR/S suggests that because there is "no discernable difference" between the estimated increases for each alternative, there are no significant impacts.[47] However, CEQA and the TRPA Compact require impacts to be determined based on a comparison to *existing conditions (baseline)*. It may be true in this case that there are significant impacts from the implementation of all alternatives, in which case the document must disclose that as well as assess and include all feasible mitigation options to reduce these impacts. By erroneously comparing the level of impacts between the various alternatives rather than to baseline and then declaring them less-than-significant, the FEIR/S is poised to avoid responsibility for evaluating and including all feasible mitigation.

The FEIR/S also dismisses impacts in other ways:

- The FEIR/S claims that as a "planning instrument," the TBAP does not result in additional impacts (see our previous comments on this failed logic that is also contrary to law);
- The FEIR/S states that the new development allowed by the TBAP is 'relatively small' so impacts will likely be "immeasurable."[48] However, as noted above, significance must be determined based on a comparison to existing baseline conditions.
- The FEIR/S suggests that the additional vehicles during an evacuation event would likely not matter much because traffic will be directed by public safety officers.[49] This assumes that:

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of plan implementation, progress towards attainment and maintenance of thresholds, updated science and other new information." (TRPA Goals and Policies, p. 1-4)

[46] FEIR/S, p. 3.1-32 to 3.1-34

[47] "Because… there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant." (FEIR/S, p. 3.1-34)

[48] "This amount of development in the entire 400+-acre urbanized portion of the Plan area, particularly in the context of the smart-growth policies of the Regional Plan and Area Plan, would result in traffic impacts that, depending upon their ultimate locations, would likely be immeasurable." (FEIR/S, p. 3.1-37)

    - Roads aren't already congested simply from traffic that built up before the emergency event first happened (which will be the case during peak days, as occur frequently in July and August, and on weekends and Holidays throughout the year);
    - Roads didn't experience gridlock from traffic immediately attempting to evacuate;
    - Public safety officers were able to immediately begin directing traffic such that gridlock conditions were avoided; and
    - There are no accidents or other issues blocking access.
- The FEIR/S states that most new development would occur with or without the Area Plan (notably this excludes increases from transfers, conversions, TAU morphing, and other factors); and
- New buildings will have to meet fire codes and prepare Emergency Preparedness Plans.

We understand that existing development already draws significant peak traffic to the area. However, none of the issues bulleted above negate the requirement to base the significance on a comparison to existing conditions, nor to employ all feasible mitigation to reduce impacts as much as possible (which as noted, should be done to address the transportation impacts). Note that the TBAP provides an opportunity to improve the safety of those living and visiting the West and North Shore areas.

We request the FEIR/S be revised so that significance is determined by comparing impacts to the existing baseline conditions, and that all available mitigation measures be included to provide for a net improvement in safety compared to existing conditions (rather than a worsening of 13-17%).

Nearshore Impacts

Our DEIR/S comments exhaustively discuss the importance of the nearshore, and connection between development on the upland and nearshore conditions, including a detailed list of the information that the FEIR/S should provide for the evaluation and disclosure of existing conditions in the nearshore and the potential impacts from proposed development activities.[50] Unfortunately, the FEIR/S fails to address most of these concerns. While we appreciate the increases in monitoring of the nearshore that have taken place in recent years, as well as the plans to further study the area, little action is being taken now to reduce future impacts, yet the TBAP will govern development in the area for the next twenty years. For example, we know that nitrogen pollution contributes to algae in the nearshore (along with phosphorous), however the RPU, and by extension the TBAP, fails to include additional measures to reduce nitrogen entering Lake Tahoe (i.e. requirements for wetlands and uncovered lands that can allow for vegetative uptake of nitrogen from stormwater before it washes into Lake Tahoe and controls on nitrogen-containing fertilizers). As noted previously, the impacts from roadways and impervious surfaces within close proximity to Lake Tahoe are increased by increased use; therefore, we can

[49] "Under emergency evacuation conditions, it is likely that key intersections would be staffed by public safety officers manually directing traffic, thereby overriding standard traffic controls." (FEIR/S, p. 3.1-32)
[50] Labeled as comment 12-60 in the FEIR/S, p. 3.3-94

adjust our land use plans to further restrict coverage close to the Lake and to focus on mitigation of impacts along existing roadways which follow more closely to Tahoe's shorelines (e.g. portions of SR 89 along the West Shore). It will be far more difficult to reverse the declining trends in lake quality and clarity once more coverage and VMT has been added than to prevent or reduce these sources of pollution in the first place. Although scientists may not have all of the answers yet, we do know enough to determine that reductions in nutrients will benefit the nearshore, and that there are land use requirements we can implement to reduce the extent of nutrients entering the Lake.

We request the EIR/S be amended to evaluate and disclose nearshore conditions and the potential impacts from the proposed alternatives, and include all feasible mitigation measures to reduce nearshore impacts from proposed developments.

Our DEIR/S comments raised questions and concerns about local VMT, local coverage, stormwater runoff, inadequate stormwater designs, improper BMP maintenance, and the lack of a backup plan to address stormwater pollution in the event BMPs continue to fail to meet up to the expectations. The FEIR/S responses do not address these concerns, as discussed below:

Local VMT:
As noted above, the regional VMT standard does not address the local impacts of VMT, although both TRPA and the LRWQCB have recognized that proximity matters.

Local coverage:
We raised substantial concerns regarding the impacts of increased concentrated coverage closer to Lake Tahoe. While we appreciate the TCL will result in a net reduction in coverage in the project area, the TBAP as a whole will still result in more coverage in the Town Centers than would be allowed under the changes prescribed by the 2012 Regional Plan that would now be adopted by the TBAP.[51] The conclusions of water quality 'benefits' from increased coverage in these areas comes from modeling performed with the PLRM model, which relies on the faulty assumption that BMPs are installed and maintained adequately, which as TRPA has documented extensively, has not historically been the case. In fact, even if BMP installation rates were to increase, the 2015 TER discloses compliance with BMP *maintenance* to be less than 10%.[52] This conclusion also ignores the impacts to soils that go beyond water quality (as noted in our DEIR/S comments). No back-up plans or measures are provided to address these impacts in the event BMPs do not function as intended, nor are there disincentives (from an areawide perspective) associated with improper BMP maintenance. Limits on development that expand coverage and/or the implementation of other measures within a certain time frame are examples of requirements that should be included in the TBAP. If such changes are not considered now, then when?

[51] "Raising the maximum allowable transferred coverage within the town centers would result in a potential increase of 4.8 acres of coverage within the Tahoe City Town Center… In the Kings Beach Town Center, Alternative 1 would result in an increase in coverage of up to 3.52 acres…" (DEIR/S, p. 14-25)
[52] From peer review of 2015 TER by Dr. David Beauchamp: "P4-114. If only 186 BMP certificates have been issued out of 2441 parcel owners that were notified that maintenance was due, then doesn't that imply only 7-8% compliance? Sounds like an enforcement issue here." (App. C, p. C-26)

Use of best available information:
The FEIR/S also states that researchers are implementing more nearshore monitoring and we do not yet fully understand the impacts of development and the nearshore.[53] This is true; however, as noted above, we know enough to understand that we need to take additional measures to reduce nutrient pollution. We also know that there will be more periodic intense flooding, and therefore existing stormwater system capacities will likely not be enough (see comments elsewhere). These are just two examples of how we can and should be making changes to reflect the best available information we have and ensure we at least start to mitigate adverse impacts to the nearshore.

Measurements and Monitoring:
As discussed in our DEIR/S comments, adequate monitoring of existing and future measures is necessary to ensure anticipated benefits are being realized. These provisions must be included in the TBAP in order to ensure the anticipated benefits that the EIR/S relies on to meet CEQA and TRPA requirements, including achievement and maintenance of environmental standards, are realized.

We request the FEIR/S include an assessment of local-scale impacts and an evaluation of mitigation measures that can be implemented now, including but not limited to field-based measurements, to reduce impacts to Tahoe's nearshore water quality.

Stormwater Design Capacity:

Our DEIR/S comments noted the need to examine the adequacy of the existing 20-year stormwater design capacity to adequately capture (and therefore treat) stormwater runoff in light of climate change impacts. Under-designed stormwater systems can result in larger volumes of untreated runoff (where water exceeds the capacity of systems), 'treated' but still polluted water (where stormwater treatment facilities cannot handle the volume and timing of episodic events and therefore pollutant removal is reduced), and the negative environmental and public health impacts associated with flooding. We referred to previous TRPA environmental documents where stormwater modeling by experts in the field identified the importance of variations in weather conditions, soil types and level of saturation, etc., and identified the substantial load reductions to be gained from increasing stormwater design capacities to treat the 50- or 100-year storms (see Boulder Bay[54,55] and Homewood Mountain Resort[56] EIS documents [excerpts below]).

[53] "12-60 The comment expresses concern that the Draft EIR/EIS does not specifically evaluate potential impacts to Lake Tahoe's nearshore environment, and instead focuses on mid-lake clarity and the Lake Tahoe TMDL. The scientific and regulatory community in the Tahoe Basin is actively working to understand the causes of changes in the nearshore environment and to adapt regulatory tools to address identified problems (LRWQCB 2014)." (p. 3.3-159)
[54] Labeled as comment 12-66, FEIR/S, p. 3.3-100 to -101
[55] http://www.trpa.org/wp-content/uploads/Appendix_AB_Supplemental__WQ_Study.pdf
[56] http://www.trpa.org/wp-content/uploads/15_Hydrology_FEIR_EIS.pdf; p. 15-90

	North #1 Underground Basin	North #2 Underground Basin	North #3 Underground Basin	North #4 Underground Basin	South #1 Underground Basin	South #2 Underground Basin	Tahoe Ski Bowl Way #1	Tahoe Ski Bowl Way #2
INFILTRATION VOLUME (cf)								
REQUIRED								
Required Infiltration Volume (cf)	2,053	1,658	12,115	14,427	6,974	4,905	1,649	1,339
PROPOSED								
Proposed Infiltration Gallery Capacity (cf)	2,681	2,167	14,432	23,089	9,650	8,040	See LID	See LID
"OVER & ABOVE" INFILTRATION								
Proposed Infiltration Gallery Capacity "Over and Above" 20yr/1hr Capacity (cf)	628	510	2,317	8,662	2,676	3,135	NA	NA
Percentage "Over and Above" 20yr/1hr Capacity **	30.6%	30.7%	19.1%	60.0%	38.4%	63.9%	-	-
LID* STRATEGY REDUCTIONS (cf)								
Porous Pavers/Pavement (cf) **	0	0	321	525	0	0	0	0
Cisterns (cf) (Roof Runoff Volume Removed)**	600	0	2,400	2,400	1,200	1,200	0	0
Bioretention Area for Stormwater Treatment (cf) **	4,112	4,327	11,511	5,077	7,850	6,614	1,935	1,600
Total LID Volume Reductions (cf)	**4,712**	**4,327**	**14,232**	**8,002**	**9,050**	**7,814**	**1,935**	**1,600**
TOTAL REDUCTIONS								
REQUIRED								
Required Infiltration Volume (cf)	2,053	1,658	12,115	14,427	6,974	4,905	1,649	1,339
PROPOSED								
Proposed Infiltration Gallery Capacity "Over and Above" 20yr/1hr Capacity (cf)	628	510	2,317	8,662	2,676	3,135	0	0
Proposed LID Volume Reductions (cf)	4,712	4,327	14,232	8,002	9,050	7,814	1,935	1,600
TOTAL CAPACITY	7,393	6,494	28,664	31,091	18,700	15,854	1,935	1,600
"OVER & ABOVE" INFILTRATION								
Total "Over and Above" Capacity (cf)**	5,340	4,837	16,549	16,664	11,726	10,949	286	261
Total Percentage "Over and Above" 20yr/1hr Capacity **	260%	292%	137%	116%	168%	223%	17%	20%
TREATMENT VAULT FLOW (cfs)								
REQUIRED								
Treatment Vault Flow for 20yr/1hr (cfs)	0.148	0.443	-	0.750	0.375	0.161	43.1%	35.1%
PROPOSED								
Proposed Treatment Vault Flow (cfs)	0.222	0.665	-	1.125	0.563	0.242	0.647	0.527

Homewood Mountain Resort FEIR/S, Hydrology Analysis

Project Area BMP Designs	*Existing Conditions*	E20 Existing Conditions (20 yr Design)***	C20 Alternative C (20 yr Design)	C100 Alternative C (100 yr Design)
BMP Capacity (CF)	500	22,647	39,079	58,152
LID elements (green roofs, pervious pavers, cisterns) (CF)**	none	none	none	12,838
Total Capacity	**500**	**22,647**	**39,079**	**70,990**
20 yr - 1 hr storm Volume (CF)	39,075	39,075	39,075	39,075
Storm Volume Runoff (CF)	38,575	16,428	-4*	-31,915
50 yr - 1 hr storm Volume (CF)	48,844	48,844	48,844	48,844
Storm Volume Runoff (CF)	48,344	26,197	9,765	-22,146
100 yr - 1 hr Storm Volume (CF)	60,566	60,567	60,567	60,567
Storm Volume Runoff (CF)	60,066	37,920	21,488	-10,423

*A negative storm volume runoff represents excess design capacity for the storm event.
**For C100, an estimate of capacity for the LID strategies is included for comparison purposes. The actual capacity varies for the loading calculations depending on antecedent moisture due to previous weather..
***E20 results in runoff for the 20-year storm due to the contribution of NDOT and Washoe County ROW. E20 does not include capacity for theses surfaces.

Boulder Bay FEIS, Hydrology Analysis

The FEIR/S relies on a brief statement from a 2010 research paper that states the existing 20-year design is sufficient to capture 80-90% of stormwater.[57] However, the 2010 report, as well as the

[57] "*The Effects of Climate Change On Lake Tahoe In The 21st Century: Meteorology, Hydrology, Loading And Lake Response* (Coats et al. 2010) assessed the implications of climate change for the design of BMPs in the Lake Tahoe Basin, including the adequacy of the 20-year 1-hour design criterion. The report concluded that load reductions consistent with current national stormwater management practice would still be achievable using the 20-year 1-hour design criterion under the downscaled Tahoe Basin climate change scenarios analyzed (Coats et al. 2010, page 70)." (FEIR/S, p. 3.3-61)

modeling performed for the DEIR/S,[58] are based only on the *annual average*. As the 2015 TER notes, researchers have identified that pollutant loads affecting nearshore clarity (and by extension, mid-lake clarity as well) are largely influenced by periodic events, not annual volumes.[59] Notably, the 1997 100-year storm event negatively impacted lake clarity.[60] The 2010 report cited by the FEIR/S also notes that capturing 80-90% of stormwater is "standard" practice,[61] however the protections in place for Lake Tahoe require more than "standard" protection. In fact, one of the peer reviewers of the 2015 TER noted this as well.[62] Further, as noted in our comments below, the Federal Emergency Management Agency (FEMA) has also identified the need to provide more 'room' for flood attenuation. This provides further evidence for the need to evaluate what stormwater design capacity is necessary to achieve and maintain environmental standards (as well as protect life and property by providing increased flood attenuation).

We reiterate our request that the FEIR/S examine the appropriate stormwater design capacity that is necessary to achieve water quality standards.

SEZ Restoration

The FEIR/S provides additional information regarding the SEZ restoration associated with the TBAP. While we agree several future opportunities will provide SEZ restoration benefits, we remain concerned that there is inadequate restoration of SEZs within the Town Centers. The FEIR/S concludes no significant impacts because the Town Centers were examined in the RPU EIS. We understand the FEIR/S aims to tier from that analysis.

However, several other comments were not addressed by the FEIR/S. We questioned the definition of "disturbed" SEZ that would be restored (for example, 1.7 acres of restoration of "disturbed but not covered" SEZ are included with the Tahoe City Lodge).[63] The FEIR/S did not address how this will be determined. We also raised concerns that allowing development and awarding incentives based on the restoration of "disturbed but not covered" land would set a precedent that would discourage the restoration of hard coverage, which may be more costly to developers in the future. The FEIR/S did not define "disturbed but not covered" nor address our concerns that restoration of hard coverage may be discouraged by the proposed arrangement.

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[58] See use of annual average precipitation disclosed in Table A. 1. PLRM Met grid and precipitation input, p. 16, in "PLACER COUNTY TAHOE BASIN AREA PLAN TOWN CENTER WATER QUALITY ANALYSIS"

[59] "Main drivers [of nearshore turbidity] include seasonal runoff and lake water-column mixing, as well as episodic storm runoff and localized upwelling events." (2015 TER, p. 4-36)

[60] "A flood in January 1997 had an estimated return period of more than 100 years (Rowe et al., 1988), and contributed to the high sediment loads in that year. In the analysis of time trends, it was found that the annual maximum daily discharge as well at the total annual discharge explains a significant fraction of the variance in total annual suspended sediment load." (2015 TER, p. 4-82)

[61] "Typical standards for national practice for design of stormwater treatment facilities target capture and treatment of 80-90 percent of the average annual runoff volume (Roesner et al. 1998; Urbonas and Stahre 1993)." (p. 70)

[62] From Dr. Kevin Rose: "Tahoe is a gem and meeting the various regulations and standards may not in some cases be sufficient in order to improve water quality conditions to targets given nonstationary climate conditions. (2015 TER, App. D, p. D-128)

[63] "…the SEZ restoration component of [Alternative one] would restore the health and function of 74,052 sf (1.7 acres) of disturbed, but not covered, SEZ (LCD 1b) areas." (DEIR/S, p. 14-26)

In addition, we requested that monitoring of SEZ restoration be adequate and that credit not be provided unless and until SEZs that were restored were functioning as they were anticipated in the mitigation plan. The TBAP includes no such provisions.

We request the FEIR/S be revised to respond to our comments and identify how disturbed lands will be defined, how the FEIR/S will incentivize the restoration of hard coverage, and that criteria be developed to determine when restored SEZs are functioning as they should and that measured results are required by the TBAP before credits or future developments are approved based on SEZ restoration.

Coverage

We remain concerned about the increases in coverage that will be allowed by the TBAP and the failure to comprehensively examine the impacts of local coverage (discussed previously). We request adequate analysis be performed prior to certification of the EIR/S. However, we are encouraged by the provision for the Tahoe City Lodge's to remove 10,080 square feet of net coverage (including 3,205 square feet of land classified as 1b[64]) as well as restore 1.7 acres of disturbed SEZ.[65]

Scenic

As noted in our comments on the DEIR/S, the scenic assessment is incomplete. The only visual simulations in the DEIR/S are for the Tahoe City Lodge; impacts associated with the TBAP are discussed in the text, however additional analysis is deferred until individual projects are reviewed. The FEIR/S also tiers from the RPU's analysis, which as we noted before, did not examine the local impacts from the greater heights and densities allowed in Town Centers. The FEIR/S also states that additional scenic analysis is not possible because future buildings would be speculative at this point. However, there are two problems with this response. First, the TBAP adopts the RPU's Town Center incentives, which prescribe heights up to 56 feet.[66] The RPU EIS did not examine the potential scenic impacts of multiple buildings in individual Town Centers building to this height (nor with the additional mass that may result from the increased density allowances). While the TBAP includes some protective provisions that "only" allow 65% of a viewshed to be blocked by new buildings, or that require a net expansion of views by 10% when buildings are redeveloped, there is no assessment of what maximum building could look like. The FEIR/S notes that there are no undeveloped and buildable parcels between SR 28 and Lake Tahoe in Tahoe City, however the impacts of developing those two parcels are not evaluated. Further, the FEIR/S does not address the potential height increases on the mountain side of SR 28 in the Tahoe City Town Center.

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[64] DEIR/S, p. 14-25

[65] Note: This is not an endorsement of the Tahoe City Lodge.

[66] TRPA Goals and Policies, CD-2.1-C.i. "Within town centers, building height may be allowed up to four stories (56 feet) as part of an Area Plan that has been found in conformance with the Regional Plan."

While there are "only" two undeveloped buildable parcels in Tahoe City's Town Center, the FEIR/S notes there are six undeveloped and buildable parcels between the lake and highway in the Kings Beach Town Center. The impacts of these currently vacant properties being developed to these greater heights have not been examined, but could result in a substantial loss of views of Lake Tahoe. Further, this also does not address the scenic impacts of blocking views on the mountainside of SR 28 through Kings Beach. All in all, the FEIR/S's conclusion that concerns about the scenic impacts of the increased heights being "unfounded" are not supported. Simulations of maximum building and potential cumulative impacts to now-open viewsheds could have been and still can be developed for the analysis.

The FEIR/S also states that the increased height is only a difference of "4 to 14" more feet compared to the existing Community Plans. However, this is an additional 1.5 stories in height that are not currently allowed. A third or fourth floor could easily block numerous views that might otherwise remain open, or provide views of Tahoe's skies and nearby mountain tops. Further, given that there were very few available TAUs for development in Placer County portions of the Basin based on the 1987 Regional Plan, the potential for more buildings up to 48 feet tall was very limited.

Water Supply and Demand

As noted in our DEIR/S comments, we are concerned that the analysis of future water supply and demand is inadequate. First, the FEIR/S relies on the water supply allocated per the Truckee River Operating Agreement (TROA), which is based on an outdate FEIR/S that did not consider the impacts of extended severe drought or climate change (cites provided in our previous comments). Second, we questioned the increased water demand that would occur if existing homes in the Basin that are currently used only part time were instead occupied on a full-time basis, given that with milder winters and hotter temperatures throughout California and Nevada, it is reasonable to expect that more people may desire to live in their Tahoe homes full time. The FEIR/S only addresses this in the context of new development; there is no assessment nor response related to the demand that could occur with increased full-time residency in existing part-time homes. Such impacts would not be addressed through any future environmental reviews or permit processes since permits would not be required.

We request the potential increases in demand from higher full-time occupancy of existing units be evaluated and compared to existing water supplies. If not now, then when?

Flooding

In response to our concerns about planning for increased flooding associated with climate change, the FEIR/S refers to the continued prohibition of development in the 100-year flood plain and Placer County's plans to work with FEMA in the future to address the results of a

FEMA report[67] produced in 2013.[68] According to the report, the amount of land in the U.S. that is vulnerable to a 100-year flood event may increase by approximately 45 percent in riverine floodplains, and 55 percent in coastal floodplains where the shoreline is "fixed" (i.e., stabilized through beach nourishment and other activities). Areas classified as part of a floodplain would increase by over 100 percent for portions of the Gulf of Mexico and the Atlantic coasts, and less than 50 percent along the Pacific Coast. This indicates the need to allow even more areas for flood attenuation. As it will be far more difficult to remove development in the future from areas that will be subjected to increased flooding compared to simply preventing such development now and/or removing existing parking lots or other non-structured coverage, the TBAP is the best opportunity to include land use regulations that will ensure adequate land is available for future flood attenuation.

We request the FEIR/S disclose the best available information regarding future potential for flooding and ensure the proposed TBAP is revised to provide for adequate protection of Tahoe's environment as well as public health and safety and property. If not now, then when?

[67] *The Impact of Climate Change and Population Growth on the National Flood Insurance Program Through 2100* (June 2013); http://www.adaptationclearinghouse.org/resources/the-impact-of-climate-change-and-population-growth-on-the-national-flood-insurance-program.html

[68] "12-83 This comment expresses concern that the Draft EIR/EIS does not adequately address the potential impacts of large flood events, which may increase in frequency due to climate change. The Draft EIR/EIS identifies both the 100-year and 500-year floodplain limits as illustrated in Exhibits 15-2, 15-3, and 15-4, and discussed in Impact 15-4. The Area Plan would make no changes to the existing TRPA and Placer County prohibitions on construction in the 100-year floodplain or alteration of base flood elevations. Additionally, the Federal Emergency Management Administration (FEMA) which administers the National Flood Insurance Program is working to incorporate climate change projections into its flood mapping (FEMA 2013). As a result, Placer County's continued regulation and implementation of the 100-year floodplain policies and FEMA regulated special flood hazard zones will account for changes in calculation of future floodwater elevation." (FEIR/S, p. 3.3-164)