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Subject: Tahoe Basin Area Plan and Tahoe City Lodge Draft Environmental Impact Report/Study

Dear Ms. Jacobsen, Ms. Maloney, and Ms. Good:

Thank you for the opportunity to comment on the draft Environmental Impact Report/Study (DEIR/S) for the Tahoe Basin Area Plan (TBAP) and Tahoe City Lodge (TCL). We appreciate the time taken by staff to present this information at numerous public hearings and respond to our requests for DEIR/S documents in a timely manner. However, we are concerned with the failure of the DEIR/S to adequately analyze numerous impacts as well as include sufficient mitigation measures. We also reiterate our concerns as stated in our Notice of Preparation (NOP) comments that the TBAP and TCL should be analyzed separately. Key concerns include:

1. **Inadequate analysis of local impacts**: There are numerous TRPA environmental threshold standards that are affected by localized sources and land use, including standards for nearshore water clarity, soil coverage, air quality, scenic resources, and vehicle-related standards which affect water and air quality and noise standards. However, one of the largest flaws with the DEIR/S - which permeates the analysis of numerous impacts - is the failure to perform adequate local review of impacts; in many cases, the DEIR/S proposes to 'tier from' the RPU's *regional* EIS analysis, although TRPA (and the agency's attorneys) have repeatedly assured both the public and the courts that *local* impacts would be analyzed at the area plan level. For example, Lake Tahoe's nearshore has been declining, even as the loss of mid-lake clarity has lessened. The placement of more asphalt and buildings closer to Lake Tahoe causes more runoff into the Lake; even if the proposed mitigation (e.g Best Management Practices) does function effectively and is maintained property (although to date, this hasn't been the case), there will still be more polluted runoff entering Lake Tahoe from new and large redevelopment projects than if areas were undeveloped and natural lands restored, yet neither the RPU analysis nor the TBAP DEIR/S address the impacts related to the *proximity* of coverage.

2. **Increased traffic and insufficient mitigation:** We are also extremely concerned regarding the TBAP's traffic impacts to both Level of Service (LOS) and Vehicle Miles Travelled (VMT) standards. As recently noted by the California Highway Patrol (CHP), "we have an abundance of congestion,"[1] which the TBAP will make worse. Our attached comments outline several inadequacies which

[1] Cpt. Ryan Stonebraker , 8/11/2016 Placer County Planning Commission hearing regarding Village at Squaw Valley Specific Plan (VSVSP).

underestimate the potential traffic the TBAP and TCL may generate in the area, as well as the cumulative impacts with regional projects such as the Village and Squaw Valley Specific Plan (VSVSP) and Martis Valley West Parcel Specific Plan (MVWPSP). The DEIR/S also fails to consider additional mitigation for impacts deemed significant and unavoidable, such as the TBAP's impacts to LOS levels in Tahoe City, let alone establish measures to address cumulative impacts in the region. Further, addressing the TBAP's areawide traffic impacts will require regional and areawide solutions; the TBAP EIR/S is the appropriate level and time to consider more aggressive mitigation – not future project-level reviews. For example, a 2016 Tahoe Truckee Area Regional Transit (TART) Study outlines the improved ridership that could result from increased operations, however the TBAP fails to require measures to ensure increased transit operations, instead dismissing meaningful measures as "infeasible." Even the traffic analysis used in the DEIR/S acknowledges that the TBAP does not include measures that are any more aggressive than TRPA's RPU.

3. **Impediments to emergency access and evacuation:** Finally, more congestion and more people brought to the area by the TBAP, as well as regional projects, combined with ever-increasing wildfire threats, together create a recipe for disaster. There is currently no analysis of the capacity of Tahoe's roadways to evacuate people during an emergency. Although Placer County was instructed by the courts to perform this analysis of State Route (SR) 89 with regards to the Homewood Village Resort Project last December, it has yet to be completed. Until such information has been assessed and presented, it is impossible to determine the significance of traffic-related impacts to public health and safety, although the DEIR/S draws this conclusion even as it acknowledges (and allows for) *more* congestion on our roadways. The CHP is already concerned about the existing traffic on our roadways, and notes the impacts go beyond SR 89 and 28 to concerns about Interstate 80 as well.[2] Increases in traffic from the TBAP, TCL, and other regional developments will exacerbate already dangerous conditions; it is irresponsible and legally questionable for Placer County and the TRPA to continue to approve plans and projects while failing to address these serious threats to public health and safety.

In summary, the DEIR/S analysis must be revised to adequately address all impacts from the TBAP and TCL, including but not limited to the local impacts to TRPA thresholds, traffic, and public health and safety. We also urge Placer County and TRPA to take this opportunity to include meaningful measures to address our ever-expanding traffic problem; the areawide solutions we need cannot be addressed by future, individual project-level reviews. Finally, in many instances the DEIR/S relies on significance criteria based on statewide or Placer County regulations that were not developed to address the unique status of the Lake Tahoe Basin. Lake Tahoe is a federally-designated Outstanding National Resource Water and recognized as unique and special through the creation of the TRPA with the sole focus to protect the Basin's unique natural values. Lake Tahoe deserves special protection, and relying on standards for development which do not take this into consideration fails to suffice. Notably, CEQA Public Resources Code (PRC) 21099(e) does not prohibit agencies from establishing or adopting thresholds

[2] Cpt. Stonebreaker, 8/11/2016 meeting on VSVSP.

of significance that are more protective of the environment. We encourage TRPA to ensure the TBAP DEIR/S evaluates the significance of impacts based on criteria suited to the protection of this National Treasure.

Our attached comments discuss these issues in greater detail. We also reiterate our belief that the TRPA Compact does not allow for this level of delegation of authority to Placer County as discussed in legal documents on file with TRPA. 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. Table of Contents

2. Maximum development potential not analyzed

Our NOP comments noted the need for the EIR/S to analyze the maximum potential development and associated impacts that could occur as a result of the TBAP, which includes increases from both new and redevelopment projects.[3] Impacts include, but are not limited to, additional traffic, demand for water, air and water pollution, noise, and other resource impacts. The morphing of 250 square foot motel rooms into 1,200-1,800 square foot tourist units is just one example of how significant increases in development may occur simply based on transfer, conversion, and/or redevelopment of existing units (details are discussed below). Expansions of up to 700% means increases in bathrooms and more water and sewer use, additional soil disturbance and coverage (from paving, walkways, etc.), more vehicles (and resultant VMT and LOS impacts), increased air and water pollution, greater tree removal (including large trees), and consequent impacts on wildlife and other thresholds. However, the DEIR/S fails to address these impacts, as noted in greater detail throughout these comments.

Transfer Program and Environmental Impacts:

The DEIR/S does not analyze whether the assumed benefits associated with removing old motel rooms and other development from sensitive areas and transferring development (along with increases in coverage, number of units, floor area, etc.) actually result from the transfer program; this was not analyzed by the RPU EIS either. Yet the DEIR/S assumes benefits from the program. This must be analyzed in order for the TBAP EIR/S to conclude benefits.

The RPU EIS relied heavily on the success of the transfer program outlined in the RPU to obtain environmental benefits, including progress toward TRPA's water quality and soil conservation thresholds. Yet the presence of the land banks' significant storage of coverage and development rights (and 'asset lands') available for easy purchase by developers raises significant concerns regarding the likelihood the transfer program will actually result in the removal of impactful structures in sensitive areas. The DEIR/S must disclose the existing amount of land coverage (hard and soft) that is currently banked with the land banks that could be transferred and used for coverage. The full development potential associated with "potential coverage" (from land banks and other sources) must also be assessed (noting that baseline/existing conditions do not include the impacts from this coverage because it is not physically on the ground), and the impacts of this net increase in coverage evaluated. In addition, there has been no environmental analysis which examines:

[3] ***"The EIR/S must identify and analyze the potential impacts on full- and part-time resident, second home, and tourist populations, highway capacity and transit incentives, water supply, and all thresholds from regulations which allow growth through 'redevelopment,' transfers and conversions of uses, new units that do not require allocations, the transfer of uses from small rooms into large, multi-unit structures, etc. The analysis must address the impacts from TAU morphing, as indicated in our example comparison table (above). Further, as the TBAP proposes the conversion of CFA to TAUs (beyond TRPA's proposed 'bonus unit conversions'), impacts associated with the maximum development potential (i.e. the conversion of existing and remaining CFA to TAUs), must be thoroughly analyzed and disclosed in the EIR/S." (NOP comments, p. 20)***

The impacts of the existing structure as it now stands
+
the impacts of demolishing the structure[4]
+
the impacts of construction of the new (increased) development transferred to centers
(WQ, AQ, Soils impacts)

compared to:

the long term impacts of the new/increased development.
(WQ, AQ, Soils impacts)

In other words, the RPU assumes there is a net environmental benefit from the removal and transfer of the (unlisted) "existing units" in sensitive, outlying areas, but **there is no technical assessment of whether this is actually true**. There may be many existing structures that create far less impacts if simply upgraded/remodeled where they now stand (based on impacts to soil conservation, water quality, vegetation, transportation, noise, etc.) than if 'transferred' and used to construct larger/more dense units; the same lack of measured evidence applies to existing soft coverage as well (see detailed comments below). As the RPU is also concerned with upgrades to the built environment, if the viewshed-related environmental impacts of leaving the old structure in place are less than transferring it, then the visual impacts to the built environment can often be corrected through remodels. In fact, numerous remodels have been successfully done under the 1987 Plan throughout the Basin. One can simply drive along highway 50 from Meyers to Stateline and look for oneself.

3. Transportation Impacts

Our transportation-related comments on the 2015 NOP have not been adequately addressed. In fact, we cannot locate responses to a substantial number of our questions and comments. The technical inadequacies that needed to be addressed were summarized in our following statements submitted to you:

> ***The EIR/S needs to assess the individual and cumulative impacts of the increased residential and visitor populations on traffic and environmental conditions in individual areas of the West and North Shore that will result from changes in the Town Centers, as well as the provision allowing second homes (noted previously) and additional residential uses in the smaller commercial areas (e.g. Village Centers on West Shore, and the Mixed-Use subdistricts on North Shore).***
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> ***The EIR/S also needs to examine the VMT generated by the proposed TBAP throughout the entire Area Plan and for individual Centers and Mixed-Use areas. The analysis needs to reflect***

[4] In fact, the TBAP DEIR/S recognizes that ground disturbance is one impact associated with the demolition and removal of structures from the 'sending' properties: "The Area Plan incorporates TRPA RPU policies that encourage the redevelopment of town center properties in combination with the restoration and retirement of development elsewhere. Ground disturbance resulting from these policies would be concentrated in the town center areas, which are dominated by low erosion hazard soils (see Table 14-5), but could also occur in outside areas as properties are demolished, parcels restored, and development rights transferred into centers." (DEIR/S, p. 14-29)

> ***the most recent information regarding transportation conditions and impacts, and the cumulative impacts of reasonably foreseeable projects.*** (Copied from p. 35-36 of our NOP comments).

While the TBAP DEIR/S does examine the potential impacts of allowing second homes on smaller lots (App. G-1, p. 2-3) and additional residential uses in smaller commercial areas, it does not adequately examine all of the individual and cumulative transportation impacts in localized areas within the TBAP such as the Town Centers and mixed-use areas (discussed in greater detail below).

In addition, it is of great concern that the RPU's touted benefits to transportation and VMT through the implementation of Area Plans doesn't hold true for the TBAP, as the preferred project alternative creates either less-than-significant or significant and unavoidable impacts to LOS and VMT[5] (see detailed comments below). There are no *beneficial* impacts to these standards, raising the question of how improvements will be realized.

Measures to mitigate traffic increases to protect locally impacted threshold standards (e.g. nearshore water quality, air quality, and noise) as well as reduce congestion and associated impediments to evacuations and emergency access are needed. Further, after over forty years of discussing the need to address traffic from outside of the Lake Tahoe Basin, as recently discussed by Placer County Planning Commissioners at the 7/7/2016 meeting on MVWPSP (cited earlier), the Basin may have finally reached the "tipping" point where we need to "draw a line in the sand" with regards to traffic. At some point, serious measures will be needed if Lake Tahoe is to be protected; the lake's degrading health and the traffic congestion experienced in 2015 and 2016 suggest we may have already exceeded that capacity. The DEIR/S has not assessed the capacity of our roadways to handle this traffic, nor provided for adequate mitigation of these cumulative impacts.

4. Vehicles entering/leaving Lake Tahoe:

As noted throughout these comments and in our NOP comments, proposals in the TBAP are planned to draw more residents and visitors to the Tahoe Basin in order to revitalize the economy. This would not only result in direct impacts (e.g. more parking demand, especially in Town Centers, taller buildings with larger footprints, and more vehicles), but would also create indirect impacts as well. For example, increasing the number of overnight accommodations in Tahoe City can be expected to (indirectly) result in additional vehicle trips along State Route 89 (SR 89) as visitors drive to Emerald Bay. In addition, more visitors would increase demand on, and auto trips to, local recreational facilities (i.e. beaches, biking and hiking trails, skiing, etc.), which results in secondary environmental impacts as well.

[5] See comments below regarding the conflicting VMT estimates and inadequacy of the transportation impact analysis. Notably, all transportation-related appendices indicate increases in VMT while Chapter 10 of the DEIR/S inexplicably concludes a (small) reduction, making the claim for 'beneficial' impacts to regional VMT questionable.

A. Overnight Visitors:

The County's desire for increased tourist accommodations for overnight guests, as also reflected by the proposed Tahoe City Lodge Pilot Project,[6] will draw an estimated 175,200 new visitors per year from outside of the Basin.[7] Most visitors to the area come from the drive-up markets of the Sacramento/Central Valley and San Francisco Bay Area.[8] In fact, the project proponent stated that the idea is for new hotel guests to "come by car, park, then recreate."[9] Even if visitors do "park once" then walk and bike around the area during their visit, there is still an increase in traffic from visitor ingress and egress as additional visitors come and stay overnight in the Basin.

B. Day-only Drivers:

Increased attractions in the Tahoe Basin will draw more day visitors, which are already estimated to comprise almost half of all traffic on peak days.[10] These trips will generally not be impacted by the release of (nor reduced from any limits on) new development allocations applied by the TRPA Code[11] and relied upon to mitigate traffic impacts by the TBAP DEIR/S. The TBAP includes nothing to address the vehicle impacts of day visitors, although there are feasible mitigation measures that are most appropriately employed at the Area Plan level (see below). Unfortunately, the TBAP dismisses measures that may help reduce day-driver traffic, including increased parking fees, requirements for substantial increases in transit prior to generating additional impacts, or road user fees.

Our NOP comments specified that the increased VMT and LOS impacts associated with the increase in visitors entering and exiting the Basin need to be adequately assessed in the EIR/S (NOP comments, p. 35). In fact, the DEIR/S references data from Squaw Valley – an area with similar uses (e.g. resort-based, overnight, day users, retail, etc.) – which indicates

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[6] Tahoe City Lodge Pilot Project objectives include: "develop high quality tourist accommodations and amenities in the Tahoe City Town Center;…provide new jobs, increased property and transient occupancy taxes, and other economic benefits;" (NOP, p. 7). Notably, the project aims to add a 120-unit Lodge to the area (NOP, p. 8). This will clearly draw additional overnight visitors to Tahoe City.

[7] As noted in the Economic Development Incentives for North Lake Tahoe Town Centers Draft Hearing Report, February 2015, (hereafter "ED Incentives Draft Hearing Report") at: http://www.placer.ca.gov/~/media/cdr/Planning/CommPlans/TahoeBasinCPUpdate/DraftAreaPlan2015/Draft%20Hearing%20Report.PDF (p. A-16), and in the NOP (p. 4), Placer County envisions an additional 400 new hotel units. The Hearing Report estimates this will result in 175,200 new visitors per year.

[8] ED Incentives Draft Hearing Report, p. A-3.

[9] Stated during 6/16/2015 Placer County NOP Scoping Workshop.

[10] Approximately 42% of the trips to the North Lake Tahoe area are from those traveling just for the day. ED Incentives Draft Hearing Report, p. A-4.

[11] "**50.4.2. 2013 Additional Allocations**
TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.
50.4.3. LOS and VMT Monitoring
Two years after each release, 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."

roughly 97% of the area's visitors arrive by personal automobile. [12] However, as noted in detail below, the trip estimates are based on assumptions regarding non-auto use that do not reflect this new information.

5. Tiering from the RPU and Failure to analyze local impacts:

A. Deficiencies with RPU Analysis:

The DEIR/S relies heavily upon the transportation analysis in TRPA's 2012 RPU EIS for its conclusions regarding transportation impacts. The DEIR/S explains that for the analysis, the RPU's EIS analysis was used as the 'starting point.'[13] Our comments on the RPU EIS (and RTP EIR/S[14]) lay out substantial technical deficiencies with the analyses which were not addressed by the final documents nor through subsequent court proceedings and thus those documents remain severely flawed.[15]

B. Trip Reduction Modeling:

The TBAP transportation analysis also subtracted impacts from traffic forecasts following the same trip reduction method used by the RPU EIS and RTP EIR/S documents. [16] Our comments and comments provided by transportation expert Joy Dalhgren (cited previously) identified many technical inadequacies associated with the RPU's trip reduction method that were not resolved by the final RTP/RPU environmental documents; these deficiencies result in an overestimation of the potential trip reductions under the RPU policies which the TBAP DEIR/S tiers from.

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[12] "Trip generation rates for the proposed lodge under Alternative 1 are shown in the lower portion of Table 10-7. A reduction for non-auto travel is also appropriate for this land use. The initial trip into the Tahoe Region would have a relatively low proportion of non-auto travel. As an example, an evaluation of guests arriving at lodging in the Squaw Valley area indicates that approximately 3 percent arrive without a car, such as by North Lake Tahoe Express shuttles from the Reno Tahoe International Airport, or by tour bus. However, much of the trip generation of a lodge consists of employee trips, or guest trips made while the guest is staying at the lodge. Given the close proximity of the project site to many walking attractions (Commons Beach, Bridgetender's Museum, Fanny Bridge, restaurants, shopping, etc.), as well as the availability of public transit and shuttles, a relatively high proportion of the trips made by guests while staying at the lodge would be by non-auto modes. Overall, a 15 percent reduction is appropriate for the proposed lodge." (DEIR, p. 10-24).

[13] "Therefore, the 2035 land use assumptions for the adopted Regional Plan Update alternative (Regional Plan Update Alternative 3) from the Regional Plan Update EIS were used as the starting point to develop land use scenarios for the Area Plan alternatives. The Regional Plan Update EIS reflected complete build-out of allowed development in the Tahoe Basin, including the entire area covered by the proposed Placer County Tahoe Basin Area Plan. The Regional Plan Update land use scenario included assumptions about the location and amount of new and transferred development within the Plan area, the transportation effects of which were modeled with TRPA's TransCad Transportation Demand model." (DEIR/S, p. 10-13).

[14] Note that any references to the RPU or RTP/SCS environmental documents apply to our comments on both the RPU EIR and RTP/SCS EIR/S.

[15] See examples in TRPA RPU Final EIS, Volume 2, on the following pages: (3-385 to 3-387, 3-354 to 3-356, 3-400 to 3-404, and comments submitted by Joy Dahlgren and incorporated by FOWS & TASC, p. 3-553 to 3-560) and FOWS & TASC comments dated 12/5/2012, p. 66-71). All letters are on file with TRPA.

[16] DEIR/S, App. G-2, p. 5.

While the DEIR/S then modifies the RPU's build-out numbers to address changes in the proposed TBAP that affect traffic impacts (more below), the DEIR/S analysis is flawed from the start because it relies on a faulty analysis as its starting point.[17]

C. Local Impact Analysis:

Local VMT Impacts to TRPA's Environmental Thresholds:

The DEIR/S notes that the primary transportation-related issues raised during scoping included roadway and intersection LOS, impacts on regional VMT, impacts on transit, bicycle, and pedestrian modes, and parking impacts of the TCL.[18] Yet in our extensive comments on the 2015 NOP, we specifically identified the need for the EIR/S to analyze the *local* VMT impacts. Our comments regarding this issue in the NOP (pages 3-4[19]) are included below and were not addressed by the DEIR/S:

> **"Need for local analysis of impacts:**
>
> The Regional Plan Update (RPU) EIS was conducted at a "*broad, regional scale with a focus on overall policy-level issues."* The localized impacts of the policies in the RPU, as well as the impacts of changes in the proposed draft Area Plan (that were not included in the RPU), must be thoroughly examined in the EIR/S. Examples include, but are not limited to, the following:…
>
> - As noted in comments on transportation impacts, the RPU EIS did not analyze VMT impacts at the local, Area-Plan scale, therefore the EIR/S must assess the potential VMT and vehicle trips associated with all TBAP alternatives, along with the cumulative impacts of reasonably foreseeable projects (e.g. Squaw Valley).
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> The RPU EIS and RTP EIR/S analysis for transportation and GHG impacts made numerous assumptions regarding future development patterns on a regional scale. Assumptions included no new TAUs, and assumed that 47% of the TAUs remaining from the 1987 Regional Plan (and the remaining and new CFA) would be allocated to Placer County. The proposed Area Plan may result in different distributions, especially with the proposed CFA to TAU conversion program.
>
> ***The EIR/S must assess the assumptions used in the RPU/RTP analysis, and whether they remain applicable under the proposed TBAP (if so, this needs to be noted clearly, including references to the specific page numbers in the RPU/RTP environmental documents which apply). Where assumptions do not fit within the RPU/RTP analysis, the EIR/S must perform the traffic analysis based on the proposed TBAP.***

The DEIR/S fails to include any significance criteria related to local TBAP area impacts nor does it perform a local analysis of VMT impacts. Although the VMT

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[17] "The 2035 land use forecast for the adopted RPU (Alternative 3 in the RPU EIS) and the 2010 baseline conditions from the RPU EIS were used as the starting point to develop land use forecasts for the Area Plan alternatives. The RPU land use forecasts for the Placer County portion of the Tahoe Region were revised, as described below, to reflect the specific provisions included in each Area Plan Alternative." (DEIR, App. G-1, p. 1)

[18] "The primary issues raised during scoping that pertain to transportation included:
- roadway and intersection level of service;
- impact on regional vehicle miles traveled;
- impacts on transit, bicycle, and pedestrian modes; and
- parking impacts of the Tahoe City Lodge." (DEIR/S, p. 10-1)

[19] See original FOWS & TASC NOP comments including references cited at: http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/tahoebasinap/nop%20comments

threshold standard is a regional standard, the environmental threshold standards impacted by VMT are affected by local areawide sources within the TBAP boundary and therefore must be analyzed and disclosed per CEQA and the TRPA Compact. For example, the roadway runoff and vehicle emissions associated with VMT generated in the Tahoe City or Kings Beach Town Centers close to the Lake are likely to have a more direct impact on the nearshore standards in those areas than VMT generated elsewhere in the Basin through increases in runoff combined with fewer opportunities for undeveloped natural land to infiltrate water, and atmospheric deposition (as pollutants have different deposition rates[20] and those that deposit faster may be more likely to reach the Lake's surface when roadways are closer to the Lake than farther from the lake). The same is true for air quality and noise impacts. TRPA is responsible for achieving and maintaining all thresholds; it is technically insufficient to analyze local impacts to thresholds at only a regional scale.

Local traffic impacts of VMT:

The impacts of policies and projects which generate traffic will vary throughout individual, local areas of the Tahoe Basin depending on the distribution of development (discussed more below) and a variety of other factors. However, the RPU EIS analysis only examined VMT generation as a regional (basin-wide) impact. Local considerations and examples include, but are not limited to:

1. Traffic generated in South Lake Tahoe will not have as great an impact on congestion *in Tahoe City* as traffic generated within the TBAP's boundaries, yet the TBAP DEIR/S relies on the RPU's baseline analysis – which only evaluated impacts from the higher-level regional view - to claim less than significant VMT impacts *within the TBAP boundaries*.[21]
2. Other local factors which impact VMT, including but not limited to roadway network, alternative routes (or lack thereof), availability and location of residential necessities (e.g. pharmacies, health care services, etc.). For example, residents in South Lake Tahoe need not travel far for many basic medical or government services as there are many facilities in town such as Barton Hospital, the Department of Motor Vehicles, and El Dorado County offices, whereas residents in North Lake Tahoe are likely to have to drive to Truckee, Auburn, or Reno for those same services. The local impacts associated with residents and visitors accessing such services were not addressed by the TBAP DEIR/S.
3. Impacts from VMT may be more pronounced in some areas than others; in other words, the addition of 5,000 VMT may have fewer impacts to the south end of the Lake, as there are more intervening riparian areas where natural filtration of roadway runoff and NOx emissions may occur, more distance between some covered areas (e.g. the SLT "Y") and Lake Tahoe, and/or less substrate for algae to attach to in the nearshore, while those same additional 5,000 VMT in the Tahoe

[20] "Ambient concentrations (C) and deposition velocities (Vd) vary temporally, spatially, and by pollutant." Lake Tahoe Atmospheric Deposition Study (LTADS), California Air Resources Board. 2006. LTADS Final Report, p. 4-3. http://www.arb.ca.gov/research/ltads/final/ch4.pdf; also see Table 5-11 showing different deposition velocities; http://www.arb.ca.gov/research/ltads/final/ch5.pdf

[21] Although some adjustments were made to represent TBAP changes to land use (App. G-1), the impact assessment otherwise relies on the RPU's regional analysis.

City area are subject to less natural treatment before entering the lake and creating conditions in the nearshore that support the growth of attached algae.[22]

4. As noted elsewhere, changes have been made to the RPU, and are proposed in the TBAP, which alter the distribution of new and redevelopment, which affects VMT generation.

The analysis in the RPU Appendix E[23] details the many assumptions that were made[24] in order to estimate the *regional* impacts of the RPU on VMT.[25] However, when it comes to impacts to nearshore water quality, air quality, noise, and other thresholds affected at the local scale, the RPU's regional analysis is insufficient. In fact, TRPA repeatedly stated during[26] and after RPU deliberations that additional analysis of local impacts would occur as Area Plans are adopted.[27] Yet area plan environmental documents have all tiered from the RPU's EIS analysis (some more or less than others), thus failing to analyze and disclose the local impacts of area plans on TRPA's threshold standards.[28] Although subject to a higher level of environmental review

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[22] This is merely provided as a hypothetical example to reflect how local conditions can vary.

[23] "Methodology for estimating vehicle miles traveled and Greenhouse Gas Emissions in the Draft Regional Plan, Draft Regional Plan EIS, Draft Regional Transportation Plan (Mobility 2035), and Draft Regional Transportation Plan EIR/EIS." TRPA RPU DEIR, Appendix E, Part 7.

[24] E.g. "Once the proportional distribution of [residential] allocations [remaining from the 1987 Plan] between each county was determined, individual allocations were randomly assigned to developable parcels within each county… The remaining 440 [residential bonus] units that were not already assigned were distributed randomly to CPs throughout the region… The model assumes 347 TAUs are remaining from the 1987 plan…Of these remaining TAUs, a total of 90 were already assigned to individual CEP projects, and these TAUs were distributed as assigned. The remaining TAUs were distributed to counties in the following proportions based roughly on the number of vacant and developable parcels eligible for TAUs in each county. El Dorado – 37% Placer – 47% Washoe – 4% Douglas – 12%. Within each county, TAUs were randomly assigned to TAZs that contained community plan areas. New CFA was distributed to counties in the same proportions described above in TAUs remaining from the 1987 plan… The assumed percent of development transferred to each receiving area was as follows:… Kings Beach: 15% North Stateline: 5% Tahoe City: 5%" (RPU DEIS, App. E, p. E.1-E.10).

[25] "Since these estimates are based on regional data, they are useful for understanding region-wide impacts." (RPU DEIS, App. E, p. E.7-2)

[26] E.g. "Due to the policy‐level environmental analysis, VMT effects associated with individual Town Centers were not analyzed. Please refer to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT." RPU FEIR Volume 1, p. 3-119.

[27] E.g. Volume 1 of the RPU FEIR responds to comments as follows: "FEIR RPU response to "O16-121. The comment states that the Regional Plan Update Draft EIS (as well as the RTP/SCS Draft EIR/EIS) speculates that the policy-level analysis is not responsible for assessing the environmental impacts of the proposed alternatives.
This comment is incorrect. The Regional Plan Draft EIS (as well as the RTP/SCS Draft EIR/EIS) evaluates the potential environmental impacts of all proposed alternatives. As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects." (p. 3-277)

[28] See Area Plans at: http://www.trpa.org/regional-plan/area-plans/; accessed 8/8/2016.
Examples include: Douglas County South Shore Area Plan: Initial Environmental Checklist [IEC], adopted Sept. 2013 (http://www.trpa.org/wp-content/uploads/Attachment-I-SSAP_TRPA-IEC_Final_for-APC.pdf);

through the EIR/S (compared to environmental checklists used for most other area plans), the TBAP analysis still fails to address these technical deficiencies and the DEIR/S does not analyze whether the assumptions regarding the location of remaining 1987 allocations and the new allocations are still appropriate. For example, given Placer County's interest in more TAUs than CFA, is the assumption that assigned 47% of the remaining TAUs to Placer County still appropriate? How is this impacted by TRPA's amendment to allow conversions of CFA to TAU bonus units, as well as the TBAP's proposal to allow even more conversions? The EIR/S must assess the current potential distribution of development and make adjustments based on current conditions, post-RPU adoption amendments, and proposals in the TBAP that will impact the distribution of development in the plan area.

D. Deferring impact analysis and mitigation to project-level reviews:

In some cases, the DEIR/S delays analysis of such impacts to a future project-level review.[29] However, the impacts to many resources must be addressed from a larger planning level. In addition, it is more likely that impacts will be ignored in the future due to bureaucratic and financial momentum for future projects.[30] This can clearly be seen with recent projects such as the MVWPSP and VSVSP, where project proponents have frequently attempted to justify impacts by referring to larger Specific or General Plans that already allowed for presumably greater impacts.[31] In addition, future project applicants will not be responsible for, nor required to, perform a detailed analysis and mitigate for the environmental impacts of their project in addition to other plans and projects in the area plan, nor will project-level mitigation be appropriate for addressing what are areawide (within the TBAP) impacts.

Tourist Core Area Plan: IEC, adopted Nov. 2013 (http://www.trpa.org/wp-content/uploads/4_FINAL_Attachment-C_CEQA-IS-NEG-DEC_TRPA-IEC-FONSE.pdf).
Tahoe Valley Area Plan: IEC, adopted July 2015 (http://www.trpa.org/wp-content/uploads/Attachment-B_Tahoe-Valley-Area-Plan-IS-IEC1.pdf)

[29] "All future projects, including a potential project built pursuant to the Kings Beach design concept, would be required to conduct project level analysis of effect to drainage patterns and drainage systems, including preparation of a drainage report prepared in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Stormwater Management Manual." (DEIR/S, p. 15-33)

[30] *See Laurel Heights v. UC Regents*, 47 Cal.3d 376, 395 (1988) ("the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage").

[31] At recent Placer County Planning Commission hearings (6/9/2016, 7/7/2016, and 8/11/2016 , MVWPSP advocates have frequently stated that the Specific Plan would "reduce" traffic compared to what was allowed in the 2003 Martis Valley Community Plan, while VSVSP advocates have stated the project would not allow as much development as could occur under the existing 1983 Squaw Valley General Plan and Land Use Ordinance, providing a clear example of how future project applicants will rely upon existing land use plans to try to justify environmental impacts, even though the environmental reviews for those plans assumed future environmental reviews for proposed projects.
http://www.placer.ca.gov/departments/communitydevelopment/planning/pchearings

E. Inconsistent VMT forecasts

Chapter ten of the DEIR/S concludes that VMT will be below existing levels, concluding beneficial reductions in VMT[32,33] and citing a 2016 LSC Consultants Memo as support.[34] However, the LSC Transportation Consultants memo provided in the Appendix G-2, dated May 27, 2016, includes forecasts which do not match the conclusions in the main chapter of the DEIR/S. Specifically, contrary to the the DEIR/S' Appendices G and H conclude *increases* in VMT associated with Alternative 1: "*All alternatives would increase daily summer Tahoe Basin VMT over the existing condition (1,937,070), ranging between 1,973,780 (Alternative 1) and 1,983,452 (Alternative 4)*.[35] In fact, the source for the conclusions presented in Chapter 10 (which conclude a *reduction* in VMT to 1,931,634) could not be located; the EIR/S must provide the source of this data. Notably, the difference between these two VMT forecasts (1,973,780 minus 1,931,634[36]) is 42,146 – a substantial variation. In fact, there are **three** forecasts regarding the extent of change in VMT in 2035 – all of which conclude *increases* in VMT from the TBAP: 1) a 2/16/2016 LSC Memo,[37] 2) a 5/27/2016 LSC Memo (App. G),[38] and 3) Appendix H-4.[39] The EIR/S must explain and correct these discrepancies and provide all supporting data for such conclusions. Presuming the VMT estimates provided by the noted transportation experts are correct as they all estimate increases in VMT from the TBAP, the significance of this impact cannot be "beneficial" as concluded in the DEIR/S.

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[32] "Impact 10-4: Vehicle miles traveled
Each Area Plan alternative would include variations in policies and standards that would affect the location and characteristics of future land uses, which would affect travel patterns and vehicle miles travelled (VMT). Alternatives 1 and 3 would maintain summer daily VMT levels below the adopted TRPA VMT threshold, and would reduce those VMT levels below existing levels. This would be a beneficial impact for Area Plan." (DEIR/S, p. 10-38)

[33] "Alternative 1 would result in a total of 1,931,634 region-wide daily summer VMT under build-out conditions. When compared to the existing summer daily VMT in the Tahoe Region of 1,937,070 (TRPA 2016), Alternative 1 is estimated to reduce region-wide VMT from existing conditions by 5,436, or approximately 0.3 percent. Because Alternative 1 would result in VMT levels that are below existing levels and the TRPA threshold standard, it would have a beneficial impact." (DEIR/S, p. 10-39)

[34] See footnote in *Table 10-12 Region-Wide Daily Summer VMT Under Build-Out by Alternative:* "Source: LSC Transportation Consultants, Inc. 2016 " (DEIR/S, p. 10-31)

[35] "The resulting VMT estimates are shown in Table D. <u>All alternatives would increase daily summer Tahoe Basin VMT over the existing condition (1,937,070), ranging between 1,973,780 (Alternative 1) and 1,983,452 (Alternative 4).</u> This represents between a 1.9 percent and a 2.4 percent increase in basin-wide VMT, respectively. Significantly, all of these figures are below the TRPA Air Quality Threshold value of 2,030,938 by at least 47,486. They are also below the VMT estimate for 2035 of 2,131,000 identified in the 2012 *Regional Transportation Plan EIS."* (DEIR/S, App. G-2, p. 6) [Emphasis added].

[36] DEIR/S, p. 10-39

[37] 1,973,780, noted as *36,710 miles* <u>more</u> than existing VMT (Alt. 1, "Table D, Regionwide VMT analysis for Placer Tahoe Basin Area Plan," App. G-2, 5/27/2016 LSC Memo, p. 19)

[38] 1,973,780, noted as *31,259* miles <u>more</u> than existing (Alt. 1, "Table D, Regionwide VMT analysis for Placer Tahoe Basin Area Plan," Received upon request. 2/16/2016 LSC Memo, p. 10).

[39] Also noting an increase of 31,259 VMT (this number is obtained when the 2105 VMT is subtracted from the 2035 VMT estimate for Alt. 1) in the "Forecasted Daily VMT in the Tahoe Region and the PCTBA under the RPU and Placer Area Plan", p. 298. In addition, applying this same equation to the Table titled "Historical and Future Daily VMT in the Tahoe Region and the PCTBA under Existing Conditions and RPU" results in a VMT increase of 188,479.

F. Inconsistent data regarding VMT along the West Shore

VMT impacts to SR 89 along Tahoe's West Shore have also been inaccurately assessed. Increased development and vehicle traffic in the Tahoe City and Kings Beach Town Centers will result in more traffic along the West Shore's narrow two-lane road, SR 89. The TCL analysis in the DEIR/S estimates that 25% of the additional vehicle trips in the area will drive along the West Shore[40] and only 4% will visit Emerald Bay.[41] As noted in our comments on the NOP, a recent NLTRA survey of visitors in the "Resort Triangle" noted that 47% of the visitors traveled to Emerald Bay. The DEIR/S fails to respond to our comments, disclose the data upon which the 25% and 4% numbers are based, and to address the NLTRA's survey findings. As a result, there remains a question regarding how many vehicle trips residents and visitors brought to the region by the TBAP's policies and the TCL will take to Emerald Bay and the miles of VMT impacts this will generate. The FEIR/S must address these discrepancies and provide substantial evidence regarding the forecasted impacts to SR 89 from increased residents and visitors in the Tahoe City and Kings Beach areas as well as sufficient mitigation of impacts.

G. Percent-based TBAP VMT estimate:

While the DEIR/S presents a rough estimate of the VMT attributable to the area within the TBAP boundaries,[42] this analysis (which appears to be the only estimate/disclosure throughout the entire DEIR/S) does not assess the local/area plan-wide baseline nor projected impacts within the TBAP boundaries. Rather, a percentage of total regional VMT is assumed to apply to the Placer County region of the Basin; that percentage (approx. 22%) is then applied to forecasted VMT for the TBAP.[43] This represents a simplistic proportion-based estimate of VMT that still relies on the regional analysis of VMT, and is not based on an analysis of specific local (areawide) factors, including local traffic counts; as a result, this information does not substitute as an analysis of local VMT.

H. Capacity estimates:

The roadway capacities estimated in the "SR 28 Roadway Capacity in Tahoe City and Kings Beach" in Appendix G-5 are only based on LOS. Local nearshore conditions, topography, hydrology, and other factors which affect the extent *VMT* may pollute the lake were not considered, therefore these capacities cannot be used to judge all impacts to thresholds from transportation.

[40] DEIR/S, p. 10-26.
[41] See Table 10-13.
[42] "Placer Area Plan VMT and CO Analysis" in Appendix H, p. 298. See "PCTBAP VMT Calculations."
[43] "Forecasted Daily VMT in the Tahoe Region and TCTBA under the RPU and Placer Area Plan," App. H, p. 298.

I. Distribution of Re/Development:

Distribution and type of future re/development:

There are distinctly different conditions and land uses throughout the unique communities in the Lake Tahoe Basin and resultant different transportation impacts are influenced by the amount and distribution of new development.[44] For example:

1. The percentage of full time versus part time residents is quite different, with 39 % second home ownership in South Lake Tahoe and 52 % in the TBAP boundaries.[45]
2. There are more local services in the South Lake Tahoe communities (e.g. grocery stores, pharmacies, medical services, government offices, etc.) than in North and West Shore communities; people within the TBAP boundaries are likely to generate longer trips running these same errands.
3. The analysis for the Tourist Accomodation Unit (TAU)/Commercial Floor Area (CFA) conversion amendments in the RPU shows the different commercial uses and the variations in vehicle trips generated by each type of use.[46] In addition, the morphing of TAUs creates additional vehicle traffic even where additional allocations are not required. We requested this be examined in our NOP comments[47] however the DEIR/S does not respond.
4. The TBAP area will be heavily impacted by traffic from nearby adjacent areas, including Squaw Valley/Alpine Meadows, Truckee/Martis Valley, and Northstar, whereas the South Lake Tahoe area is subjected to traffic with different patterns and trip sources.
5. As noted in our NOP comments, nearshore conditions vary around the lake. The TMDL, upon which both the RPU and TBAP analyses rely on, is only focused on mid-lake clarity (discussed more below). It does not address the nearshore, and contrary to assertions that this will still 'help' the nearshore, we note that as mid-

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[44] "The potential [transportation] impacts of each Regional Plan alternative are influenced by the amount and distribution of new development (i.e. residential units, CFA, and TAUs). To assess the potential impacts of each alternative, the model was updated to include the total residential, commercial, and tourist accommodation development that would be allowable under each alternative. Since it is not possible to know the exact distribution of future development, TRPA had to make a series of assumptions related to the distribution of 1) residential allocations remaining from the 1987 plan, 2) residential bonus units remaining from the 1987 plan, 3) CFA remaining from the 1987 plan, 4) TAUs remaining from the 1987 plan, 5) new allocations authorized under each action alternative, 6) new residential bonus units authorized under alternative 3, 7) new CFA authorized under each action alternative, and 8) new TAUs authorized under alternatives 4 & 5. Each of these assumptions is described in more detail below." (RPU DEIS, p. E.7-2)

[45] "Second-home ownership plays a role in the current circumstances. As of the 2010 census, and reported by the Tahoe Metropolitan Planning Board, seasonal usage or second-home ownership is at 44 percent in the Lake Tahoe Basin…North Shore has the largest number at 52 percent, while 39 percent of South Lake Tahoe's homes are second homes." http://www.sierrasun.com/news/23125433-113/affordable-housing-woes-are-tahoe-truckee-locals-being-priced (attached)

[46] http://www.trpa.org/wp-content/uploads/May-27-2015-Governing-Board-Packet.pdf; p. 447-450 (attached)

[47] E.g. "***The EIR/S needs to analyze the impacts of increased TAU numbers and sizes resulting from conversions and transfers of use, as well as the proposed conversion program (that would allow up to 400 new TAUs from 'conversion' of CFA). In addition, mitigation measures to address the VMT increases from these policies need to be identified." (NOP comments, p. 37)***

lake clarity trends have generally improved over the last 15 years,[48] nearshore conditions have generally worsened, suggesting that the processes affecting the mid-lake versus the nearshore are not the same.

Changes to future distribution of re/development after 2012 RPU:

In addition, RPU amendments adopted since the 2012 EIR/S impact the distribution of future development. For example, the RPU was amended in December 2015 to allow the transfer of coverage across Hydrologically-Related Areas (HRA) boundaries.[49] As cited above, changes were also made to allow the conversion of TAUs to CFAs and vice versa. Both of these changes impact the future distribution such that it is no longer represented by the assumptions used in the RPU's analysis. In both cases, although we presented ample evidence regarding the need to study the full impacts of these changes, the amendments were made with very little analysis of potential impacts to nearshore standards,[50] transportation, and other resource areas, and a very cursory, 'averages-of-averages' type review of vehicle trips.[51] In addition, other impacts remain unclear. For example, the RPU limited new CFA to an additional 200,000 sq. ft. that could only be released after the remaining CFA from the 1987 Plan had been exhausted;[52] however, the RPU amendments to allow conversions of CFA to TAUs and the TBAP's proposal to expand this program can be expected to expedite the use of the remaining CFA. Once the existing CFA is utilized by conversions to TAUs, it is unclear whether TRPA will release the additional 200,000 square feet of CFA (per the RPU), as the RPU EIS analysis of future growth was based on the withholding of additional CFA until after existing CFA from the 1987 plan was used. As a result, the TBAP cannot rely on outdated assessments and must assess the potential impacts to VMT distribution and related effects on TRPA thresholds associated with RPU changes in development patterns that have occurred since the RPU's adoption on 12/12/2012.

Failure to perform these assessments also prevents the analysis of the impacts of VMT on local threshold standards such as nearshore water quality and air quality, and therefore prevents the consideration of adequate mitigation measures to address these impacts.

[48] http://terc.ucdavis.edu/stateofthelake/sotl-reports/2016/11_clarity.pdf (attached)
[49] http://www.trpa.org/governing-board-documents-december-16-2015/
[50] In fact, GB members were concerned that the environmental checklist for this amendment did not address nearshore, and that TRPA's IEC assessment had disclosed increased impacts to some nearshore areas. TRPA's General Counsel confirmed the change only examined the Lake as one large bowl. See Minutes from 10/28/2015 RPIC hearing, p. 5-7; http://www.trpa.org/wp-content/uploads/December-16-2015-Governing-Board-Packet.pdf).
[51] As shown by the tables in the May 2015 GB packet cited previously, there is great variation among the trips generated by different uses. However, the conversion ratio is based on an average and thereby fails to account for potentially substantial additions in trips that could result from the new 'converted' uses.
[52] "The Final [RPU] would: (1) prohibit the release of the 200,000 square feet of new CFA until after the 383,579 square feet of CFA remaining from the 1987 Regional Plan are exhausted;…" (RPU FEIS, p. 3-42)

6. Inadequate mitigation measures in TBAP and RPU

A. RPU Mitigation:

As noted in our comments on the RPU EIS, as well as subsequent Area Plan environmental documents, the RPU's proposed VMT and LOS mitigation[53] does not adequately address the impacts from development because it only applies to "new" future development.[54] It does not address the impacts from large redevelopment projects (note the Homewood Village Resort is considered a "redevelopment" project although it will add roughly 8,400 VMT[55]) and other conversions and changes in uses, such as the conversion of CFA to TAUs and the morphing of TAU units (as noted in our 5/25/2015 comments to the Regional Plan Implementation Committee regarding the updated on the CFA/TAU conversion Pilot program, TAU morphing combined with bonus units can result in substantial increases in transportation impacts, including a 400% increase in the number of vehicles associated with each tourist unit).[56] The RPU EIS provides no other assurances that the VMT standards will be met, nor plans for how VMT will be reduced when necessary to avoid violation of VMT and other affected threshold standards.

B. TBAP Mitigation:

The TBAP's proposed mitigation measures also fail to suffice. We also note that there are two issues with regards to transit – transit can help mitigate traffic impacts, however the project can also create impacts to existing transit services. Mitigation Measures 10-1b, 10-1c, and 10-3a relate to the use of transit as mitigation *for* several impacts on traffic as well as impacts to existing transit services (Impact 10-5). As discussed in greater detail below, we are concerned that the existing mitigation fees, which are not proposed to be

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[53] "Mitigation Measure 3.3-1 is implemented together with Mitigation Measure 3.3-3 in Final Draft Code Sections 50.4.2 and 50.4.3, putting into place a four-year process to evaluate LOS and VMT and to restrict the release of allocations in the case that LOS or VMT is projected to exceed adopted standards. Concurrently, implementation of pedestrian, bicycle, and transit facilities would be prioritized. Applicable code sections read:
50.4.2. 2013 Additional Allocations
TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.
50.4.3. LOS and VMT Monitoring
Two years after each release, 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." (RPU FEIS, p. 3-62).

[54] "To ensure that the VMT Threshold Standard is achieved, TRPA will develop and implement a program for the phased release of land use allocations followed by monitoring and forecasting of actual roadway traffic counts and VMT. New CFA, TAUs, and residential allocations will be authorized for release by the TRPA Governing Board every four years, beginning with the approval of the Regional Plan. Approval of the release of allocations will be contingent upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard will be maintained over the subsequent four-year period." (TRPA GB Staff Report, December 2012, p. 93) [Emphasis added]

[55] http://www.trpa.org/wp-content/uploads/11_Traffic_FEIR_EIS.pdf; Table 11-18 (attached)

[56] http://friendswestshore.org/wordpress/wp-content/uploads/2015/06/FOWS-comments-on-CFA-TAU-for-RPIC-5.27.2015.pdf (attached)

raised, will not be sufficient to fund the transit improvements necessary to mitigate project impacts, achieve TRPA threshold standards (including resources affected by VMT), and protect public health and safety (as congestion impedes emergency access and evacuation).

Mitigation Measure 10-1a:

Although the DEIR/S states that Placer County "shall" install the hybrid beacon crossing that the Grove Street and SR 28 intersection, the mitigation measure does not require this to be completed prior to completion of the TCL or additional traffic generation associated with the TBAP.[57] According to the Mitigation and Monitoring Program, this beacon will be installed "within two years" following adoption of the TBAP (DEIR/S, p. 23-4). In order for this mitigation to truly mitigate the impacts of the TBAP and TCL, the beacon must be installed before impacts are generated. This should be a requirement in the FEIR/S and TCL permit to ensure the mitigation is implemented immediately. In addition, as this is identified as a needed improvement in the Tahoe City Mobility Plan, it is clearly an improvement that is needed to address existing congestion problems. It is unclear if the beacon installation will only be completed if the TBAP is approved.

Mitigation Measure 10-1b:

Mitigation Measure 10-1b[58] identifies one or more future Community Service Areas (CSAs) or Zones of Benefit (ZOBs) for funding, but provides no real assurance that such funding will be provided prior to implementation of plans and projects which rely on the mitigation. As discussed elsewhere, mitigation and impact fee programs need to be reviewed and adjusted to cover the increased costs of providing improved

[57] "Mitigation Measure 10-1a: Construct pedestrian crossing improvements at the Grove Street/ SR 28 intersection

This mitigation measure applies to Area Plan Alternatives 1, 2, and 3.

As described above, pedestrian crossings, particularly near the SR 28/Grove Street intersection contribute to vehicular congestion and the existing unacceptable LOS conditions at the SR 28/Grove Street intersection. 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. The Tahoe City Mobility Plan and the Proposed Area Plan already identify this pedestrian crossing as a needed improvement. Article 15.28.010 of the Placer County Code establishes a road network Capital Improvement Program. The payment of traffic impact fees funds the Capital Improvement Program for area roadway improvements, such as the hybrid beacon pedestrian crossing…" (DEIR/S, p. 10-30)

[58] "Mitigation Measure 10-1b: Establish a County Service Area Zone of Benefit to fund expansion of transit capacity

This mitigation measure applies to Area Plan Alternatives 1, 2, and 3.

The key constraint to expanding transit capacity is the availability of ongoing transit operating subsidy funding, as discussed in the recently completed System Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County (LSC, 2016)…To provide an ongoing source of operating funding as well as transit bus seating capacity, Placer County shall establish one or more County Service Area Zones of Benefit encompassing the developable portions of the Plan area. Ongoing annual fees would be identified to fund expansion of transit capacity as necessary to expand seating capacity to accommodate typical peak-period passenger loads…Fees would be assessed on all future land uses that generate an increased demand for transit services, including residential, lodging, commercial, civic, and recreational land uses." (DEIR/S, p. 10-31).

transit as identified in the TART 2016 Report.[59] The mitigation also only aims to provide additional peak service "*as necessary…to accommodate typical peak-period passenger loads.*" However, as peak LOS conditions already violate requirements, additional VMT reductions are likely to be needed to achieve threshold standards, and improved *daily* transit is important to achieving the economic and social goals in the region (see more discussion in Population and Housing section), increased transit is needed to alleviate *existing* LOS and VMT problems in addition to new impacts. Thus, the TBAP's funding and implementation programs must expand overall transit use, not just 'alleviate peak periods' when compared to existing conditions. It is critical that the Area Plan establish this kind of areawide mitigation, as it is the most appropriate planning level to do so, not on a future project-by-project basis. In addition, the EIR/S must include performance measures that will be met by increased transit operations to ensure that they sufficiently mitigate impacts and will achieve and maintain TRPA's thresholds and Code requirements.

Mitigation Measure 10-1c:

As discussed elsewhere, mitigation fee programs need to be reviewed and adjusted to cover the increased costs of providing improved transit as identified in the TART 2016 Report. Mitigation Measure 10-1c[60] requires projects within the TBAP to pay established traffic impact fees; however, the mitigation measure does nothing to address the increased operational costs of providing adequate ongoing transit.

Mitigation Measure 10-3a:

This mitigation measure has the same technical deficiencies as noted for 10-1a, b, and c.

In addition, these mitigation measures rely on performing the same actions as has been done in the area for decades. As reflected by our recent surge in traffic, this is not enough. We need to be more aggressive and creative with our solutions. Pursuing options that are feasible but may be more difficult to implement is just a start; we have likely already picked the "low-hanging fruit." As a TRPA GB member recently noted, we need to be innovative and proactive if we are going to deal with the major increases in

[59] Systems Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County; April 6, 2016.
http://r.search.yahoo.com/_ylt=A0SO8ofXV69XBYYA4o1XNyoA;_ylu=X3oDMTEyZTBoaTR2BGNvbG8DZ3ExBHBvcwMxBHZ0aWQDQjE5MTBfMQRzZWMDc3I-/RV=2/RE=1471137879/RO=10/RU=http%3a%2f%2fwww.placer.ca.gov%2f~%2fmedia%2fdpw%2ftart%2fdocuments%2ftartdraftplanv42016.pdf%3fla%3den/RK=0/RS=m2CW_ggUMMBRjTcn4Tu1lEmwd1k-

[60] "Mitigation Measure 10-1c: Payment of traffic mitigation fees to Placer County
This mitigation measure applies to Area Plan Alternatives 1, 2, and 3 and Tahoe City Lodge Alternatives 1 and 3.
Prior to issuance of any Placer County Building Permits, projects within the Area plan shall be subject to the payment of established Placer County traffic impact fees that are in effect in this area, pursuant to applicable county Ordinances and Resolutions. Traffic mitigation fees shall be required and shall be paid to the Placer County Department of Public Works and Facilities subject to the County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code. The fees will be calculated using the information supplied. If the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs." (DEIR/S, p. 10-31)

population we are now anticipating.[61] Relying on iterations of the same actions we have been taking in the past is clearly insufficient.

7. Transit

A. Peak Period Transit not enough:

The TBAP policies and DEIR/S identify increased transit as one means to mitigate traffic impacts. However, the DEIR/S includes what appears to be conflicting information regarding transit. While transit is viewed as a means to mitigate impacts to VMT and LOS, Mitigation Measure 10-1b only involves the expansion of transit *during peak periods*, which may help mitigate LOS impacts, but will not mitigate the increased VMT that will occur on a daily basis with more people in and visiting the Basin. In addition, as the TBAP notes, more reliable and frequent transit will assist commuters to, from, and within the Basin, which will provide additional economic benefits as well as environmental.[62] Elsewhere, the DEIR/S refers to the 2016 TART Transit update which recommends priorities including those identified in Proposed Policy T-P-29 (draft TBAP, p. 130):

> T-P-29 On an annual basis, Placer County, in consultation with the Tahoe Regional Planning Agency, shall identify fiscal year priorities and develop an implementation strategy within current available funding to meet the overall priorities identified in the TART Systems Plan, including the following:
> - Winter 30 Minute Service on North Shore
> - Off Season Evening Service South of Squaw and Northstar
> - Winter 30 Minute Service South of Squaw and Northstar
> - Winter and Summer 30 Minute Service South of Squaw Valley and Northstar
> - Eliminate transit fares

The EIR/S must ensure the daily transit operations necessary to reduce environmental impacts and to support improved commuting are included in the TBAP.

B. Increased Transit Costs:

According to the TART report most existing transit users did not have a car available for the trip they took on transit,[63] meaning most transit riders relied on transit because they didn't have another option. Unless services are significantly improved (and other

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[61] "We are implementing a sustainable community's strategy that came out of California which was driven by Regional Transportation planning, we need to be more proactive and innovative and there needs to be a mechanism to provide information on a regular basis. What we are doing today is not going to help us if we are talking about the numbers of people that are coming to this Basin, we cannot just respond to projects, we need to get ahead of the curve and work with these agencies to develop a good relationship with our partners on transportation to address these issues and find solutions." (TRPA GB Member Bill Yeates, 8/26/2015 GB Minutes, p. 13); http://www.trpa.org/wp-content/uploads/September-23-2015-Governing-Board-Packet.pdf (attached)

[62] "It should be noted that there will also be some ridership benefits not reflected in these figures. For instance, evening off-season service will allow some persons to work year-round at positions that they currently cannot access by transit due to the lack of off-season service, which will in turn increase ridership during the peak seasons." (TART, p. 52).

[63] "A car was not available for the trip for 76 percent of respondents." (TART Report, p 25)

disincentives to driving are employed, such as paid or limited parking), it can be expected that people who have cars available will continue to drive them, especially visitors who are also carrying luggage, kids, shopping bags, and recreational gear. Thus, continuing to fund similar transit services cannot be expected to provide adequate mitigation for increased transportation impacts. TART's 2016 report indicates that significant gains in transit ridership can be achieved with operational increases and evaluates three options. In all cases, ridership increases as do operating costs. However, even with this information available outlining changes that will improve transit use (notably a feasible mitigation option) at increased cost, the TBAP fails to consider revising mitigation fees for developers who rely upon transit as a means to mitigate their project. The DEIR/S also relies on increased transit operations to mitigate TCL traffic impacts.[64] Our comments on the NOP[65] identified the need to consider changes to mitigation and impact fees to fund services at a level required to mitigate traffic impacts, however the DEIR/S has failed to respond or to consider changes to mitigation fee programs. The TBAP is a *planning* document; it is supposed to plan on how to meet environmental requirements. Yet the TBAP Plan proposes to allow future projects that will create negative impacts while at the same time, concluding that the costs of adequate mitigation of those projects' impacts isn't affordable and therefore, not guaranteed or required. Worse yet, Placer County and TRPA refuse to examine adjusting mitigation fee programs that are supposed to pay for the mitigation of these new projects. This is a clear example of the kind of irresponsible planning that leads to increased negative impacts in the future and that CEQA and TRPA Compact requirements for environmental reviews aim to avoid. The TRPA and Placer County will not be able to legally make findings that all feasible mitigation has been included so long as this is not addressed. In addition, as noted by the TRPA and TMPO,[66] "*Projections show the number of annual visits increasing by up to 20% in the next 20 years.*" Thus, the TBAP needs to also consider all feasible mitigation to reduce the impacts of all traffic increases. TRPA's thresholds do not apply only to new projects approved by TRPA and the County; they apply to the entire Basin. Neither agency can dismiss planning responsibility for all actions which affect the area.

As costs and transit needs change, associated mitigation fee programs must be periodically assessed to ensure mitigation fees actually cover the mitigation of projects; failing to reassess these programs will inevitably lead to a wider gap between the costs of providing sufficient transit (as costs always increase in the long run for inflation and other reasons) and the collection of adequate funds to pay for those costs. As this gap

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[64] "All Tahoe City Lodge alternatives would increase the key PM peak-hour transit ridership. Some of these trips could occur on a route and run already operating with passenger loads exceeding seating capacity during the winter. However, mitigation fees required by the TRPA Code would provide a funding source for transit improvements, which would offset the increase in ridership during peak periods for all lodge alternatives. In addition, Lodge Alternatives 1 -3 would comply with Mitigation Measure 10-3, which would require that the lodge project applicant provide annual transit fees beginning with the first year of operation." (DEIR/S, p. 19-18)

[65] "***The EIR/S needs to analyze the impacts of the proposed alternatives based on variable levels of funding for transit service. Where transit is relied upon to mitigate new impacts and/or manage ongoing impacts from existing development, the EIR/S needs to disclose where the funding will come from and what mechanisms will be used to ensure transit is not reduced. The EIR/S should identify mechanisms to assure that those profiting from the new developments pay their fair share toward transit, including capital and ongoing costs. The portion of transit relying on taxpayer dollars should be clearly disclosed in the EIR/S." (NOP comments, p. 38).***

[66] http://www.linkingtahoe.com/input/ (image attached)

widens, it is likely that transit services will be cut, thus reducing ridership and increasing use of private automobiles.

C. Planning for transit at Area Plan level:

Assessing the costs of transit and appropriate mitigation fees involves looking at the regional and areawide (e.g. area within the TBAP) transit operations; as a result, it is most appropriate to perform this assessment as part of the TBAP's programmatic-level review. The Placer County Transportation Agency Board has also recognized the need to solve our transportation issues more locally.[67] It will be infeasible to require future applicants for individual projects to mitigate their impacts when such mitigation will rely in large part on areawide solutions (e.g. no evidence has been provided to suggest that installing a bike rack or transit shelter will increase transit frequency and service such that it provides mitigation for new residents, visitors, or employees, nor that paying a mitigation fee that is too low to cover the extent of transit operations that would increase ridership). In addition, annual mitigation fees will be determined at the area plan level, therefore adjustments to fees that are necessary to ensure adequate mitigation are most appropriately made at the Area Plan (areawide) level. If mitigation fees do not capture the true costs of mitigation now, it is reasonable to assume that annual transit fees will not be increased for projects that may be approved based on the TBAP. In addition, the DEIR/S relies on transit to mitigate peak period impacts, yet states that the transit improvements necessary to mitigate the impacts would require up to 150% increase in operating costs and other changes that the DEIR/S dismisses as infeasible.[68] There is a clear contradiction in terms of relying on transit to mitigate impacts yet stating such transit increases are not feasible.

The TART report discusses future costs and funding related to transit operations that are necessary to increase transit ridership.[69] The TART report estimates "*The impact of this*

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[67] "We have to address our transportation problems locally," said Susan Rohan, Roseville vice-mayor and current chair of PCTPA board. "I don't think we can wait for the state and federal governments to fix them for us. We can sit and complain, or we can solve the problem locally."
http://www.placer.ca.gov/news/2016/jun/transportation-spending-plan (attached)

[68] "Additional expansion of public transit ridership could potentially reduce traffic volumes. To address the deficiency under the various project alternatives, approximately 36 to 63 vehicles per hour would need to be removed in the peak direction. Assuming an average vehicle occupancy rate of two persons per vehicle, 72 to 126 additional transit passengers per hour would need to be served. Comparing the existing two buses per hour to the additional three buses per hour that would be required to serve the higher of these ridership figures indicates that this would require up to 150 percent increase in transit operating costs. In addition to the financial resources that would be required to operate additional transit vehicles throughout the peak season, generating the necessary increase in ridership even if the service could be provided would require substantial auto use restrictions (such as roadway tolls or substantial parking fees), which may not be possible due to the mix of private and public parking opportunities in the Plan area. Thus, this potential mitigation would be infeasible." (DEIR/S, p. 10-31 to -32).

[69] "In summary, the operational, cost and ridership impacts of these financially constrained service improvements as follows:

- The service improvements will add an estimated 22,400 vehicle-hours of TART service per year. This is equivalent to a 67 percent expansion in TART service.
- An additional three buses will be operating at peak times.
- Total operating costs at full implementation (at current cost rates) will increase by $1,857,000 per year.

plan on annual operating costs rise up to $2,040,700 by FY 2020/21." (p. 58). The report then discusses the existing and potential funding sources, noting future FTA funding may provide approximately $600,000,[70] future CSA revenues are assumed to increase from the current level of approximately $50,000 per year, up to $91,000 by the end of this plan period (p. 61), and that "*Beyond funds generated by existing and new CSA's, the County will negotiate with individual developers of major projects for "up front" funding of operating expansions. A total $119,700 in developer agreement funds are included in this plan, starting in Year 3.*" (p. 61). Given that proposed developments in the region stand to make substantial profits from their projects and yet substantial traffic on roadways within the "Resort triangle," the EIR/S must evaluate whether the proposed mitigation fees are adequate to mitigate the projects' impacts. The estimated $119,700 is a relatively low amount, covering just 6.4% of the estimated increased operational cost of $1.857 million per year estimated in the TART report. In light of dwindling public dollars for transit operations, Placer County and TRPA need to assess the mitigation fee program to ensure the fees charged actually fund sufficient mitigation for projects. Making a finding that such an effort is infeasible is not a responsible planning excuse.

In addition, disincentives to driving are also necessary. While improved transit is imperative, unless there is also a strong incentive to riding public transit versus driving a private automobile, those carrying large gear and families are apt to continue to drive personal vehicles.[71] However, the DEIR/S also dismisses options to provide important disincentives to private automobile use (e.g. paid parking).[72]

- The overall productivity of TART services, as measured by the passenger-trips served for every vehicle-hour of revenue service, will decrease from 11.2 to 8.9, reflecting the additional services in less productive service periods.

Detailed year-by-year ridership forecasts are shown in Table 25. Total annual ridership will increase by 120,800 passenger-trips per year, which is a 32 percent increase over current ridership." (TART report, p. 52)

[70] Although recent estimates of FTA funding may be slightly higher (http://www.placer.ca.gov/news/2016/jul/fta-funds), there is still a shortfall between the cost of the transit operations and money to pay for them. (attached)

[71] "Setting these specific factors aside, it is realistic to conclude that the potential ridership under current conditions is limited. The low ridership is in part a reflection that the use of the private automobile for access to the ski resorts remains relatively convenient. Unlike some other mountain resorts, parking at North Tahoe ski areas is free to the skier. Except on the very busiest of days, parking is available at the North Tahoe resorts. Finally, while there is episodic traffic congestion on busy days, shifting from a private car to a bus service does not provide any travel time savings…As a result, skiers with ready access to a private vehicle have little incentive (in terms of monetary or time savings) to use a transit service, given the time needed to wait for the bus or use a park-and-ride.

In subsequent ski seasons, a more limited (two bus) skier shuttle program has been operated, focusing on connecting lodging properties with the ski base areas. Overall, however, the results of this experimental service indicate that simply providing enhance transit service to park-and-ride locations in the North Tahoe/Truckee region is not an effective means of reducing auto use." (VSVSP FEIR, Response to comments, p. 3-27 to 3-28) (attached)

[72] "Additional expansion of public transit ridership could potentially reduce traffic volumes. To address the deficiency under the various project alternatives, approximately 36 to 63 vehicles per hour would need to be removed in the peak direction. Assuming an average vehicle occupancy rate of two persons per vehicle, 72 to 126 additional transit passengers per hour would need to be served. Comparing the existing two buses per hour to the additional three buses per hour that would be required to serve the higher of these ridership figures indicates that this would require up to 150 percent increase in transit operating costs. In addition to the financial resources that would be required to operate additional transit vehicles throughout the peak season, generating the necessary increase in ridership even if the service could be provided would require

Clearly, transportation-related mitigations will require multiple, aggressive measures to truly mitigate impacts – which must be done at the TBAP's areawide planning level. The FEIR must assess the forecasted cost of transit operations and determine what adjustments are needed to one time and annual mitigation fees in order for development fees to reflect the actual costs of mitigation as well as evaluate and require disincentives to personal automobile use.

D. Transit Goals and Policies:

The TBAP DEIR/S notes other benefits from improved transit operations, including potential job and housing improvements[73] – which are also among the goals and policies of the RPU and TBAP. The failure to require aggressive mitigation solutions is adverse to the responsibility to meet numerous goals and policies.

RPU Goals and Policies on Transit:

The RPU includes numerous goals and policies[74] which identify the need to expand transit operations and use. Examples include the following:

> **LU-3.3 DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARD CENTERS, AS IDENTIFIED ON THE REGIONAL LAND USE MAP. CENTERS SHALL HAVE THE FOLLOWING CHARACTERISTICS:**
> 1) A concentration of non-residential and mixed-use development at a higher intensity than exists in other areas of the Region.
>
> 2) Existing or planned transit service.
>
> 3) Highway access.
>
> 4) Infill and redevelopment opportunities.
>
> 5) Capacity for receiving transfers of development rights and relocations of existing development.
>
> 6) Existing or planned housing in the vicinity.
>
> 7) Existing or planned street designs with continuous sidewalks, paths and other infrastructure that promotes walking, bicycling and transit use so as to encourage mobility without use of private vehicles.
>
> **LU-4.8 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:**
> 8) Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.
>
> **LU-4.9 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS THAT INCLUDE TOWN CENTERS OR THE REGIONAL CENTER**

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substantial auto use restrictions (such as roadway tolls or substantial parking fees), which may not be possible due to the mix of private and public parking opportunities in the Plan area. Thus, this potential mitigation would be infeasible." (DEIR/S, p. 10-31 to -32).

[73] "It should be noted that there will also be some ridership benefits not reflected in these figures. For instance, evening off-season service will allow some persons to work year-round at positions that they currently cannot access by transit due to the lack of off-season service, which will in turn increase ridership during the peak seasons." (TART, p. 52).

[74] http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20160614_Clean.pdf

SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:
1) Address all requirements of *Policy LU-4.8.*

2) Include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection.

3) Promote walking, bicycling, transit use and shared parking in town centers and the Regional Center, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and the Regional Center, and to other major activity centers.

GOAL T-4
ENCOURAGE EFFICIENT AND EFFECTIVE EXPANSION OF PUBLIC TRANSIT OPERATION AND USE IN THE LAKE TAHOE REGION.
POLICIES:
T-4.1 IMPROVE EXISTING TRANSIT SYSTEMS THROUGH INCREASED FREQUENCY, PREFERENTIAL SIGNAL CONTROLS, EXPANDED SERVICE AREA, AND EXTENDED SERVICE HOURS.
T-4.2 PROVIDE TRANSIT FACILITIES THAT ENCOURAGE TRANSIT, BICYCLE, AND PEDESTRIAN USAGE.
T-4.3 PROVIDE TRANSIT SERVICE TO MAJOR SUMMER AND WINTER RECREATIONAL AREAS.
[Emphasis added]

TBAP Goals and Policies on Transit:

The proposed TBAP also includes policies to increase transit operations and use:

T-P-1 Encourage use of non-auto modes of transportation by incorporating public transit, bicycle, and pedestrian travel amenities in transportation projects and other projects that impact or connect to the transportation network.

T-P-16 Encourage TART to increase TART hours of operation and frequency of route circulation (i.e., reduce headways), provided funding is available.
T-P-17 Work with public transit providers to structure fare rates and schedules in order to optimize ridership.

T-P-26 Working with Federal, State, Local Government and Private sector partners, secure adequate funding and implement the TART Systems Plan so that transit is a viable transportation alternative within the service area.

T-P-27 The County shall require fair share funding contributions by new development subject to discretionary approval or redevelopment that increases density, overall square footage and/or occupancy load for implementation of transit services to meet future demand. On-site transit systems as well as off-site transit alternatives and park and ride facilities must be demonstrated to be a viable transportation alternative and result in vehicle trip reductions for each new development.

TP-29: On an annual basis, Placer County, in consultation with the Tahoe Regional Planning Agency, shall identify fiscal year priorities and develop an implementation strategy within current available funding to meet the overall priorities identified in the TART Systems Plan, including the following:
- Winter 30 Minute Service on North Shore
- Off Season Evening Service South of Squaw and Northstar
- Winter 30 Minute Service South of Squaw and Northstar
- Winter and Summer 30 Minute Service South of Squaw Valley and Northstar
- Eliminate transit fares

The draft TBAP also includes regulations which identify the importance of public transit and require mitigation fees cover the costs of mitigation. For example:

> As a recreational/resort area with a limited roadway network, public transit services are important in expanding mobility capacity and improving environmental conditions. Over the course of a decade, Placer County has delivered a level of transit improvement, service, and coordination in excess of the requirements that govern local public transit. Placer County continues to look for opportunities to enhance and expand transit services, and has prepared an April 2016 update to the TART Systems Plan. The TART System Plan Update is a culmination of work conducted by the North Tahoe Transit Vision Coalition from 2012 through 2016. The plan identifies priority transit improvement and reasonably foreseeable funding sources, including local, State, Federal and private funding to make transit improvements within the "Resort Triangle" of the North Lake Tahoe area. As discussed below and mapped in Figure 5-2, the Plan area is served by a mix of public and private transit services. (TBAP, p. 118)
>
> 6T-P-9 New and/or modified development shall be assessed Traffic Mitigation Fees associated with the Placer County Tahoe Region's Capital Improvement Program. Fees shall be representative of the fair share portion of that development's impacts on the local regional transportation system. (TBAP, p. 128)

The proposed TBAP fails to meet both RPU goals and policies and its own goals and policies by dismissing measures to increase transit use deemed necessary to mitigate the impacts. In fact, Appendix G-2 notes that the Area Plan does not include measures that are any more aggressive than those in existing Community Plans and Plan Area Statements nor provide for increased funding to ensure operation.[75] For example, if the existing impact fees are inadequate to support proper transit operations (which as discussed previously, the DEIR/S dismisses more aggressive transit mitigation due to cost), then it is most appropriate for Placer County and TRPA to reconsider the fee program at the programmatic level as solutions involve regional and areawide services (e.g. TART). Such a regional/areawide assessment will be inappropriate for future individual project-level reviews. As proposed, the TBAP misses the opportunity to truly take measures to mitigate the increasing traffic that is plaguing our Region. Given how rare Community Plan updates have been performed and the extensive resources involved in any Plan updates, it is unlikely that this opportunity will come back anytime soon.

8. Potential VMT and traffic impacts from existing infrastructure not evaluated

A. Skewed baseline:

VMT levels were significantly lower in the baseline years for the RPU EIS analysis due in large part to the economic recession (See League to Save Lake Tahoe, Tahoe Area Sierra Club, and Friends of the West Shore comments on the draft RPU EIS, 6/28/2012

[75] "In particular, Transportation Policies T-P-11 through T-P-23 present general policies to encourage pedestrian, bicyclist and transit travel by encouraging improved facilities, safer travel corridors, expanded bicycle parking, etc. However, the proposed policies are not significantly more aggressive in enhancing non-auto travel modes than the existing Community Plans, nor does the proposed Area Plan include specific implementation steps (such as new funding sources) to ensure implementation of the policies." (App. G-2, p. 5).

[hereafter "RPU DEIR comments 6/28/2012"], p. 219-223[76]). With economic recovery comes increased visitation and resultant VMT impacts – a fact we are now seeing with significant increases in traffic in 2015 and 2016 as attested to by first responders and numerous residents at the 7/7/2016 Placer County Planning Commission hearing on the Martis Valley West Parcel Specific Plan (MVWPSP) project.[77] The California Highway Patrol (CHP) also noted the extensive increases in traffic in recent years in the Truckee/North Tahoe region, as well as concerns about how these increases affect the response time of emergency responders.[78] As noted previously, the RPU EIS failed to account for the increased VMT and LOS that could occur even without the addition of any new units to the Lake Tahoe Basin. In fact, our comments include recommendations from an air quality expert who peer reviewed the 2011 Threshold Evaluation Report specifically noting the need for TRPA to leave an "air cushion" for emission increases from rising VMT associated with economic recovery; unfortunately this was not addressed in the final RPU EIR or RPU package, nor is this addressed in the TBAP DEIR/S.

B. Difference between threshold violation and future VMT

It is revealing to look at the difference between the "Threshold Minus Alternative Regionwide VMT" in the February 16, 2016 LSC Memo[79] (obtained from County staff) and the May 27, 2016 Memo (Appendix G-2)"Traffic Volumes and VMT for Placer Area Plan EIR/EIS." The latter memo appears to have been updated based on a new model run for TRPA's Transcad model although it is not explained. The 2/16/16 Memo notes that the resulting VMT estimates for the TBAP alternatives are below the TRPA Air Quality Threshold value of 2,068,000 "by at least 85,548;" in the updated 5/27/2016 Memo, this figure is changed to 47,486 – a difference of 38,062 VMT. First, the DEIR/S must explain this difference, as well as clarify the discrepancy between the information in App. H-4 and the rest of the DEIR/S. Second, this shows how much variation in the model can affect the outcome; in this case, it appears the amount of VMT "remaining" before the regional VMT standard is violated changed by 45% from just a model update. The cumulative summer daily VMT is estimated to be increased by 42,477 (App. G-2, p. 6), while the "Threshold Minus Alternative Regionwide VMT" is 57,158 for Alt. 1. Third, it is worth noting that the window between the existing VMT, cumulative impacts, and violation of the VMT standard is closing – these numbers are not that different, and it doesn't appear it will take much more for the VMT standard to be violated. In addition, a small underestimate in the VMT analysis (which there are many as we have noted) could

[76] http://friendswestshore.org/wordpress/wp-content/uploads/2011/06/2012-TASC.FOWS_.LTSLT-Comments-DEIS-TER-6.28.pdf; also on file with TRPA.

[77] http://media-08.granicus.com:443/OnDemand/placer/placer_c70ed671-3bbe-404d-a1c8-d0be2bfef7da.mp4; meeting information: http://www.placer.ca.gov/~/media/cdr/planning/pc/2016/july%207/jul7actions.pdf?la=en

[78] "The Truckee and North Tahoe communities…[have] experienced an incredible amount of growth within the last few years, as well as fluctuating population increases…The North Tahoe area has limited roadway infrastructure for State Route (SR) 89 and 28. The Tahoe Basin is a protected environment making increases to the state highway system challenging…These impacts and an increase to congestion increase emergency response times for first responders including CHP Truckee Area personnel." (7/3/2015, CHP comments on VSVSP DEIR); http://www.placer.ca.gov/~/media/cdr/ecs/eir/vsvsp/comments%20on%20deir/comment_chp.pdf?la=en) (attached)

[79] Cited in DEIR/S, App. H-4, as source for 2015 VMT estimate.

have a significant impact. We caution the TRPA and Placer County to strongly consider projects allowing substantial increases in VMT until there is a plan to effectively reduce it and ensure standards are not violated through adequate measurements).

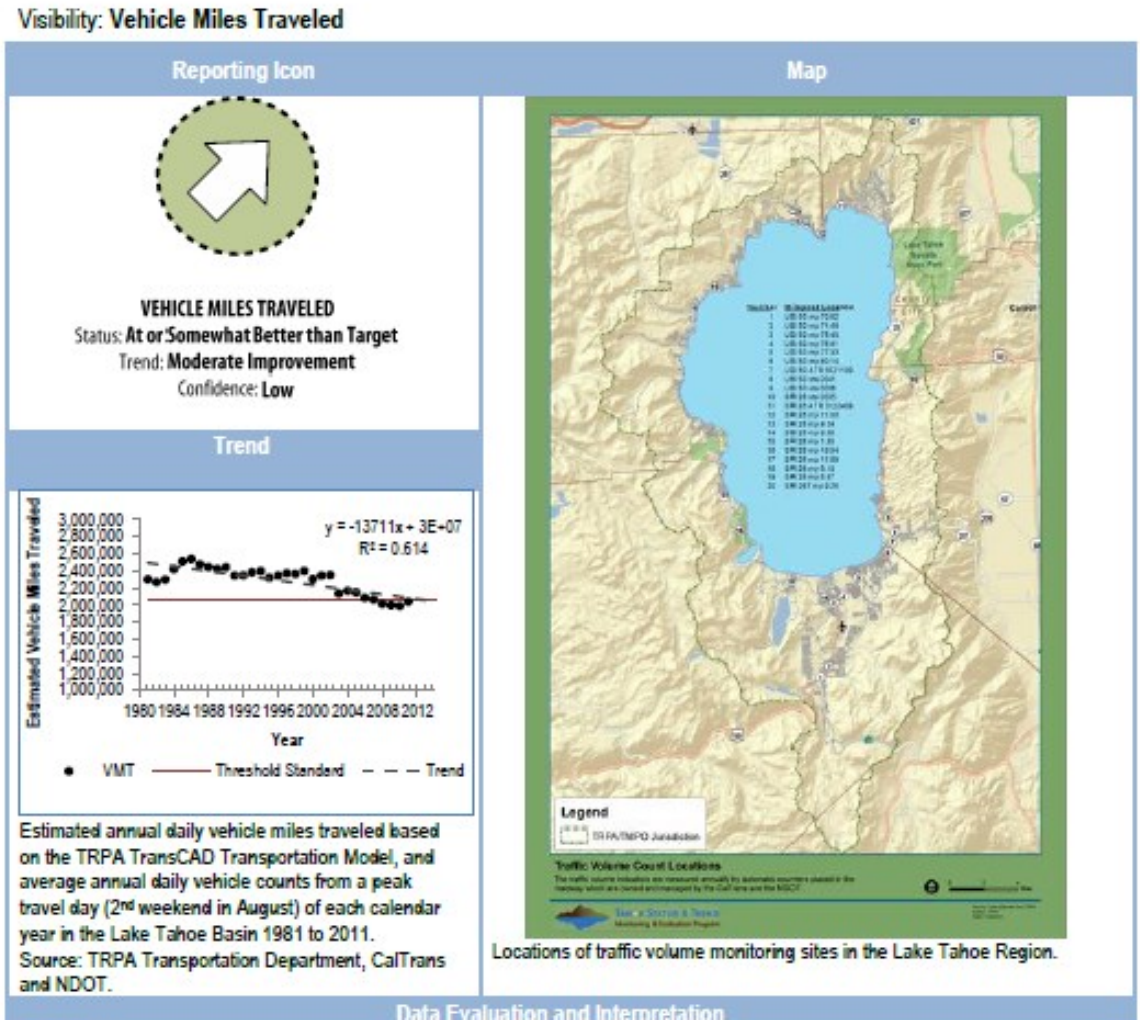
C. Long term traffic counts:

The TBAP's analysis only reviews the period beginning in 2005.[80] However, as noted in the most recent Threshold Evaluation Report (TER) published in 2012,[81] the existing roadway infrastructure in the Basin has been subjected to far greater traffic levels.

The FEIR/S must assess the potential worst-case VMT impacts in the TBAP area associated with the VMT that may result from existing infrastructure. This may be reflected by assessment of the maximum traffic levels that have occurred in the area since the current infrastructure was built, as can be gleaned from the long term VMT counts presented in the RPU EIS (cited previously):

[80] "Existing traffic volumes: Traffic volume counts are regularly conducted by Caltrans. The available traffic counts on SR 28 for 2005 through 2014 (the most recent year available) throughout the Plan area were reviewed, and the results are illustrated in Appendix G. Based on the average daily volumes (ADTs) in the peak month of traffic activity (July or August), traffic volumes have generally declined in the Plan area since 2005, except at one of the two points in Kings Beach." (DEIR/S, p. 10-5)

[81] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf; p. 3-17 and 3-49.



In addition, as noted previously significant increases in traffic around the Basin from peak visitor periods have been observed beginning the summer of 2015 and continuing into this summer. While such data may not be quality assured for public release,[82] the DEIR/S can still account for the impacts of the increasing traffic by examining the full capacity of, and historical traffic volumes on, our roadway systems.

9. LOS and Vehicle Congestion:

The TRPA RPU included its own standards related to vehicle Level of Service (LOS) and relied on the implementation of LOS improvement projects by public agencies after RPU adoption to address LOS impacts of the RPU.[83] Although California may be considering regulatory changes that will require future CEQA analyses to examine the VMT impacts

[82] 2015 traffic counts have not been released yet pending federal review. Pers. Comm. Diana Tham, Caltrans, 7/26/2016.

[83] "TRPA anticipates that new LOS improvement projects will be included with new development proposals (as required by code) and implemented by public agencies in the Region." (RPU FEIS, Volume 1, p. 3-64)

of projects,[84] California Public Resources Code 21099(B)(3)[85] does not relieve an agency of evaluating the other impacts of congestion, including safety. Further, TRPA is currently legally required to meet the Code's LOS requirements and the related air quality threshold. In addition, greater congestion during peak periods impedes the ability of emergency responders to both access and evacuate areas of the TBAP and beyond during emergency situations. This increased threat to public health and safety was repeatedly noted as a major concern by the public, emergency responders, and members of the Placer County Planning Commission in recent hearings.[86,87] In addition, a recent California court ruled that existing evacuation plans do not address the capacity of SR 89 to evacuate people during an emergency, and directed Placer County to resolve this inadequacy in the EIR/S that was the subject if the litigation (Homewood Village Resort).[88] Additional comments regarding emergency situations are provided below. Further, impacts to LOS (and VMT) are anticipated to be underestimated due to flaws with the traffic analysis, including but not limited to the failure to consider increased traffic from existing and redevelopment, as discussed further elsewhere.

The DEIR/S includes the following significance criteria:

> "Based on the "Transportation and Circulation" criteria from TRPA's Initial Environmental Checklist, an alternative would result in a significant impact to transportation and circulation if it would:
> □ Substantially impact existing highway systems or alter present patterns of circulations, defined here as:…cause a study roadway within a rural area to worsen from LOS D or better to LOS E or worse;
> □ cause a study roadway within an urban area to degrade as follows:
> □ worsen from LOS E or better to LOS F; □ worsen from LOS D or better to LOS E for 5 hours or more;" (DEIR/S, p. 10-15). [Emphasis added].

The DEIR/S assesses LOS impacts and finds only the impacts on SR 28 through Tahoe City to be significant. The Truckee River corridor (SR 89 north), SR 267, Kings Beach, Tahoe City, and the West Shore experienced gridlock this summer and last, an indication that previous lower level baseline years are already out of date.

Amendment to LOS requirements for both Town Centers:

The DEIR/S identifies significant and unavoidable impacts to the LOS in the Tahoe City Town Center. However, rather than require additional mitigation measures to reduce these impacts, the TBAP proposes to revise the LOS standards to allow for

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[84] https://www.opr.ca.gov/s_sb743.php (image attached)
[85] 21099(B)(3)" This subdivision does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation. The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, or any other impact associated with transportation.
[86] For example, numerous comments were made during the June 9 and July 7, 2016 Planning Commission hearings related to the Martis Valley West Parcel Specific Plan. Also see Sierra Sun article for summary: http://www.sierrasun.com/news/22841531-113/planning-commissioners-vote-5-2-for-denial-of-martis.
[87] Concerns were also expressed during the 8/11/2016 Planning Commission hearing regarding the VSVSP.
[88] http://www.leagle.com/decision/In%20CACO%2020151222052/CALIFORNIA%20CLEAN%20ENERGY%20COMMITTEE%20v.%20COUNTY%20OF%20PLACER

even more congestion in both Town Centers.[89] With this amendment, the TBAP is proclaimed to conform to the RPU. In other words, the DEIR/S concludes the TBAP cannot meet the standards, so the TBAP proposes to revise (weaken) the standards so it can conclude the TBAP is consistent with the standards. In addition, as TRPA's Code requirement regarding the phased release of new allocations for development includes requirements related to achieving LOS standards, weakening the LOS standard can be expected to allow the release of allocations sooner than analyzed by the RPU EIS, thus further negating the RPU EIS analysis related to the mitigation of LOS impacts[90]. The TBAP DEIR/S has not evaluated this impact.

The DEIR/S states this amendment is allowed by the RPU (Goals & Policies, 10.7(f)). The intended purpose of TRPA's exception allowing worsening LOS conditions was to increase the availability and use of alternative means of transportation.[91] Specifically, the DEIR/S relies on TRPA's RPU/RTP Policy 10.7(f), which states the "*vehicle LOS (level of service) standards may be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways.*" The RPU includes no criteria regarding how to define when amenities and services are "adequate" under this provision. Without such criteria, there is no foundation upon which TRPA/Placer County, and therefore the public, can assess whether such amenities and services are "*proportional to the project generated traffic*." As stated in Appendix G-2, the proposed measures to increase transit use (and thereby mitigate traffic impacts) are no more aggressive than existing requirements, nor is funding guaranteed,[92] even though the RPU's final EIR stated that LOS exceptions would require additional transportation improvements[93] In fact, for these reasons App. G-2

[89] "In recognition of the LOS conditions in the Tahoe City Town Center, Area Plan Alternatives 1 through 3 would revise the LOS standards to allow LOS F during peak periods in town centers (Area Plan Policy T-P-6). The future LOS conditions would not exceed the proposed LOS standard for Area Plan Alternatives 1 through 3. However, because the alternatives would result in LOS that exceeds existing TRPA standards and no additional mitigation is feasible, this impact is considered significant and unavoidable for all alternatives." (DEIR/S, p. 10-16).

[90] TRPA Code: "50.4.3. LOS and VMT Monitoring
Two years after each release, 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."

[91] "The Draft Plan also provides an exception to roadway level of service standards when multi-modal facilities and services are provided. This provision allows developments to utilize and help fund sidewalks, trails and transit service as an alternative to roadway expansion. In practice, recent projects have received exceptions to level of service standards through an "overriding consideration" finding. The modified plan provisions are intended to make this opportunity more predictable and consistent." (Community Character RPU Issue Sheet, 7/27/2012, p. 5); http://www.trpa.org/wp-content/uploads/3_Community_Character_2012-07-27_final.pdf

[92] "However, the proposed policies are not significantly more aggressive in enhancing nonauto travel modes than the existing Community Plans, nor does the proposed Area Plan include specific implementation steps (such as new funding sources) to ensure implementation of the policies." (App. G-2, p. 5)

[93] "Revisions include not releasing any additional CFA until the existing supply is exhausted; only

assumes no trip reductions from the TBAP's transportation policies.[94] Even if what is "proportional" could be defined and assessed in the DEIR/S, without the assurance of increased transit funding along with the other disincentives that are necessary to encourage more transit ridership (e.g. paid parking), there is no guarantee that the amenities or services provided under the TBAP result in a "level that is proportional" to the TBAP's generated traffic. In fact, the DEIR/S notes that in order to mitigate (peak) impacts, 36-63 vehicles would have to be reduced during the peak hour in Tahoe City, however due to increased operational costs and other constraints the TBAP dismisses additional requirements that would further mitigation traffic,[95] including potential revisions to mitigation fee programs.

The goals of CEQA[96] and the TRPA Compact[97] include the identification of impacts and all feasible mitigation measures to reduce those impacts. However, as discussed previously, this DEIR/S dismisses viable mitigation options which may mitigate impacts to LOS, instead declaring additional mitigation to be infeasible.[98] The DEIR/S exacerbates this error by then proclaiming there are no impacts from the proposed weakening of the LOS standards because the policy change will not change

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allowing new bonus units to be used in community centers (where average VMT is less); expanding transportation improvement requirements for projects proposing to utilize LOS exceptions; and establishing additional limitations for the future expansion of community centers, for increased height outside community centers, and for increased coverage outside centers, all of which would result in additional concentration of the Region's development allocations within community centers. A more detailed summary of these changes is provided in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS." (RPU FEIR, p. 64) [Emphasis added]

[94] "As such, and to provide a conservative estimate of future traffic conditions, no further reductions in traffic volumes or VMT are applied to reflect changes in transportation policies." (App. G-2, p. 5).

[95] "Additional expansion of public transit ridership could potentially reduce traffic volumes. To address the deficiency under the various project alternatives, approximately 36 to 63 vehicles per hour would need to be removed in the peak direction…this would require up to 150 percent increase in transit operating costs. In addition to the financial resources that would be required to operate additional transit vehicles throughout the peak season, generating the necessary increase in ridership even if the service could be provided would require substantial auto use restrictions (such as roadway tolls or substantial parking fees), which may not be possible due to the mix of private and public parking opportunities in the Plan area. Thus, this potential mitigation would be infeasible." (DEIR/S, p. 10-31 to -32).

[96] CEQA section:**§ 21002. APPROVAL OF PROJECTS; FEASIBLE ALTERNATIVE OR MITIGATION MEASURES**
The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.

[97] "Article VII: (2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following: (D) Mitigation measures which must be implemented to assure meeting standards of the region;" [Emphasis added]; http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf

[98] "While Mitigation Measures 10-1a, 10-1b, and 10-1c would reduce LOS deterioration, the roadway LOS after implementation of the mitigation measures would remain unacceptable and no additional mitigation is feasible." (DEIR/S, p. 10-16).

actual traffic levels.[99] However, future projects will be subject to meeting the policies in the Area Plan; therefore changes to the Area Plan requirements that allow for more traffic impacts can be reasonably expected to in fact lead to more traffic impacts. The DEIR/S's claim appears no more than a means to avoid adequate review and mitigation of this impact. Congestion not only impacts air quality, but also affects public health and safety with regards to access for emergency service providers and evacuations.

In addition, as the DEIR/S notes on p. 10-3, the Caltrans Concept LOS for SR 28 and SR 89 is LOS E. The TBAP proposes to revise TRPA's LOS standard to allow LOS F in the Town Centers which lie on portions of both state routes,[100] however this would not change the Caltrans LOS standard. As a result, the DEIR/S must disclose that this is also a significant impact with regards to the Caltrans standard (and it will conflict with Caltrans' requirements).

Roadway Segment LOS - Kings Beach - TBAP:

Impacts to SR 267:

The DEIR/S analysis concludes that although the TBAP will worsen the LOS on SR 267 north of SR 28, this is not a significant impact because LOS will not be at level E for longer than four hours.[101] There are several problems with this conclusion:

1. The DEIR/S evaluates the roadway segment on SR 267 north of SR 28 as an 'urban' segment, applying the second criterion listed above for urban areas instead of rural areas, yet the TRPA RTP identifies this roadway segment as a rural area.[102] As the DEIR/S aims to tier from the RPU/RTP analysis, the same classifications should be used; as such, SR 267 north of SR 28 should be identified as a rural roadway segment and impacts evaluated against the criterion established for rural roadway segments by Caltrans. In this case, the TBAP will result in a worsening of LOS from level D (existing) to level E, thereby creating a substantial impact as defined by the significance criteria.

[99] "Because this policy would not change actual traffic levels within the Plan area and it would not alter the requirements for project-level mitigation of traffic impacts, it would have no effect on roadway LOS." (DEIR/S, p. 10-17).

[100] "In recognition of the LOS conditions in the Tahoe City Town Center, Area Plan Alternatives 1 through 3 would revise the LOS standards to allow LOS F during peak periods in town centers (Area Plan Policy T-P-6)." (DEIR/S, p. 10-16)

[101] "[A]lthough SR 267 north of SR 28 would degrade from LOS D to LOS E in the southbound direction, it would remain at an acceptable level (LOS E for 4 hours per day or less)." (DEIR/S, p. 10-17)

[102] "For purposes of this analysis, roadway segments are defined as either urban or rural depending on the type and extent of adjacent land development. Rural areas include the SR 89 North, SR 89 South, SR 267, and parts of US 50 west of Meyers, and SR 431 gateways to the Tahoe Region, SR 89 on the west shore, SR 28 and US 50 on the east shore. The remaining study locations are situated in the vicinity of development within Meyers, the City of South Lake Tahoe, South Stateline, Kingsbury, Tahoe City, Kings Beach, North Stateline, and Incline Village. Accordingly, they are categorized as being situated in urbanized areas. All study intersections are situated in urban areas." (RTP DEIR 3.3-41). [Emphasis added].

2. The current applicable State Route 267 Transportation Corridor Concept Report (TCCR) by Caltrans identifies the minimum acceptable LOS/"Concept LOS" over the next 20 years on the segment of SR 267 north of SR 28 as LOS D[103]; in fact, the TCCR relies on this segment *remaining* at LOS D for the next 20 years (TCCR, p. 7). The TBAP DEIR/S also notes that Caltrans Concept LOS for all segments of SR 267 is D.[104] Further, as the TRPA RTP notes, Caltrans has "*indicated that significant impacts should be identified for facilities that do not meet its concept LOS*."[105] The TBAP's proposal to allow degradation to LOS E conflicts with Caltrans' Concept LOS and 20-year plan for the roadway and results in a significant impact based on Caltrans' previous direction to TRPA (the DEIR/S also incorrectly states all TRPA LOS standards are 'more stringent' than state standards and therefore are solely applied in the analysis,[106] however this erroneously overlooks Caltrans' Concept LOS as it is more stringent than TRPA's for SR 267 north of SR 28). The EIR/S must assess this segment with the appropriate significance criteria, identify that significant impacts will occur as identified by applicable TRPA and Caltrans standards, and include mitigation measures to reduce these impacts.

Existing roadway capacity in Kings Beach:

The DEIR/S relies on outdated information from 2007 regarding the roadway capacity in Kings Beach.[107] As roundabouts were recently installed in the Kings Beach area and will affect the capacity of the roadway, the TBAP DEIR/S must assess the new roadway capacity (which represents the "existing baseline condition"). The DEIR/S cannot rely on almost ten-year old data and ignore interim changes to infrastructure and roadway capacity to discuss the current capacity of the roads. Further, common sense, resident and visitor complaints, and a recent uprising of citizens who are very concerned with the capacity of SR 267 and 28 should inform the County Planning Commission that it is time to buckle down and stop approving new vehicle trips until there is both a plan, plus the implementing requirement - real money - in place to implement solutions.

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[103] State Route 267 TCCR Traffic Data, Forecasted LOS and Facility type, p. 4. (attached)

[104] DEIR/S, p. 10-3.

[105] "A number of factors were considered in selecting the significance criteria for intersections and roadways. TRPA, as the planning agency responsible for the Tahoe Region, has established a more restrictive LOS policy for roadways than that of Caltrans, which submitted a comment letter in response to the NOP for the RTP/SCS EIR/EIS. TRPA's policy is a minimum LOS D at intersections and roadways with LOS E considered acceptable for no more than four hours per day. Caltrans has indicated that significant impacts should be identified for facilities that do not meet its concept LOS (i.e., planned long-term operating condition), which for certain highways is LOS F." (RTP DEIR 3.3-41). [Emphasis added].

[106] "Although this report provides LOS standards for intersection and roadway operations, the standards set forth by the TRPA typically govern over the state standards for projects located within the Tahoe Basin, but any projects affecting a state highway are also subject to Caltrans review. Because the LOS standards set forth by the TRPA are more stringent, they are applied in this analysis." (DEIR/S, p. 10-3)

[107] "Capacity for SR 28 in Kings Beach: eastbound 1,241 vehicles per hour; westbound 1,171 vehicles per hour, as estimated by LSC Transportation Consultants, Inc. as a part of the Kings Beach Urban Improvement Project Traffic Study (LSC 2007). The methodology used in developing these estimates is described in Appendix G. Source: LSC Transportation Consultants, Inc. 2016" (DEIR/S, p. 10-20)

Roadway Segment LOS - Tahoe City - TBAP:

Timing of traffic counts:

The traffic counts collected for two locations were taken on a Tuesday,[108] yet the DEIR/S identifies Friday as the day in August when the highest ADT typically occurs (DEIR/S, p. 10-5). In order to evaluate the impacts to traffic on a Friday as called for by the DEIR/S, traffic counts used for the modeling should be collected *on a Friday*. The FEIR/S needs to remedy this error.

Roadway Segment LOS – Tahoe City Lodge:

Mitigation Fees:

Mitigation for the Tahoe City Lodge (TCL) impacts to roadway segment LOS relies on the payment of some mitigation fees.[109] However, as noted in our comments regarding mitigation fees, evidence strongly indicates that the existing fee program is not adequate to sufficiently mitigate project impacts. The TBAP EIR/S should first assess existing and future mitigation costs and make amendments to mitigation fee programs as necessary to ensure sufficient fees are collected from all future projects. Subsequent to that analysis, the TCL should be required to mitigate the project's true impacts as determined by a current updated impact analysis and mitigate fee program assessment.

Trip generation:

The trip generation estimates for existing conditions at the TCL site were determined through assigning land use categories to existing uses and then adding up the maximum trip generation associated with the land uses.[110] This creates a hypothetically inflated number, not a baseline data point from which to calculate trip generation. The DEIR/S does not state whether the existing spaces are fully occupied, nor whether existing land uses are operating at full capacity.

The DEIR/S also states that the estimates provide a "conservative" estimate of project trip generation.[111,112] While this may be true for the estimates of the event

[108] "SR 28/Proposed Tahoe City Lodge Access – LSC traffic count conducted on July 21, 2015…SR 28/Mackinaw Road – LSC traffic count conducted on July 21, 2015." (DEIR/S, p. 10-8)

[109] "Tahoe City Lodge Alternatives 1 and 3 would still be subject to payment of traffic mitigation fees prior to issuance of any building permits, and this would reduce the project's impact on roadway LOS to less-than-significant." (DEIR/S, p. 10-16)

[110] "The trip generation analysis for the existing and proposed uses at the project site with Alternative 1 is presented in Table 10-7. Standard trip rates provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition* manual (ITE 2012) are used to calculate daily and PM peak-hour trip generation. As the busiest period of traffic in the Tahoe Region occurs in the PM period (typically, early afternoon), the trip rates for the PM peak hour are applied." (DEIR/S, p. 10-22).

[111] "These analyses are conducted to reflect peak (100 percent occupancy) use levels of the project site, in order to remain conservative in the estimate of project trip generation." (DEIR/S, p. 10-22).

[112] "Applying the rates and non-auto adjustments, the proposed project would generate a total of approximately 1,133 DVTE over the course of a peak summer day, or 199 fewer trips than the existing land uses. During the PM peak hour Alternative 1 would generate 140 one-way trips, 49 trips more than the

center, estimates for existing uses are not conservative, as a conservative estimate would start with the existing trips as the baseline (which are likely to be less than the maximum possible trips based on land use). However, there is no information provided to show whether existing land uses are generating the maximum number of vehicle trips as assumed and/or whether the current capacity is at maximum levels. If existing uses do not reflect maximum capacity, the difference between the trips associated with the proposed new uses compared to the existing uses may be much larger. Although more trips may be permitted by virtue of the approved existing uses, CEQA requires the impacts to be evaluated compared to *existing conditions.*[113] The use of the maximum possible trips for existing uses represents the potential impacts of the No Action alternative – this is distinctly different than the existing conditions. This is also different from the approach used to assess existing parking conditions for the TCL, where the DEIR/S specifically recognized it was appropriate to use existing parking demand – not "potential maximum parking demand," as the baseline. The EIR/S must include data based on existing conditions. For example, the FEIR/S could include surveys of existing businesses to obtain more accurate numbers of guests and clients, similar to how the DEIR/S relies on specific information from the Tahoe City Golf Course to assess potential parking impacts.[114]

The DEIR/S also states that because the ITE trip manual does not have a category for meeting and event facilities, estimates were based on other uses.[115] However, the applicant could have gathered such information from the numerous other meeting and event facilities around the Tahoe area. Such information should be used to assess potential trip impacts from the facility.

Trips entering/leaving the Basin:

The DEIR/S acknowledges that most guests will arrive by personal vehicle. However, the estimated trips are based on travel that might occur once guests are at the hotel. For example, surveys of people walking in the commercial core of

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existing uses. The replacement of the existing commercial uses with the proposed lodge use would add an additional one-way vehicle-trip every 1 minute and 13 seconds, on average, during the busiest traffic hour of the day." (DEIR/S, p. 10-26)

[113] **"CEQA Section 15125. ENVIRONMENTAL SETTING**
(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."

[114] "As an existing use, it is appropriate to base parking demand for the golf course on existing parking demand. This was conducted through an analysis of existing numbers and use patterns of golfers, non-golfer patrons of the on-site grill, and employees…" (DEIR/S, p. 10-50)

[115] "As the ITE *Trip Generation* manual does not provide standard trip rates for meeting and event facilities, the trip generation of the proposed meeting space is estimated based upon an analysis of person-trip activity factored by vehicle occupancy rates and travel modes. These analyses are conducted to reflect peak (100 percent occupancy) use levels of the project site, in order to remain conservative in the estimate of project trip generation." (DEIR/S, p. 10-22)

Tahoe City only address the behavior of people *once they are here.*[116] This ignores the trip generation and associated VMT resulting from guests traveling into and out of the Tahoe Basin (TRPA considers Friday the appropriate day for peak traffic analysis[117]). This skews the results, as the predicted TCL-generated trips are compared to existing commercial trips. Trips associated with egress/ingress to the Basin are 'averaged down' through relying on typical 'Saturday' activities such as restaurants, retail, etc.,which exclude traveling to and from the Basin. The trip reduction for non-auto use multiplies this same error; for example, the DEIR/S notes that data suggests roughly 3% of guests arrive via an alternative to their passenger vehicle, yet trip estimates are reduced by 15% based on the assumption that a "*relatively high proportion of trips made by guests while staying at the lodge would be by non-auto modes.*"[118] Clearly visitors from out of the Region will not be walking or riding their bikes from Northern California or Nevada to the Lodge on Friday evening.

The EIR/S should evaluate the trips associated with TCL guests arriving to and leaving Tahoe City. To be conservative, trips should not be reduced by more than 3% to reflect the split between guests arriving via private automobile versus some other means. Where App. G-2 incorporated traffic impacts from the TCL(e.g. p. 2), the EIR/S for the TBAP must also be corrected.

Assumptions regarding event center for TCL:

We appreciate the conservative assumption in the DEIR/S which assumes all event attendees would drive to the site although the event center is anticipated to be an amenity for guests.[119] We agree it is appropriate to evaluate and plan for the

[116] "TMPO conducts surveys every few years of trip patterns at recreation and commercial sites. In summer 2012, surveys were conducted by intercepting persons in the Tahoe City commercial core and asking (among other things) their travel mode to the area. Of a total of 105 valid surveys at this location, 21 percent of the survey respondents indicated that they arrived on foot, by bicycle, or on transit." (DEIR/S, p. 10-22)

[117] "During summer peak months, conditions are often busiest during Friday afternoons as visitors and part-time residents travel into the Region. While Saturday and Sunday conditions are also busy, they have a less pronounced peak hour surge, meaning that intersections (for the Region as a whole) are typically at their busiest during the Friday evening peak hour. Therefore, study intersections and roadways are analyzed for August Friday PM peak hour conditions." (RPU DEIS, p. 3.3-33)

[118] "Trip generation rates for the proposed lodge under Alternative 1 are shown in the lower portion of Table 10-7. A reduction for non-auto travel is also appropriate for this land use. The initial trip into the Tahoe Region would have a relatively low proportion of non-auto travel. As an example, an evaluation of guests arriving at lodging in the Squaw Valley area indicates that approximately 3 percent arrive without a car, such as by North Lake Tahoe Express shuttles from the Reno Tahoe International Airport, or by tour bus. However, much of the trip generation of a lodge consists of employee trips, or guest trips made while the guest is staying at the lodge. Given the close proximity of the project site to many walking attractions (Commons Beach, Bridgetender's Museum, Fanny Bridge, restaurants, shopping, etc.), as well as the availability of public transit and shuttles, a relatively high proportion of the trips made by guests while staying at the lodge would be by non-auto modes. Overall, a 15 percent reduction is appropriate for the proposed lodge." (DEIR, p. 10-24).

[119] "Assumptions for the new meeting space include two events per day and a vehicle occupancy of 2.5 persons per vehicle. The trip generation rate for the new meeting space is very conservative because it assumes that none of the persons attending an event are staying at the lodge. The new meeting space is designed as an amenity for lodge guests. It is therefore anticipated that a large percentage of event

maximum traffic impacts of the project. However, we have concerns with the parking estimates (discussed later in these comments).

10. Impacts from regional projects

The TBAP's estimates of cumulative traffic impacts rely on the VMT forecasts included in the VSVSP and MVWSP EIRs.[120] Comments from FOWS, TASC, Sierra Watch, Mountain Area Preservation, the League to Save Lake Tahoe, the California Attorney General,[121] and others, identify numerous technical insufficiencies which likely accumulate to further underestimate the VMT and LOS impacts of those projects in the Basin (for example, the EIRs rely on a lower occupancy rate than would be expected during peak summer periods).[122] Impacts along the West Shore are also likely underestimated as noted previously. The final responses to comments for both documents do not respond to these concerns.[123] As a result, the VMT impacts to the Lake Tahoe Basin are likely underestimated, infecting the cumulative analysis in the TBAP.

The FEIR must assess the full potential traffic impacts from cumulative projects, relying upon sufficient analyses reflective of the true potential for increased cumulative VMT and congestion from regional projects. Cumulative and individual project impacts to SR 89 and SR 28 must be analyzed consistently and supported by substantial evidence.

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attendees will be staying at the lodge. Because the trip generation rates assume none of the attendees at the new meeting space are staying at the lodge, trips are, to the extent attendees are staying at the lodge, double-counted and overstated. TRPA and the County are taking this approach to err on the side of conservatism." (DEIR/S, p. 10-23)

[120] DEIR/S, App. G-2, p. 3-4.

[121] 8/9/2016; http://friendsofsv.org/wp-content/uploads/2016/08/Attorney-General-Letter-regarding-Squaw-Valley-Village-Proposal.pdf (attached)

[122] http://www.placer.ca.gov/~/media/cdr/ecs/eir/martisvalleywestparcel/deiroct2015/deircomments/group/comment_fows_tasc.pdf?la=en; http://www.placer.ca.gov/~/media/cdr/ecs/eir/martisvalleywestparcel/deiroct2015/deircomments/group/comment_map_sw.zip?la=en; http://www.placer.ca.gov/~/media/cdr/ecs/eir/martisvalleywestparcel/deiroct2015/deircomments/group/comment_lslt.pdf?la=en;

[123] http://friendswestshore.org/wordpress/wp-content/uploads/2016/08/PCPC-FOWS-Comments.SquawValley.FEIR-8.7.2016.pdf; http://friendswestshore.org/wordpress/wp-content/uploads/2016/08/FOWSTASC-MVWPSP-comments-for-PCPC-7.7.16.pdf; http://friendswestshore.org/wordpress/wp-content/uploads/2016/08/FOWSTASC-MVWPSP-FEIR-Comments-6.6.2016-for-6.9.pdf

11. Impact to Local Residential Streets (Impact 10-2)

The DEIR/S concludes the potential for increased traffic on local residential streets is less than significant[124] based on admittedly speculative information[125] and reliance on a Countywide (one-size-fits-all) "suggested approach" in Placer County Guidelines involving a 2,500 cars per day 'threshold' for action. [126]

Speculative information:

The first claim is that the additional 0.25 mile distance associated with the Fairway Drive 'bypass' route will discourage drivers from taking Fairway Drive to avoid congestion on SR 28.[127] No evidence is provided to support this claim. In fact, drivers commonly take longer routes to avoid heavily congested areas.[128] The second claim states that the roadway configuration limits the potential for diversion of traffic because most drivers heading west on SR 28 through Tahoe City are going to south SR 89 and Fairway Drive places them north of the intersection with SR 89, making it difficult to get to that route.[129] However, this fails to consider the Fanny Bridge Project, approved over a year *before* this draft EIR/S was released, which will change

[124] "Implementation of Area Plan Alternatives 1 through 4 would not generate an increase in traffic volumes to the extent that a substantial amount of traffic would divert to Fairway Drive causing the capacity of that roadway to be exceeded. Therefore, the Placer County guideline regarding traffic volumes on residential streets would not be exceeded under any Area Plan alternative and this impact would be less than significant." (DEIR/S, p. 10-32)

[125] "Beyond the relative travel times, the actual amount of traffic that would divert off of SR 28 in the future would depend on factors that are somewhat speculative: the proportion of drivers that are aware of the diversion route option, the advancement of real-time driver smartphone apps that identify diversion routes for areas of congestion as limited as Tahoe City, and potential strategies being considered in the Tahoe City Mobility Plan to improve traffic flow on SR 28." (DEIR/S, p. 10-33)

[126] "Given the Placer County guideline regarding traffic volumes on residential streets (2,500 vehicles per day) and the current traffic volume (600 vehicles per day), daily traffic volume on Fairway Drive would have to increase by 1,900 vehicles per day." (DEIR/S, p. 10-33)

[127] "The potential for diversion of SR 28 traffic onto Fairway Drive is impacted by several factors: In the westbound direction, drivers do not have an opportunity to divert away from SR 28 until they reach Jackpine Street. From this point, the diversion route to the point where a driver can regain the state highway system (SR 89/Fairway Drive intersection) is 5,720 feet, compared with a travel distance of 4,230 feet along the state highways. The fact that the alternate route is more than a 0.25 mile longer tends to reduce the attractiveness of Fairway Drive as a means to avoid SR 28 congestion, as does the relatively narrow roadway, on-street parking, and vertical curves. Assuming an average travel speed via the Fairway Drive diversion of 25 miles per hour (including delays for turning movements and stop signs), using this route in the westbound direction would save a driver time once the average speed on SR 28/89 between Jackpine Street and Fairway Drive falls below 19 miles per hour. Since there are many periods during peak summer when this occurs, it can be concluded that there is a potential for diversion." (DEIR/S, p. 10-33)

[128] For example, this last winter drivers frequently attempted to use residential streets – which result in longer routes - to avoid congestion. http://southtahoenow.com/story/03/13/2016/slow-moving-exodus-south-lake-tahoe (attached)

[129] "The westbound traffic on SR 28 is comprised of traffic bound for SR 89 North, SR 89 South, as well as to Tahoe City destinations. As the westbound diversion route is west of the SR 28/SR 89 intersection (and traveling to SR 89 South would require a difficult left-turn movement onto SR 89), the potential for westbound diversions is limited to drivers heading to SR 89 North (Squaw Valley/Alpine Meadows, Truckee, or beyond). Based on turning movement counts, approximately 37 percent of the westbound traffic on SR 28 approaching Jackpine Street is bound for SR 89 North (while the largest proportion is bound to SR 89 South). This trip pattern also tends to limit the potential for diversion traffic." (DEIR/S, p. 10-33)

the roadway configuration and move the intersection between SR 89 and SR 28 farther to the northwest. As a result, those using Fairway Drive to avoid SR 28 would only need to make a right turn back on to SR 89 north (toward Alpine Meadows/Truckee) and then enter the western roundabout to easily continue to SR 89 south along the West Shore. Therefore, this claim is not valid. Third, the DEIR/S states that drivers will be aware of the long delays waiting to regain access to the highway, and this will discourage their use of the diversion.[130] However, as seen in the Tahoe Basin over the past two years, smartphone applications such as Waze have been sending drivers who are unfamiliar with local roads through neighborhoods and creating major congestion.[131] In fact, that this continues to happen frequently suggests that drivers are not being discouraged by congestion on side streets. Thus, it appears that while some locals may be aware of this and are complaining, an overwhelming number of users of Smartphone apps have not be deterred.

Reliance on Countywide guidance

The DEIR/S relies on a Placer County Guidance document[132] that suggests applying a '2,500 cars per day' significance level to determine the impact of increased traffic on Fairway Drive (cited previously). The DEIR/S notes that existing traffic is 600 cars per day; this would therefore allow over a 400% in traffic before it is deemed 'significant.' No information is provided regarding the delay time of existing conditions, nor the capacity of Fairway Drive to handle traffic without significant delays. There is no survey of existing residents in the area and their opinions and expectations about traffic on Fairway Drive. The DEIR/S also fails to consider that unique local conditions, such as snow removal, need to be considered when attempting to apply a one-size-fits-all approach. In other words, the EIR/S needs to examine the unique conditions and circumstances related to Fairway Drive, assess the capacity, determine an appropriate significance criterion for traffic increases based on that information, and then determine whether the TBAP and TCL impacts would increase traffic above that number. Future mitigation to prevent significant impacts must be adjusted accordingly.

[130] "In the eastbound direction, drivers traveling eastbound on SR 89 (in the "southbound" direction) have the opportunity to turn left onto Fairway Drive, exiting back onto SR 28 eastbound at either Grove Street or Jackpine Street. Drivers with enough awareness of the local roadway system, however, can also be expected to be aware of the long delays that would be faced waiting to regain access to the highway at peak times. The potential for diversion in the eastbound direction is very low." (DEIR/S, p. 10-33)

[131] https://www.washingtonpost.com/local/traffic-weary-homeowners-and-waze-are-at-war-again-guess-whos-winning/2016/06/05/c466df46-299d-11e6-b989-4e5479715b54_story.html?tid=sm_tw (attached)

[132] Final Report. Placer County Neighborhood Traffic Management Program. February 28, 2007. Placer County Department of Public Works, p. 61. http://www.placer.ca.gov/departments/works/ntmp (attached)

12. Parking

Area Plan Parking Impacts:

It is unclear whether the TBAP will result in additional parking spaces compared to existing conditions. While the section for Impact 10-8 discusses parking, it does not include any estimates of future parking spaces.[133] Instead, parking policies are noted and the DEIR/S states that the alternatives will result in a "*lower total parking supply in town centers*;" however, what is not clear is lower than *what?* This statement could mean lower than the No action alternative or lower than the existing number of spaces. The EIR/S needs to clearly identify and quantify the TBAP's impacts on parking.

Shared Parking for TCL with TC Golf Course:

The TBAP also relies on shared parking between the Tahoe City Lodge and the Tahoe City Golf Course. However, as queried in our NOP comments, if guests of the Lodge are expected to arrive then "park once" and walk or use transit during their visit, presumably their cars will be left in the shared parking spaces over the duration of their visit, thus creating a conflict for those wanting to use the golf course. As it stands, the TCL EIR/S and the TBAP EIR/S both suggest new guests will not drive once they are here (or will drive less), yet at the same time rely on them to leave their parking spots during the day in order to support the proposed shared parking with the golf course. The FEIS must correct this discrepancy and show how and where adequate parking will be provided for Lodge guests *and* golf course patrons.

Tahoe City Lodge Parking Impacts:

The majority of the parking analysis in the DEIR/S is devoted to the TCL project. The TBAP and TCL rely on shared parking between the Tahoe City Lodge and the Tahoe City Golf Course. We are concerned the parking associated with the lodge will not be adequate, which would likely cause hotel and golf course guests to seek parking in adjacent areas and create additional traffic delays and hazards. As noted during the 7/27/2016 TRPA GB hearing, an adjacent property owner is already concerned about the potential use of his property for access as well as parking by Lodge guests and golf course patrons.[134] As queried in our NOP comments, if guests of the Lodge are expected to arrive then "park once" and walk or use transit during their visit, presumably their cars will be left in the shared parking spaces over the duration of their visit, thus creating a conflict for those wanting to use the golf course. As it stands, the TCL EIR/S and the TBAP EIR/S both suggest new guests will not drive once they are here (or will drive less), yet at the same time rely on them to leave their parking spots during the day in order to support the proposed shared parking with the

[133] "Area Plan Alternatives 1, 2, and 3 would include new parking provisions that would result in more efficient use of parking areas. These alternatives would result in lower total parking supply in town centers, while still providing adequate parking. Alternative 4 would make no changes to parking standards and future projects would continue to provide parking consistent with existing requirements. As a result, all Area Plan alternatives would result in a less-than-significant impact." (DEIR/S, p. 10-48)

[134] Comments made by Sam Rudnick.

golf course. The FEIS must correct this discrepancy and show how and where adequate parking will be provided for Lodge guests *and* golf course patrons.

Table 10-16[135] reveals two items of concern.

1. *Number of parking spaces/unit:*
   First, the analysis assumes one parking space per Lodge room and one-bedroom suite, and then just 1.25 spaces per two-room suites (suggesting only 25% of guests in two-room suites will drive additional vehicles and no guests will share one-bedroom suites such that there would be two vehicles). It is unclear where these values came from; however, it is reasonable to expect that many guests using two-unit suites will likely have two cars and some guests with one-room suites will 'pile in' to a smaller unit to save funds (especially without any incentives for driving fewer vehicles or disincentives for more, as none are included with the TCL). As discussed elsewhere, while Town Center incentives aim to reduce driving once visitors are in the area, evidence presented in the TBAP DEIR/S suggests that roughly 97% of them will arrive using a personal automobile.

2. *Reduction applied to parking requirements:*
   Second, this potential underestimated need is exacerbated by the 20% reduction applied due to the TCL's location within a Town Center (in other words, this assumes 0.8 vehicles for 1-room suites and one vehicle for 2-room suites). No information is provided to explain why 20% was applied other than because the TBAP proposes it.[136] There are also no criteria to guide the Design Review Committee regarding when this reduction may be appropriate. However, this assumption clearly conflicts with the data presented showing that 97% of visitors to the area are likely to drive there. In other words, it is not explained why the TCL assumes 20% of their guests will not arrive with their own vehicles that will require a parking spot when the DEIR/S presents what it considers comparable information showing that 97% of the guests will arrive with their vehicle. This discrepancy needs to be corrected, and parking needs of all lodge guests (most of which will arrive via personal automobile) must be assessed separate of any walkable/bikeable policies which may reduce trips made by guests once they are here.

The DEIR/S also concludes adequate parking will be available for the clubhouse (event center) use because certain requirements will be included in the permit to mitigate potential impacts:

> "If an event takes place utilizing the conference room space
> 1. Where more than 50 percent of the attendees are not guests of the lodge AND

[135] DEIR/S, p. 10-50

[136] "These regulations indicate that "Until a fee in-lieu of constructing all required parking spaces or other parking management program is in effect, the Placer County Design Review Committee may approve a 20-percent reduction in the amount of required parking for mixed-use, retail, transient lodging and restaurant projects/uses within a town center." (Section 3.07.A.5.f). Assuming that this is approved, the 20 percent reduction for town center parking is applied." (DEIR/S, p. 10-49)

> 2. The event takes place on weekend days in June and on any day from July 1 through Labor Day AND
> 3. The lodge occupancy on the following evening is forecast to be more than 80 percent
> Then the lodge or the organizer of the event shall be required to make arrangements to mitigate the parking demand by
> a. Providing adequate off-site parking within a 400-foot walk distance OR
> b. Providing valet parking arrangement, OR
> c. Providing a transit shuttle service.
> Based on the above conditions, the meeting space has little potential to add to the total parking demand at peak times on peak days. As the chance that an event with high non-lodge guest usage coincides with a peak golf day is very remote, no additional parking demand is added to address this condition. This analysis therefore assumes use of the new meeting/event space would be managed to avoid creating a net increase in total peak parking demand." (DEIR/S, p. 10-51)

However, there is no evaluation of whether these contingencies are sufficient, and there is no 'wiggle room' provided as the proposed parking supply equals the peak demand of the TCL and Golf Course uses.[137] The proposed 'contingency' measures do not kick in until *after* increased parking spaces may be needed (for example, in a situation where approximately 45% of the attendees are not staying at the lodge). The EIR/S must include the data upon which this conclusion is based; if insufficient data were used, the EIR/S must be adjusted to include adequate parking supply.

As noted in our NOP comments, the EIR/S needs to evaluate alternative options to reduce parking demand from guests (even those who may 'park once' for their visit[138]). Measures to reduce trips once guests are here are necessary, however, guest parking demand will be more closely tied to how many guests require a parking spot in the first place. Yet the TBAP, as well as the TCL, includes no additional measures to encourage guests to arrive via means other than their private automobiles. For example, disincentives such as paid parking, charges for additional vehicles, and/or discounts for no more than one vehicle/unit may encourage guests to carpool to the hotel, thereby reducing the number of vehicles in need of parking spaces in the first place.

The FEIS should analyze measures to reduce parking impacts on adjacent areas when parking spots for the Lodge and/or Golf Course are full, including incentives for guests to arrive via alternative means (e.g. public transit), disincentives to reduce the use of private automobiles such as paid parking for Lodge and Golf Course parking lots, discounts for guests arriving with just one vehicle, and other options.

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[137] "Comparing the proposed parking supply (131 spaces) with the peak parking demand (131 spaces) assuming shared parking among the proposed mix of land uses, the proposed lodge with Alternative 1 would result in an overall parking balance during peak periods." (DEIR/S, p. 10-55)

[138] ***"The EIR/S needs to examine and explain the impacts of providing new parking on the success of the use of transit. The EIR/S needs to also examine the trips and VMT generated by the additional guest vehicles, and how shared parking will be managed if guests truly do 'park once.' If Placer County aims to improve walkability, this would suggest that future projects, including the Tahoe City Lodge Pilot Project, should encourage the 'park once' approach, where guests arrive and then visit the beach, shop, patronize restaurants, and recreate by walking from their hotel room (and via transit). In this case, more parking would be needed to accommodate golf course customers and hotel guests who desire to leave their vehicle parked during the day (when golfer would also be parking). The impact of the additional parking needs also must be examined." (NOP comments, p. 36-37)***

13. Scenic

The DEIR/S notes that: "*The dominant natural features of the Plan area are the expansive alpine lake (Lake Tahoe) ringed by rugged mountain peaks with thickly forested slopes."*[139] TRPA's threshold standards aim to protect views of natural resources through travel route rating standards, which assign numerical ratings along travel units based on "*human-made features along roadways and shoreline; physical distractions to driving along roadways; roadway characteristics; views of the lake from roadways; general landscape views from roadways and the lake; and, the variety of scenery viewed from roadways and the lake*" (p. 9-2)[140] and scenic quality ratings which "maintain or enhance views" of scenic resources visible from roadway or shoreline travel routes.[141] [emphasis added].

The values of a spectacular mountain backdrop or a cobalt blue lake simply cannot be conflated to be equal to a building, no matter how sophisticated and attractive it is. Although TRPA's concept of scenic improvements includes the built environment, we primarily focus our comments on impacts to the natural scenery as envisioned in the Compact – which includes the spectacular views toward and from Lake Tahoe, the mountains, and dark nights with views of shiny bright stars. The RPU's strategy, carried forward by the TBAP, is that policies which encourage redevelopment will result in scenic improvements. Focusing primarily on the built environment in assessments of scenic impacts misdirects from considering impacts to the true *irreplaceable* values of the Basin. The DEIR/S fails to examine the impacts of the TBAP specifically on these natural scenic values.

However, with regards to improvements in the built environment, the RPU also stated that most scenic quality improvements have occurred through development and redevelopment.[142] This is somewhat misleading. Scenic quality values rarely improve when new development, especially private development, occurs on previously undeveloped land. Redevelopment, on the other hand, can dramatically improve scenic

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[139] DEIR/S, p. 9-5

[140] "Long-term, cumulative changes to views of the landscape from state and federal highways in the region and from the surface of Lake Tahoe are tracked by the TRPA travel route ratings. Roadways have been divided into 53 segments called "travel units" based on their landscape characteristics. Lake Tahoe's shoreline is divided into 33 separate travel units. The following visual conditions are given numerical ratings to determine the threshold score for travel units: human-made features along roadways and shoreline; physical distractions to driving along roadways; roadway characteristics; views of the lake from roadways; general landscape views from roadways and the lake; and, the variety of scenery viewed from roadways and the lake." (DEIR/S, p. 9-2).

[141] "The purpose of the TRPA scenic quality threshold is to maintain or enhance views of individual, existing scenic resources that are visible by the public from roadway or shoreline travel routes. The scenic resources in the region include certain views of the natural landscape and distinctive natural features that were identified, mapped, described, and evaluated as part of the 1982 Scenic Resource Evaluation. Scenic resources include such things as foreground, middle-ground, and background views of the natural landscape from roadways; certain views to Lake Tahoe from roadways; certain views of Lake Tahoe and natural landscape from roadway entry points into the region; unique landscape features, such as ridgelines, prominent mountain peaks, and rock formations that add interest and variety, as seen from roadways. Scenic Resources have been identified and mapped within both the roadway and shoreline travel units adjacent to the Tahoe City Lodge site." (DEIR/S, p. 9-2 and 9-3).

[142] RPU DEIS, Chapter 3.9.

values if the redevelopment is a marked improvement over prior conditions, as in the case of the South Shore Redevelopment Area, and does not impact existing views or other scenic resources through increased building height, mass, or siting. However, improvements in scenic quality are not universally the result of development and redevelopment. Unlike some other resource categories, scenic quality thresholds can often be met by maintaining and protecting identified scenic resources, and through landscaping, revegetation, modifications to existing structures, roadway improvements, and undergrounding of utilities, rather than through urban development.

Views of the lake and mountain background are major components of scenic resources, and the scenic resource threshold is a non-degradation standard.[143] New development and redevelopment that intensifies land use, often through building height and mass increases, can remove or impair those scenic views. While redevelopment has improved scenic quality of the built environment for many areas this is not always and for every scenic unit true. Although the DEIR/S assessment of scenic improvements focuses primarily on the built environment, we focus the following comments on impacts to the values the Compact specifically aimed to protect: views toward and from Lake Tahoe, the mountains, and dark night skies. We also note that the DEIR/S concludes no beneficial impacts to scenic quality; all impacts are deemed 'less-than-significant.' The one exception is Impact 9-3, Light and Glare, where 'benefits' are concluded based in large part on changing guidance to standards and relying on requirements to minimize illumination. However, as discussed more below, the DEIR/S did not address the impacts of new, taller and wider buildings that will add light to areas where no light currently exists, leaving the "beneficial" impact conclusion unsupported.

A. Local scenic analysis needed:

The DEIR/S refers to the TRPA RPU EIS analysis of scenic impacts, however the RPU only assessed impacts at a *regional* scale[144] and in response to comments concerning localized impacts to scenic views from increased height and density, the RPU FEIS stated that additional, more specific reviews would be required.[145] However, the TBAP DEIR/S includes no additional analysis of local impacts of the Area Plan.

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[143] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch9_Scenic_Oct2012_Final.pdf

[144] "With the exception of the proposed Tahoe City Town Center boundary change and provisions that would allow non-contiguous project areas, secondary residential units, and CFA to TAU conversions, the components of Alternative 1 that could affect scenic or visual quality were analyzed at a programmatic level in the TRPA RPU EIS (TRPA 2012a:3.9-22 through 3.9-28). That analysis found that at a regional level, the provisions proposed in Alternative 1 are likely to result in a greater pace and degree of redevelopment activity. The RPU EIS determined that this would result in beneficial scenic impacts..." (DEIR/S, p. 9-16). [Emphasis added]

[145] "[T]he EIS environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. As such, the EIS focuses on the potential effects of policies, which—because they are to be implemented through as-yet-undefined projects over the duration of the Plan—are inherently less precise. The EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan. (RPU FEIS, Volume 1, p. 3-339).

In fact, the DEIR/S states that the roadway travel unit scores that declined within the Plan area "*were the result of new development that blocked lake views (TRPA 2015)*." (p. 9-9). We are concerned that adding taller and denser buildings to the Town Centers will further decrease existing views of the lake and mountains. As noted in our NOP comments, the EIR/S needs to examine more specific examples of how the taller and denser buildings that would be allowed by the TBAP affected local views, including from ground-level (e.g. where pedestrians will be) and mountain-level.[146]

Reduction in views from new and redevelopment

As the DEIR/S notes, "*Taller buildings in combination with reduced setbacks would have a greater potential to block views of mountains, ridgelines, Lake Tahoe, and other scenic views, which could have an adverse effect on scenic vistas, block or degrade existing views of Lake Tahoe, or decrease scenic threshold ratings of affected travel units or scenic resources*." (p. 9-17). The TBAP proposes two approaches to mitigate the loss of views.[147] Our NOP comments included the following:

> "The proposed TBAP includes a new approach related to viewsheds:
>
> > Implementing Regulations for this Area Plan expand upon the TRPA finding to require that any proposed four-story project on the Lake side of highways either maintain 35 percent of the site as open view corridors to Lake Tahoe, or if existing development does not comply, increase the width of open view corridors by ten percent or more. (TBAP, p. 97).
> >
> > ii. Four-story buildings in Town Centers located between Lake Tahoe and State Highways 28 or 89 shall maintain 35 percent of the site as open view corridors to Lake Tahoe, or if existing development does not comply, increase the width of open view corridors by 10 percent or more. (2.09 Overlay Districts, A.1.a.ii).
>
> The intent of this language is unclear. We asked staff about the new requirements during the 6/16/2015 public workshop. Staff responded that this results in additional protection of views, in that TRPA's current scenic standards, which do not allow for a 'net loss' in views,[148] are based on "uphill views," while this new standard applies to ground-level views. This meaning is not clear in either the Area Plan or the Implementing Regulations. We are concerned that as written, it suggests only 35% of an existing view of the Lake needs to be preserved when a new 4-story building is constructed. It is questionable how allowing the loss of views in the Area Plan will help achieve and maintain scenic thresholds.

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[146] "***The EIR/S needs to include several careful and location-specific examples of how these buildings may impact ground-level and mountain-level views, and views of Tahoe City from Lake Tahoe and surrounding mountain tops (i.e. how views of the Lake and mountain backdrop as seen from the Tahoe Rim Trail may change as a result of the taller buildings)…Further, the EIR/S needs to examine how views from all levels, including ground-level and uphill, are impacted by the 3- and 4-story buildings that will be allowed in Town Centers. The EIR/S needs to assess and disclose the impact of the proposed scenic requirements on views seen by the walking public." (NOP comments, p. 44-45)***

[147] "However, Alternative 1 would require that four-story buildings located between SR 28 or SR 89 and Lake Tahoe maintain 35 percent of the site as open view corridors to Lake Tahoe. If existing development does not already maintain 35 percent of the site as an open view corridor to the lake, then a redevelopment project would be required to increase the width of open view corridors by at least ten percent." (DEIR/S, p. 9-20)

[148] "**37.7.9. Finding 9**
When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss." [Emphasis added]

> Further, the Vision Plan for Tahoe City[149] did not provide an example of the amount of Lake Tahoe that could be viewed by the walking public once projects are built. This has also never been exhibited in this planning process. (NOP comments, p. 44-45)."

The DEIR/S does not respond to these comments nor address the noted evaluations. Oddly, the DEIR/S claims it *"evaluates the effects of implementing the development standards, and design standards and guidelines that would apply under each alternative…*" and acknowledges that assumptions must be made for each alternative,[150] although given there are no scenic analyses of Town Center impacts from adoption of the TBAP in the DEIR/S it is unclear where these assumptions were even applied. For example, it is possible that the loss of viewsheds associated with new buildings only required to preserve 35% of views could far outweigh any 'increased views' from the ten percent increases required by redevelopment. There is no analysis of what these two requirements could mean; instead, the DEIR/S concludes benefits without any evidence upon which to base the conclusion. Further, these requirements only apply to four-story buildings, yet shorter buildings can also substantially block views. The TBAP DEIR/S includes no analysis of the potential loss of view sheds associated with the taller and denser buildings allowed in Town Centers.

The DEIR/S also notes the RPU EIS *"found that allowances for increased building height could substantially increase visual mass and magnitude, which could degrade scenic views…"* and relies on the mitigation measures in the RPU to mitigate these impacts.[151] Not only are these mitigation measures evaluated from a regional, not local, standpoint in the RPU EIS, but they do not ensure protection and enhancement of natural views (discussed in greater detail in our RPU comments[152]). As a result, the DEIR/S lacks both an analysis of local scenic impacts in Town Centers as well as an examination of mitigation measures that will ensure such impacts are mitigated and scenic views are improved and protected. As noted in our comments on the RPU DEIS (p. 317), the RPU's mitigation measures deferred consideration of scenic impacts to future reviews (in this case, the Area Plan). Now the TBAP review is referring back to the RPU DEIS to conclude impacts were already examined and mitigated in the RPU EIS; in both cases, impacts have not been sufficiently analyzed.

The DEIR/S also concludes that implementing ordinance 3.09 will protect scenic quality. However, the ordinance[153] only addresses views from certain viewpoints (e.g. from 300 feet), includes loose language that does not ensure protections (i.e.

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149 http://www.placer.ca.gov/~/media/cdr/Planning/CommPlans/TahoeBasinCPUpdate/DraftAreaPlan2015/TC%20visioning%20options.pdf

150 "The Tahoe City Lodge project and Kings Beach Center design concept provide examples of the application of proposed standards at these sites. Assumptions must be made about the likely type, location, and scale of development, redevelopment, and restoration under each alternative." (DEIR/S, p. 9-13)

151 "The RPU EIS analysis also found that allowances for increased building height could substantially increase visual mass and magnitude, which could degrade scenic views. The RPU EIS prescribed a mitigation measure that would reduce this impact to a less-than-significant level by requiring that three- or four- story buildings in town centers comply with specific findings and performance standards." (DEIR/S, p. 16)

152 RPU DEIR comments 6/28/2012, p. 304-318

153 DEIR/S, p. 9-20.

"minimize" interference…to the extent practicable,"[154] refers to screening of development (rather than viewsheds affected by the development), and requires "no net loss" of views of scenic viewpoints identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.[155] Regarding the "no net loss of views," we have questioned TRPA before about what this specifically means and how it will be enforced but received no clear answers. The RPU does not specify how this will be applied, and the TBAP does not correct this deficiency. Further, the TBAP states that TRPA will determine the method used to assess the 'net loss' of views; this fails to provide the public the opportunity to understand and comment on what this means and how it will be determined – yet this information is directly relevant to understanding how this requirement will protect scenic resources and therefore should be disclosed in the EIR/S.

Non-contiguous project areas:

The DEIR/S concludes that the TBAP's proposed policy change regarding noncontiguous parcels will be mitigated by measure 9-1, which will add the following text to the TBAP:

> "Projects using a non-contiguous project area shall not increase the density or land coverage in any portions of the project area that are between SR 28 or SR 89 and Lake Tahoe, beyond the limits that would apply to those portions of the project area without the use of a non-contiguous project area." (DEIR/S, p. 9-37).

While this may mitigate impacts to and from views of Lake Tahoe that are above and beyond those allowed by the RPU, this does not address the impacts to scenic views of surrounding mountains and ridgelines or night sky, which are also listed as dominant natural features (p. 9-6) in the DEIR/S and important scenic resources in the TRPA Compact.[156] Further, the mitigation measure should specify that projects relying on this exception must also meet any requirements for viewshed protection included in the TBAP.[157]

Examples of additional review:

Unlike many policy-level environmental documents, which address general impacts because specific impacts cannot be known, the DEIR/S could go much further in delineating probable scenic impacts due to the limited area available for continued development, the amount of development envisioned under each alternative, and the detailed nature of the regulations regarding coverage, height, and transfers of

[154] No criteria or guidance has been provided to identify what qualifies as "minimize[d]" or "practicable."
[155] "When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss." (DEIR/S, p. 9-20)
[156] Article I(a)(3)(6)(7)(8)(10) and Article II (i); http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf
[157] "However, Alternative 1 would require that four-story buildings located between SR 28 or SR 89 and Lake Tahoe maintain 35 percent of the site as open view corridors to Lake Tahoe. If existing development does not already maintain 35 percent of the site as an open view corridor to the lake, then a redevelopment project would be required to increase the width of open view corridors by at least ten percent." (DEIR/S, p. 9-20)

development rights that accompany each alternative. An analysis of local impacts could make assumptions regarding location and character of future development within each town center based on an analysis of available vacant land, coverage, and properties that are candidates for redevelopment.

It would be possible to construct hypothetical scenarios for each alternative that identify likely sites into which development would be directed or transferred within each town center. The potential maximum buildout (e.g. worst-case scenario) of the Town Centers based on the proposed TBAP from various views on the Lake, SR 28, from mountains, and on night sky could be examined, yet the only visual simulations in the DEIR/S are related to the TCL. The DEIR/S could also apply the TBAP regulations regarding the preservation of 35% of views compared to existing viewsheds and examine the impacts of the 10% expansion in views applied to redevelopment based on an examination of existing buildings that currently block views (and would be subject to these regulations if redeveloped) combined with the increases in height and density allowed in new and redeveloped buildings to assess potential local scenic impacts. The EIR/S should also examine the impacts of increased viewshed protection as well as requirements to open views for redevelopment for all buildings, not just four stories.

B. Community Character

The DEIR/S concludes less than significant impacts to community character based on similar reasoning as used in the scenic impact assessment;[158] as a result, the same technical flaws that plague the scenic assessment also degrade the review of community character impacts. The DEIR/S in fact notes that the new taller buildings "*would be a departure from much of the existing built environment*" but then dismisses this impact by stating the buildings would be *"consistent with applicable standards*." However, the DEIR/S is responsible for assessing the impacts compared to *existing conditions*, not to the standards that will be implemented by the proposed plan. We also note that the existing regulations applicable in the TBAP boundary are represented by the existing Plan Area Statements and Community Plans, not the RPU. The DEIR/S also concludes that visual effects will not "substantially" detract from community character,[159] however no information regarding what criteria were used to determine whether impacts are 'substantial' or not are included.

[158] "…the increased height of up to 56 feet and four stories allowed in core areas of town centers, would be a departure from much of the existing built environment, but would be consistent with applicable standards. In combination with proposed policies and new standards for site design, building form, and street frontage improvements, the resultant visual effects in the Plan area would not substantially detract from community character. The policies and design standards in Alternatives 1 would be consistent with applicable TRPA height and design standards, design review guidelines, and the SQIP. Because Alternatives 1 would not be inconsistent with the SQIP, TRPA Design Review Guidelines, or applicable height and design standards, this would be a less-than-significant effect on community character. (DEIR/S, p. 9-42)

[159] "In combination with proposed policies and new standards for site design, building form, and street frontage improvements, the resultant visual effects in the Plan area would not substantially detract from community character." (DEIR/S, p. 9-41)

C. Night Sky

The DEIR/S recognizes the importance of night sky views: "*Rural and rural transition areas in the Plan area have dark skies with little light pollution from urban areas, making them ideal locations for astronomical viewing. Views from lake side beaches and from watercraft on the Lake are especially expansive and free of nighttime light interference*" (p. 9-6). The DEIR/S concludes beneficial impacts to night sky from the action alternatives.[160]

However, there is not sufficient information presented in the DEIS/R to determine that the increase in night lighting in urban areas would not have a significant impact on night skies, despite lighting standards contained within the RPU and proposed TBAP to deflect upward light spill. Further analysis is needed to determine the probable increase in levels of night lighting resulting from new development and redevelopment. The TBAP would allow for larger, wider buildings where they do not existing now; even if light spill is minimized, this still creates light pollution where none may currently exist. Estimates of increased percentages of night lighting based on anticipated levels of development would be feasible, and essential to providing enough information to determine impacts. As noted previously, information is available to prepare a more detailed, local-level assessment of the potential impacts of new and redeveloped buildings on scenic views; this same type of analysis of future development could also be used to evaluate the potential light pollution and night sky impacts.

D. Ridgeline Protection:

As the proposed Brockway Campground[161] has revealed, the existing RPU Code may not be protective enough of Tahoe's scenic ridgeline views. As it currently stands, the RPU does not specifically protect the scenic values of natural ridgelines. TRPA'd Code Chapter 13 includes a statement that Area Plans "consider" ridgeline and viewshed protection.[162] We request the TBAP include additional provisions that specifically state "ridgelines and viewsheds shall be protected".[163] In addition, such language is needed in the TBAP to protect these natural values in *all circumstances*, not just when new Area Plans are adopted. Example language can easily be found in other areas, including many in Colorado resort communities.

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[160] "Alternatives 1, 2, and 3 would maintain the substantive requirements of existing exterior lighting standards, convert portions of existing discretionary lighting guidelines into required standards, and add new standards that address prohibited lighting, fixture types, glare, and light trespass. These standards would reduce the potential for future projects to result in substantial light or glare, new sources of light or glare that are more substantial than other light or glare in the area, or exterior light that is cast off-site. This would be a beneficial effect on light and glare conditions." (DEIR/S, p. 9-47)

[161] http://www.trpa.org/document/projects-plans/

[162] 13.6.5.C(1) :Additional Review Standards for Area Plans with Town Centers or Regional Center
In addition to the requirements of subparagraphs A and B above, submitted Area Plans that contain Town Centers or the Regional Center shall include policies, ordinances, and other implementation measures to:
1. Include building and site design standards that reflect the unique character of each area, respond to local design issues, and consider ridgeline and viewshed protection; [Emphasis added]

[163] We herein incorporate our previous request to TRPA for ridgeline protection: http://friendswestshore.org/wordpress/wp-content/uploads/2014/11/FOWS-TASC-comments-to-APC-requesting-Ridgeline-Code-DRAFT-2.pdf (attached)

14. Soil Conservation

TRPA's 2011 Threshold Evaluation Report explains:

> "Impervious cover (also referred to as land coverage, impervious surfaces, or impervious coverage) prevents rainfall and snowmelt from infiltrating directly into the soil; instead, it increases the volume of often times pollutant-laden stormwater runoff reaching streams, causing flashier and sporadic stream flow events, creating unstable stream channels, and ultimately impacting the water quality of Lake Tahoe. In 1974, Robert G. Bailey wrote that impervious cover is "...the most critical element in the land disturbance that has created the basic environmental problems facing the Lake Tahoe basin—water quality degradation, flooding, and soil erosion."
>
> Land coverage effectively short-circuits the watershed's sediment and pollutant-removal mechanisms. Coverage also reduces or eliminates aquatic and terrestrial habitat that provide ecological value (Roy et al 2003). For instance, the delivery of sediment, a pollutant of concern identified in the Lake Tahoe TMDL (Lahontan and NDEP 2010), can be created by flashy streams with increasing power to erode as impervious cover increases within a basin (Booth 1990). " (p. 5-3).

As the DEIR/S states, there are two threshold standards related to soil conservation:

> "TRPA has two soil conservation threshold standard indicator reporting categories, as follows:
>
> Land Coverage (impervious cover) Threshold Standard to comply with allowable land coverage limitations established in the Land Capability Classification of the Tahoe Basin. This threshold standard indicator reporting category consists of nine different standards for the nine separate land capability districts (LCDs). All soils within the region have been assigned an LCD based on their ability to tolerate disturbance and development while retaining their natural function. LCDs 1a to 3 are considered sensitive and LCD 7 is considered the most tolerant. Additional discussion of land coverage and LCDs in included in Section 14.3, "Environmental Setting."
>
> SEZ Threshold Standard to restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided to attain a 5 percent increase in the area of naturally functioning SEZ lands.

Soil conservation/coverage limits are not only important to the health of Lake Tahoe regionally, but to the health of local watersheds, including tributary streams and the nearshore areas into which they discharge. The TBAP DEIR/S relies on the RPU EIS analysis to conclude less-than-significant impacts to soil conservation.[164] As explained in our October 2013 Opening Brief for the RPU lawsuit (cites refer to documents in the Administrative Record which are on file with TRPA):

> "The soil conservation threshold protects "the many functions of non-degraded soils[,] such as infiltration, erosion prevention, vegetation growth, and nutrient cycling." AR4169. Its intent is to preserve "environmental balance" region-wide. AR11956 (DEIS noting coverage limits "necessary in the Region to protect water quality and preserve environmental balance at the

[164] E.g. "Under Alternative 1, high capability lands within the Tahoe City and Kings Beach Town Centers would be allowed up to 70 percent coverage (base allowable plus transferred coverage) for both developed and undeveloped parcels, provided that they are either (1) located on the mountain side of SR 28, or (2) are further than 300 feet from Lake Tahoe (TRPA Code Section 3.4.2.B.1). Consistent with the Regional Plan, the amount of land coverage beyond the base allowable amount would be transferred from other parcels. This increase in transferred land coverage in town centers would directly affect the both the Kings Beach Center design concept and the Tahoe City Lodge. The potential effect of this policy was analyzed in the TRPA PRU EIS Impact 3.7-1 (TRPA 2012b: pp. 3.7-18 to 3.7-19) and was determined to be less-than-significant." (DEIR/S, p. 14-23)

> individual parcel scale," citing AR27444; AR27424 (coverage limits "primarily for the purposes of erosion control and maintaining ecological balances"). Soil in the Tahoe Basin "is an integral part of the structure and function of the natural ecosystem." AR116224 (1982 EIS for establishing thresholds). It is "essential for supporting vegetation by providing a medium to anchor roots, store nutrients, and store water for growth." *Id*. Vegetation, in turn, "is a part of a total system that is responsible for removing nutrients, particularly nitrogen, from precipitation which is stored in the soil. The nutrient removal process or nutrient uptake is extremely important in the nutrient balance in the entire aquatic system." AR116226. Further, "[t]he physical, chemical, and microbiological composition of soils have substantial effect on the quality of water moving over or through the soil system." AR116224." (p. 8)

The more development in a local area, the more coverage, the more disruption to its soil, its streams, its watershed's ecological functioning, and the nearshore.[165] Often, coverage standards related to soil conservation are lumped together with water quality impacts, and the importance of soil's function beyond how it impacts water runoff and pollution is minimized. The RPU EIS gave little consideration to healthy soils, instead concluding less than significant impacts based primarily on alternatives to soil limits (e.g. BMPs) that were claimed to meet water quality objectives.[166] In essence, the RPU and TER's interpretation of soil conservation standards suggest that "coverage doesn't matter," and that engineered water treatment facilities can mitigate the impacts of coverage (although such facilities are based only on water quality objectives and do not require that healthy soil function be preserved). In other words, stormwater filter-based facilities do not grow vegetation to mitigate for the loss of uncovered soil.

Significance at local scale:

The TBAP has not identified a significance threshold for the loss of soil at the local watershed level, let alone how much new coverage would be added locally. Without having identified *any* threshold for soil loss in local watersheds, there is no basis for concluding that the TBAP's impacts to soil conservation are "less than significant."

In addition, the TBAP DEIR/S, as with the RPU EIS,[167] concludes less-than-significant impacts from the increased coverage allowed in Town Centers as a result of transfers of coverage from other areas.[168] The DEIR/S also notes that coverage beyond base allowable can be transferred to a project area, however must come from within the same HRA (unless it meets the requirements in Code 30.4.3.B.6, in which case it can be transferred from other HRAs).[169] This section is a recent amendment to the TRPA

[165] See comments on RPU DEIS from Attorney General of California, RPU FEIS, Vol. 2, p. 2-68 to 2-70.
[166] September 2014 Plaintiff's Opening Brief for Appeal, p. 25-30 (on file with TRPA)
[167] "Consistent with the Regional Plan, the amount of land coverage beyond the base allowable amount would be transferred from other parcels. This increase in transferred land coverage in town centers would directly affect the both the Kings Beach Center design concept and the Tahoe City Lodge. The potential effect of this policy was analyzed in the TRPA PRU EIS Impact 3.7-1 (TRPA 2012b: pp. 3.7-18 to 3.7-19) and was determined to be less-than-significant." (DEIR/S, p. 14-23)
[168] "Implementation of Alternative 1 would result in coverage changes that are consistent with the TRPA Code of Ordinances. Although there would be a small increase in coverage within town centers, this change would be accompanied by transfers in land coverage, which would result in an overall reduction in land coverage. For these reasons, Alternative 1 would have a less-than-significant impact related to the creation of compaction or land coverage as it is managed by TRPA." (DEIR/S, p. 14-25).
[169] "This coverage standard conforms to the land coverage restrictions of TRPA Code Section 30.4.2.B.1, pp 30-16. Projects wishing to take advantage of the increased maximum allowable coverage would be required to transfer the coverage that exceeds the base allowable from within the same Hydrologically

Code,[170] and the impacts of allowing the transfers across HRAs were not sufficiently analyzed.[171] Our exhaustive comments regarding the soil conservation threshold and the 2012 RPU/TER reinterpretation of the standards are herein incorporated.[172] The EIR/S should analyze coverage within each subwatershed shown in Figure 15-1, at a minimum, and disclose the anticipated changes in coverage in each subwatershed in relation to the Bailey standards that apply to soil types for those areas. In addition, as requested in our NOP comments,[173] the EIR/S should list the coverage amounts separately for areas with development and conservation/recreation areas without development. The DEIR/S did not respond to this request.

Other water quality measures:

The TBAP also relies on other measures in the RPU to mitigate water quality impacts of additional coverage.[174] However, as noted in our final Reply Brief (December 2014; p. 17-18), these measures do not actually address localized water quality impacts. For example:

- RPU coverage reduction programs are not targeted to the same watersheds where coverage is concentrated;
- TRPA Code section 60.2.3 does not offset local water quality impacts of new coverage: it allows "offsite" mitigation or contribution to a water quality mitigation fund that could fund projects anywhere in the same "local jurisdiction," not the same watershed;
- Nothing in the area plan approval process requires "coverage reductions" or water quality "improvements" to occur in local watersheds;
- Nothing mandates corrective action under the RPU or TBAP if TMDL load reduction plans are not implemented or reductions are not achieved; future development allowed by the RPU is not contingent on *directly measured* water quality improvements;

Related Area (HRA) as defined by TRPA Code Section 30.4.3.E…Coverage can be transferred across HRAs when the sending parcel is located in sensitive lands (LCDs 1 through 3) and the receiving parcel is located in non-sensitive land (LCDs 4 through 7) and the receiving parcel is located further than 300 feet from Lake Tahoe or on the mountain side of SR 28." (DEIR/S, p. 14-23 to -25)

[170] Ordinance No. 2015-07, adopted 12/16/2015.

[171] FOWS comments to RPIC, 10/26/2015; http://friendswestshore.org/wordpress/wp-content/uploads/2016/08/FOWS-comments-to-RPIC-with-attachments-10.26.2015.pdf (attached)

[172] Including all comments on the RPU EIR, RTP/SCS EIR/S, 2011 Threshold Update Report, and subsequent litigation. (On file with TRPA).

[173] "FOWS' comments on the May 2014 draft Policy document included a request for Placer County to, at a minimum, include a separate Table which shows the existing number of acres and percentages by use without the 39, 478 acres of Conservation/Backcountry Use. FOWS also noted that *Table 2.2-2: Existing and Allowable Hard Coverage by Land Capability District* should also separate out the acres of coverage associated with publicly-owned, conservation/backcountry use from the total coverage, as including these presumably undevelopable areas heavily skews the information. Further, as coverage closer to the Lake has the greatest water quality impact to the lake…FOWS recommended additional tables be included which note the coverage, *excluding* the Conservation/Backcountry use, as well as tables which distinguish among the different locations of coverage. This information has not been provided with the TBAP documents. ***We request the EIR/S provide this information and for each alternative, assess the impacts and location of the existing and proposed coverage in terms of how it relates to downstream nearshore conditions." (NOP comments, p. 17-18)***

[174] DEIR/S, Table 15-1: Water Quality Code Requirements Related to the Proposed Project

- There are no offsets to address BMP failures; and
- There are no requirements for measurements to regularly monitor operation and to determine the extent of any failures.

As a result, the TBAP lacks sufficient measures to protect local water quality standards, including TRPA's nearshore standards.

15. Stream Environment Zones (SEZs)

Stream Environment Zones (SEZs) are important for water quality, forests, functioning soil systems, and wildlife habitat.[175] Effective restoration of disturbed and developed SEZs provides water quality and other ecological benefits.[176] The 2011 TER[177] lists the status of the SEZ restoration threshold as "considerably worse than target" (DEIR/S, p. 14-3). TBAP policies state:

> "This Area Plan seeks to significantly accelerate the rate of SEZ restoration.
>
> **STREAM ENVIRONMENT ZONE POLICIES**
> SEZ-P-1 Pursue SEZ restoration projects in coordination with the EIP and TMDL programs, the California Tahoe Conservancy, and other partner agencies. Priority will be given to sites in high pollution loading catchments.
>
> SEZ-P-2 Accelerate SEZ restoration by implementing incentives for redevelopment within Town Centers and the transfer of development from SEZs to Town Centers in accordance with the Regional Plan.
>
> SEZ-P-3 All TRPA policies, ordinances and programs related to Stream Environment Zones (SEZ) will remain in effect.
>
> The Implementation Plan describes SEZ Restoration projects and performance targets. Regulations are outlined in the Area Plan Implementing Regulations."
> (TBAP, p. 40)

[175] "Stream environment zones are defined by hydrology, hydric soils, and water-associated vegetation. Although SEZ plant communities constitute only a small portion of the Basin's total land area, they are extremely rich and productive. SEZs perform a critical role by providing for fish and wildlife habitat and movement, water treatment, flood attenuation, open space, and scenic and recreational enjoyment, among many other functions and values. Protecting and restoring SEZs is essential for improving and maintaining the environmental amenities of the Lake Tahoe Basin, and for achieving Threshold Standards for water quality, soil conservation, vegetation preservation, and other Threshold Standards. This leads to an enhanced quality of life for residents and a vital economy.
Healthy and functional SEZs are important for soil conservation because these resilient systems are better able to respond to, and recover from, watershed disturbances such as wildfires, insect infestations, and diseases. Functional SEZs help prevent aquatic and terrestrial systems from unraveling, which can lead to widespread erosion and water quality impacts downstream. Sediment in particular can be generated from erosion and carried downstream, ending up in Lake Tahoe where it may impact water clarity." (2011 TER, p. 5-14).

[176] "We believe this analysis provides substantial evidence that effective stream restoration provides both a desired water quality benefit, in addition to the multitude of ecological and recreational benefits achieved." http://www.2ndnaturellc.com/wp-content/uploads/2014/03/SLRT-on-the-UTR-2014.pdf (excerpt attached)

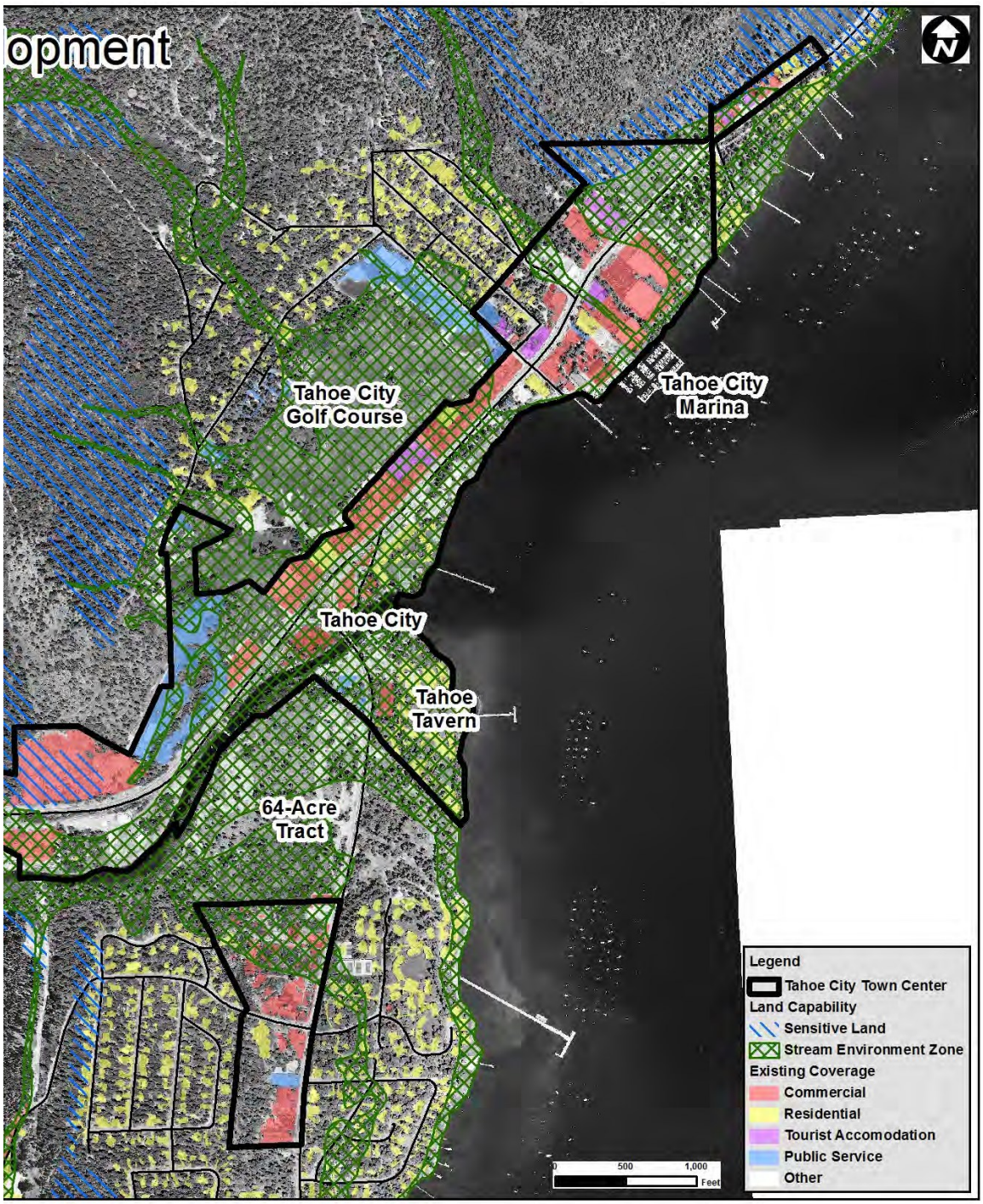
[177] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch5_Soil_Conservation_Oct2012_Final.pdf

Yet, other than the 1.7 acres of SEZ restoration included in the TCL (notably of disturbed but not covered SEZ),[178] the TBAP includes no regulatory changes or incentive programs to encourage the removal of coverage from, and restoration of, SEZs *within* the Town Center boundaries where SEZs are closest to Lake Tahoe. The TBAP also includes no additional measures (above and beyond those in the RPU) to ensure that SEZ restoration (both within and outside of Town Centers) is "significantly accelerated," nor does it explain what would represent "significant" acceleration.

In fact, APC member Zach Hymanson also expressed disappointment with the TBAP's failure to encourage more SEZ restoration at the July 13, 2016 hearing. As is illustrated in Figures 2-7 to 2-9 in the TBAP most of the land within both Town Centers is classified as SEZ. In fact, the TBAP notes that most of the soils within the Town Centers are land capability 1 - the most sensitive soil type.[179] Maps showing SEZ in both Town Centers from the RPU are included below as the TBAP figures 2-7 through 2-9 do not clearly portray the SEZ. We recommend the TBAP maps be updated with more distinctive colors which better separate SEZs from other land types.

[178] "Alternative 1 would decrease land coverage on the lodge site by a total of 10,080 square feet (sf). In addition, the SEZ restoration component of the project would restore the health and function of 74,052 sf (1.7 acres) of disturbed, but not covered, SEZ (LCD 1b) areas. Coverage in LCD 5 would decrease by 11,202 sf, and the resulting coverage in LCD 5 would be well below the maximum transferred coverage limits allowed by the TRPA Code of Ordinances and the proposed Area Plan." (DEIR/S, p. 14-26)

[179] "The LCDs range from 1 to 7, with 1 being the most environmentally sensitive and 7 being most suitable for supporting development (see Table 14-2)." (DEIR/S, p. 14-4)


opment
Tahoe City Golf Course
Tahoe City Marina
Tahoe City
Tahoe Tavern
64-Acre Tract
Legend
Tahoe City Town Center
Land Capability
Sensitive Land
Stream Environment Zone
Existing Coverage
Commercial
Residential
Tourist Accomodation
Public Service
Other
0
500
1,000
Feet

A. Failure to disclose SEZ impacts:

Although TRPA's SEZ-related thresholds include numerical standards,[180] the DEIR/S fails to include sufficient quantifiable information regarding the TBAP's impacts to SEZs. As our NOP comments note: "for each alternative, the EIR/S should examine and disclose the acres of SEZ that will be restored to a fully functioning SEZ, acres of SEZ that will be reclassified as non-SEZ, acres that will be covered as a result of approved projects (e.g. Fanny Bridge SR 89 Realignment), and SEZ acres that will be developed with public service facilities and bike trails (in other words, coverage that is exempt per TRPA's RPU, Code Section 30.4.6)." (NOP Comments, p. 47). However, this information is not provided in the DEIR/S. The only estimates found regarding SEZ restoration are those for the TCL, which could result in the restoration of 1.7 acres.[181] The DEIR/S must evaluate the number of acres that will be impacted and restored as a result of TBAP adoption (including coverage not analyzed as part of the Town Centers, i.e. bike trails), as well as provide performance standards that must be met to ensure achievement of necessary restoration, how they will be tracked, and what actions will be taken if goals are not being met.

B. SEZs within Town Centers:

While SEZ restoration elsewhere may result in some benefits (depending on existing conditions, disturbance, proximity to Lake Tahoe and other factors), Town Centers are generally the most covered areas within the TBAP boundaries and are immediately adjacent to Lake Tahoe, making effective treatment of stormwater even more imperative (SEZs are the most effective means to remove fine particulates, phosphorous, and

[180] "SEZ Threshold Standard to restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided to attain a 5 percent increase in the area of naturally functioning SEZ lands." (DEIR/S, p. 14-2).
[181] e.g. "…the SEZ restoration component of the [TCL] project 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)

nitrogen from stormwater and as the TBAP notes, provide "natural water treatment"[182]). In other words, **there are no mechanisms to ensure the "accelerated" removal of coverage from existing SEZs in the Town Centers where such restoration will provide significant water quality benefits;** it is well established by the TMDL that urban areas contribute most of the fine particle and phosphorous pollution and a significant portion of the nitrogen pollution affecting Lake Tahoe.

Coverage transfer "incentives" do not guarantee SEZ restoration:

Although the transfer/incentive programs aim to transfer coverage from sensitive areas into Centers (see TRPA Code Table 51.3.6-1[183]), there are two concerns about the efficacy of the program. First, the existing transfer program does not ensure that such transfers will actually provide net environmental benefits and second, the program does not encourage the removal of coverage from SEZs *within* Town Centers. Specifically (as noted in our RPU EIS comments and legal documents):

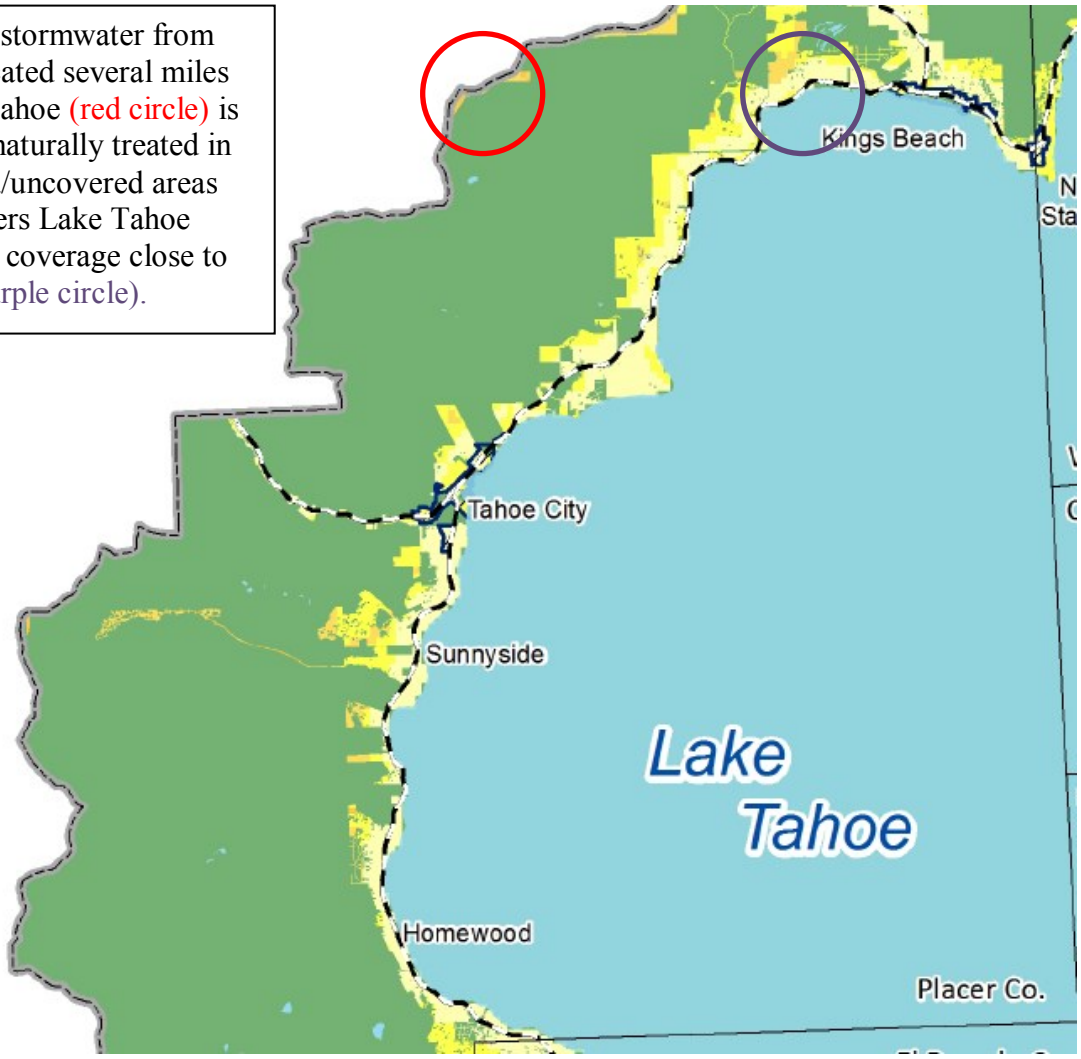
- Location matters, and the RPU, and the TBAP, treat the water quality impacts from coverage as if the Basin were one big 'bowl,' thereby ignoring the local impacts of coverage and variations in the nearshore area;
- There are no criteria or methods included that would ensure the soft coverage being 'removed from' areas outside of the Town Center are actually significantly impacting water quality under current conditions and/or not being filtered by natural processes between the existing location of the soft coverage and Lake Tahoe;
- The RPU did not analyze the location of sensitive lands/SEZs with regards to impacts to water quality; in other words, the water quality impacts from coverage located miles from Lake Tahoe may currently be reduced or eliminated through treatment in natural areas that exist between the existing coverage and Lake Tahoe, thus providing no benefit to the transfer;
- The RPU's transfer program did not address the extensive supply of existing and potential coverage that may be purchased from land banks; in these cases, there would be no additional SEZ restoration; and
- The RPU's transfer program provides credits for transferring coverage from SEZs that could not possibly be developed in the first place (e.g. from Desolation Wilderness and areas that will never be served by roads), resulting in no net increase in SEZ restoration when such "coverage" is transferred for use.

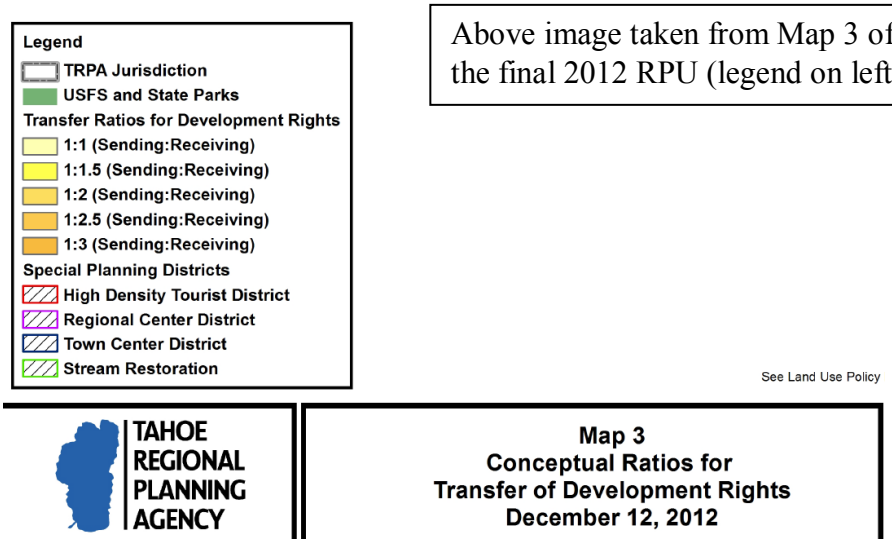
The annotated figure below provides an example of how the transfer program may transfer development/coverage from areas where it is causing no or minor impacts to Lake Tahoe as a result of adequate natural infiltration to areas where associated runoff is contributing more pollution to Lake Tahoe due to the absence of areas for natural infiltration.

[182] "Programs to reduce runoff from urban and residential areas have been implemented throughout the Placer County portion of the Lake Tahoe Basin and are focused on stormwater management, preventing the discharge of untreated stormwater directly to streams, and restoration of SEZs which provide natural water treatment." (DEIR/S, p. 15-18) [Emphasis added]

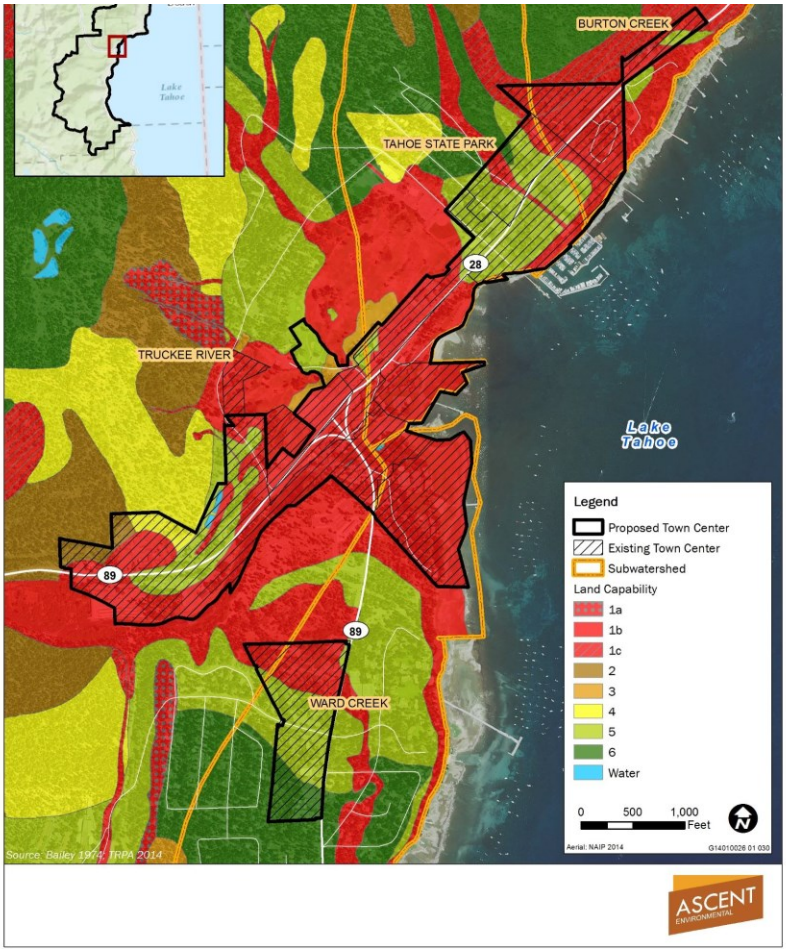
[183] http://www.trpa.org/wp-content/uploads/Code-of-Ordinances_7-13-16.pdf

i.e. Polluted stormwater from coverage located several miles from Lake Tahoe (red circle) is likely to be naturally treated in undeveloped/uncovered areas before it enters Lake Tahoe compared to coverage close to the Lake (purple circle).

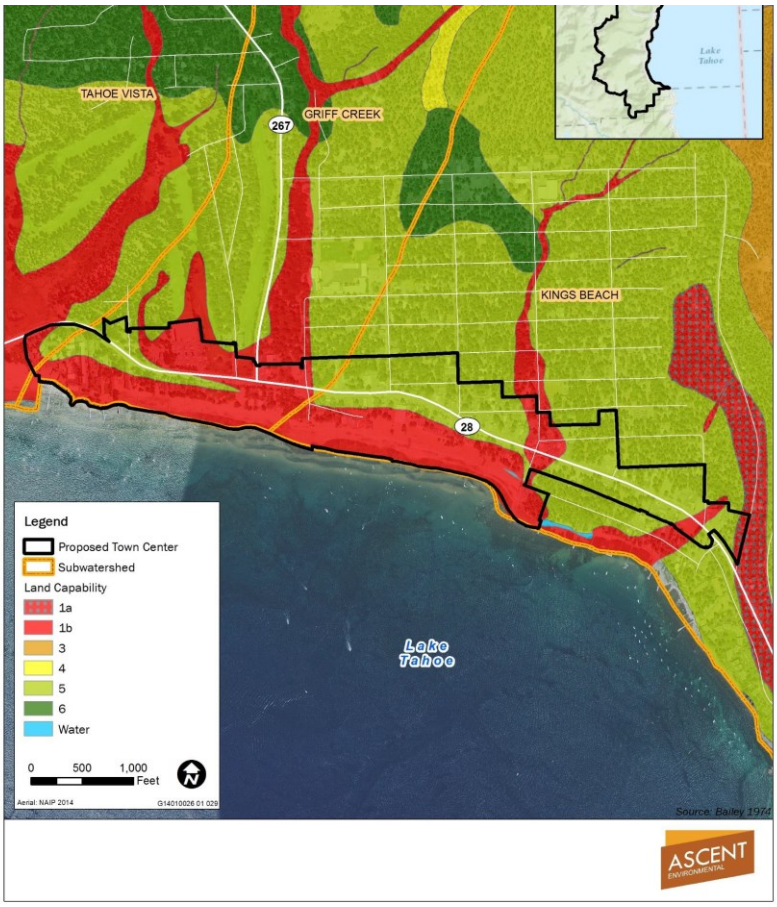




Above image taken from Map 3 of the final 2012 RPU (legend on left)



TBAP DEIR/S, Exhibit 14-6



TBAP DEIR/S, Exhibit 14-7

TBAP disincentivizes restoration of historical SEZs within Town Centers:

While the transfer incentives may locate new coverage beyond baseline allowable limits only on LCD's 4-7,[184] the TBAP does not include additional incentives to ensure the restoration of SEZs *in* the Town Centers (other than the restoration associated with the TCL). In fact, it appears that rather than restore what was historically SEZ, land capability challenges are instead reclassifying these lands as non-SEZ.[185] The provision of incentives for transferring coverage from other areas to these Town Centers creates a situation which encourages the reclassification of historical SEZs within the Town Centers to higher capability lands so that they can serve as 'receiving sites' and therefore the RPU's "incentives" will apply. In addition, the fact that most of the Tahoe City Town Center and a significant portion of the Kings Beach Town Center are LC 1b (Town Center land classification exhibits are included below for easy reference) means that receiving lands where Town Center incentives will apply are limited, thus further encouraging the reclassification of historical SEZs in Town Centers to higher land capabilities to earn transfer incentives. The TBAP should include requirements which protect historical SEZs. In addition, the TBAP should require that the surrounding land capability and condition

[184] "Land coverage increases above base allowable would only be allowed on high capability lands (LCDs 4 through 7)…" (DEIR/S, p. 15-26)
[185] NOP Comments, p. 29-30

be reviewed and considered with all land capability challenges to ensure that land capabilities do not continue to be changed in a vacuum, nor that the cumulative changes to land capability that we have seen with land capability changes in Tahoe City are not adequately considered.

C. Area Plan regulations pertaining to SEZs:

The TBAP includes two policy statements regarding SEZ restoration in specific locations – one for the Tahoe City Golf Course Special Planning Area, and the other for the Tahoe City Western Entry Special Planning Area[186] (which drains to the Truckee River, not Lake Tahoe).[187] Further, the TBAP refers to the Implementation Plan for SEZ restoration projects and performance targets. However, the Implementation Plan merely includes simple policy statements to "pursue" high value SEZ restoration on opportunity sites"[188] and "Performance Targets;"[189] although no "targets" are actually included in the performance target list. Without numerical targets, there is no means for TRPA or Placer County to evaluate whether adequate SEZ restoration will occur let alone to ensure the (undefined) end goal for restoration is achieved and the SEZ is constructed and then functioning as it should. The TBAP Implementing Regulations also fail to include any additional measures to ensure more SEZ restoration within the Town Center boundaries. It is also worth noting that the only two SPA's subject to policies encouraging SEZ restoration drain to the Truckee River via the Tahoe City Wetlands Treatment System. There are no Special Areas with such policies proposed for other portions of the Town Centers which drain to Lake Tahoe.

Tahoe City Golf Course Special Planning Area:

Although the proposed Tahoe City Golf Course Special Planning Area (TCGC SPA)[190] would result in some restoration of 'disturbed' SEZs (as evidenced by the

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[186] *"Restoration.* Projects with Truckee River frontage shall remove coverage and restore SEZs along the river frontage extending no less than 30 feet from the high water mark." Section 2.04 (B*)(1)(a).
"Restoration. All or part of the special planning area may be included in a Town Center Project Area only if an equal or greater area of disturbed SEZ land is restored prior to or concurrent with development. Fifty percent of the qualifying restoration areas must be within 0.5 mile of the project. The other 50 percent may be located elsewhere in the same hydrologically related area (HRA), as defined by TRPA." (Section 2.04 (B*)(3)(a).
**Note: There appears to be an error in the TBAP as the applicable section follows section (B) and therefore should be labeled section C.* (TBAP, p. 266)

[187] NHC 2016. Town Center Water Quality Analysis, Figure 2.

[188] "IP-P-2 Pursue high value SEZ restoration on opportunity sites, including but not limited to the Truckee River corridor, the Tahoe City Golf Course, Burton Creek, Pomin Field and the Griff Creek area." (TBAP, p. 147)

[189] **"Environmental Restoration**
8. Coverage removal from Stream Environment Zones and other sensitive lands (privatelyfunded): Increase privately funded coverage removal and mitigation." (TBAP, p. 170).

[190] "…implementation of Alternative 1 would result in the establishment of the Tahoe City Golf Course Special Planning Area (SPA), which would require the restoration of SEZ lands at a 1:1 ratio for every square foot of the SPA included in a project area (in addition to the SEZ restoration requirements included in Section 30.4 of the TRPA Code). In this way, the reclassification of the land use classification on the Tahoe City Golf Course would recognize and protect the golf course as open space, and would accelerate the restoration of SEZ lands within the golf course and the immediate area thereby furthering the goals of

proposed restoration of disturbed lands associated with the TCL), this does not encourage nor require the restoration of SEZ lands which are currently *covered* such as parking areas and paths. In fact, it likely disincentivizes restoration of existing covered SEZ lands as it allows additional developments based on completing (less expensive) requirements to restore SEZ lands, which as shown in the TCL example, can simple be 'disturbed' versus covered (and impacts from disturbed land are likely to be less than from covered land). It is reasonable to expect developers will choose the least expensive option when pursuing projects. In addition, the overlay only applies to the land associated with the TCL project,[191] thus additional restoration beyond the TCL project is not likely to occur from the proposed TCGC SPA. Further, TRPA's Code only requires a 1:1 restoration for transfers from sensitive lands to other sensitive lands, which would result in no net benefits for restoration within Town Centers when coverage is transferred from one SEZ to another.[192] The TBAP should require the restoration of SEZs that are currently covered by hard coverage to ensure significant benefits, or adjust the ratios to require more SEZ restoration when it is occurring on disturbed but not hard covered areas to account for the proportional impacts of each (for example, construction to restore one acre of SEZ will generally have a larger footprint than just the one acre) and to avoid disincentivizing the restoration of hard coverage. In addition, the TBAP should ensure more SEZ restoration by requiring more than the 1:1 coverage transfer requirements when sending parcels are classified as sensitive lands. As the TBAP now stands, there are no beneficial SEZ effects to be claimed associated with such transfers. Given most of the Tahoe City Town Center and a large portion of the Kings Beach Town Centers contain developed SEZs, it is imperative for the TBAP to ensure increased SEZ restoration within Town Centers.

Boundary Line Amendment:

Land to be removed from the Tahoe City Town Center boundary is classified as LC 1b, thus the transfer incentives would not apply and the boundary change would not incentivize any 'new' restoration outside of the Town Center boundary compared to existing conditions. Although the section (including the TC Golf Course Clubhouse) proposed for inclusion in the Town Center boundary is less sensitive land and includes development,[193] without additional measures in the TBAP to ensure SEZ restoration above and beyond the RPU's existing policies, the TBAP fails to ensure "accelerated" SEZ restoration within Town Centers – where restoration will provide substantial benefits compared to more distant and less connected locations.

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the TRPA Regional Plan and contributing to the attainment of the TRPA environmental thresholds." (DEIR/S, p. 5-15)

[191] See Figure: "Greater Tahoe City Plan Area" on p. 16 of the TBAP's District Standards.

[192] "Receiving parcels within an approved…Center: From sensitive lands, land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed." (TRPA Code 30.4.3.A.2)

[193] "The portions of the parcels proposed for inclusion in the Town Center are developed…" (DEIR/S, p. 5-15).

Other SEZ lands in the Area Plan

Between the county portion of Tahoma to the northern Stateline at Nevada, there are 17 named creeks (Table 15-4; p. 15-17) and innumerable drainages that make up the SEZ lands in the TBAP. These SEZ lands are in various stages of health; the DEIR/S must evaluate their condition (e.g. effectively functioning (or) fully restored, planned for some restoration, covered in asphalt and concrete, or diverted or otherwise disturbed in some way). The RPU did not evaluate the condition of each of the streamzone areas in these wateresheds or include any projection of future restoration and/or performance targets that must be accomplished to attain the SEZ Threshold standard. Thus, it is an egregious failure of the TBAP DEIR/S to not evaluate the existing conditions, future impacts, and benefits of the plan on these water-influenced areas.

In total, TRPA's SEZ threshold standards have not been attained (this threshold standard is listed as "Considerably Worse than Target" in the most recently available TER),[194] yet the TBAP includes no measures which ensure beneficial impacts to SEZ restoration. Notably the TCL proposes restoration, however this is not a TBAP policy which will guide future restoration on projects beyond the TCL. In fact, Placer County has stated repeatedly that the TCL is a separate project and subject to its own review and approval processes, not the TBAP's – in other words, it is possible that the TBAP is approved while the TCL is not; in this instance, there is nothing in the TBAP that would require the restoration of a specified amount of SEZ and therefore no "net benefit" to SEZ restoration can be guaranteed by the TBAP. The DEIR/S does not show how "less-than-significant" impacts to SEZs will result in the net environmental gain promised by the RPU and by extension, Area Plans.

16. Water Quality

A. Nearshore Threshold Standards:

The DEIR/S states that the "*primary topics raised during scoping that pertain to hydrology and water quality included:…effects on existing drainage systems, inclusion of Pollutant Load Reduction Model results, and potential for beneficial water quality effects."* (p. 15-1). However, the list is missing impacts to Lake Tahoe's nearshore water quality, which we raised extensively in our NOP comments (pages 9-15). There are five TRPA thresholds related to protection of Tahoe's nearshore areas, and one TRPA threshold focused on aquatic invasive species (a threat that is well-understood to affect nearshore areas), yet the DEIR/S contains no analysis of the TBAP's impacts to nearshore areas; instead a short paragraph acknowledges that higher turbidity "*appear[s] to be influenced by surface runoff from developed areas*." (p. 15-6). In fact, 40 years of research has shown higher turbidity in nearshore areas is caused by surface runoff – a fact clearly represented by TRPA's adoption of water quality standards for littoral Lake Tahoe and for surface runoff.[195] Further, as scientists recently reminded TRPA, nearshore

[194] 2011 TER Chapter 5, p. 5-18.
[195] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch4_WaterQuality_Oct2012_Final.pdf

conditions require a "different scale of evaluation and management" due to variable nearshore conditions.[196]

The TMDL is only focused on mid-lake water clarity, not the nearshore (cite included in our NOP comments); in addition, the Lake Tahoe TMDL crediting program does not require nearshore-related load reductions.[197] The EIR/S must analyze how the proposed TBAP will impact TRPA's nearshore standards, yet the entire water quality analysis appears focused on mid-lake clarity processes and impacts and relies on TMDL requirements to miraculously address nearshore conditions. In fact, if improved long-term mid-lake clarity[198] were indicative of improved nearshore conditions (following the logic of the implication that focusing on meeting mid-lake clarity objectives is sufficient to address nearshore impacts), then Lake Tahoe would have experienced a slow-down in the negative decline of nearshore conditions matching the slowdown in the loss of mid-lake clarity, however available trend data reveal nearshore conditions and primary productivity (algae growth) have generally grown worse while mid-lake clarity loss has slowed. The same is true for the Primary Productivity indicator (also a TRPA threshold standard). [199,200] The nearshore is affected by pollutants differently than the mid-lake and such nearshore impacts are not addressed by the TMDL.[201] Nearshore conditions are heavily impacted by algae growth, which is stimulated by nitrogen and phosphorous, both of which increased in the Lake in 2015.[202] Increased algae (periphyton biomass) has also been noted in areas closest to medium and high development.[203] Finally, as nearshore is heavily affected by algae growth and plant growth is more seasonal,[204] relying on annual

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[196] http://www.trpa.org/wp-content/uploads/Agenda-Item-No.-VII.D.-Nearshore-Action-Plan.pdf

[197] See Responses to comments, such as: "At this time, the TMDL Program does not intend on linking nearshore with the Crediting Program. The TMDL Management Agencies belive nearshore improvement is one of many multi-benefit considerations that Urban Implementers should be taken into account in the prioritization of load reduction projects and actions…: Given the lack of established neashore program stakeholder information distribution processes, TMDL Program Managers agree the TMDL Management System documents can provide an interim solution until such processes are developed. Future documents will consider and, where appropriate, report on nearshore program activities." Lake Tahoe TMDL program, December 2015 Findings and Recommendations Memo; https://www.enviroaccounting.com/TahoeTMDL/FileResource/GetFileResourceForProgram/b8f845e2-9ff5-44e2-9401-dfa4a0b44a1a (attached)

[198] "This year the annual average Secchi depth, a measure of lake clarity, continued the long-term halt in clarity degradation." (SOTL 2016, p. 2.3) (attached)

[199] For example, a comparison of the Algae Growth (primary productivity) on p. 10-1 to annual average secchi depth on p. 11.1 shows that trends in algae growth, which affects nearshore areas, do not follow trends in mid-lake clarity (2014 State of the Lake Report [SOTL]; http://terc.ucdavis.edu/stateofthelake/sotl-reports/2014/sotl_2014_complete.pdf)

[200] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch4_WaterQuality_Oct2012_Final.pdf

[201] http://friendswestshore.org/wordpress/wp-content/uploads/2014/10/Sept-30-2014-RPU-Appeal-Opening-Brief.pdf; (p. 46)

[202] "The lack of deepwater mixing allows a continued build-up of nitrate in the deep water. Surprisingly, in-lake phosphorus concentrations which had been on a long term decline, displayed an increase in 2015, to the highest level in the last six years." (SOTL 2016, p. 2.3); http://terc.ucdavis.edu/stateofthelake/

[203] "With respect to spatial changes, the trends are somewhat definitive, with areas of medium and high development displaying higher levels of periphyton biomass. Whether this is due to the presence of the development itself or whether it is also tied to the fact that development often occurred in areas of flatter land (meadows, wetlands etc.) has yet to be determined." (SOTL 2016, p. 6.4);

[204] E.g. "Lake Tahoe has a "deep chlorophyll maximum" in the summer that occupies the range of 150-300 ft. in the water column. In that depth range the light and nutrient conditions are most favorable for algal

average values (as done for mid-lake clarity, and as used for water quality analysis tools like the PLRM model) is not appropriate and does not provide the information necessary to identify measures to reduce algae growth.

As discussed below, the TBAP (and the RPU it relies on) measures focus primarily on phosphorous and include no additional measures to reduce nitrogen inputs to the Lake, which also stimulates algal growth.[205]

The EIR/S should evaluate and disclose nearshore water quality with regards to the individual subwatersheds identified in Figure 15-1. Detailed information is available to examine the following:

- existing nearshore clarity,
- algae growth,
- substrate,
- water depth,
- mixing potential,
- aquatic conditions,
- soil types and proposed coverage in each watershed,
- erosion potential,
- conditions related to surface runoff and groundwater pollution,
- BMP status,
- drought impacts,[206]
- local concentrations (where nearshore monitoring is now available[207]), and
- other factors which are all known to impact nearshore conditions.[208]

B. Impacts of concentrated coverage on water quality

The DEIR/S concludes that the land use changes and increased coverage limits within town centers were analyzed in the TRPA RPU EIS and found to be less than significant.[209] For this reason, we focus on both the RPU EIR and TBAP DEIR/S analyses to discuss the impact evaluation.

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growth." (p. 10.3) and "Periphyton biomass was surveyed around the lake during the spring of 2015, when it was at its annual maximum." (p. 10.8) (attached)

[205] "Nitrogen (N) is important because it, along with phosphorus (P), stimulates algal growth." (SOTL, p. 9.3) (attached)

[206] "The Lake Tahoe Interagency Monitoring Program (LTIMP) measures nutrient and sediment input from seven of the 63 watershed streams – a reduction of three streams since 2011…All these reductions were largely due to the effects of the drought." (SOTL 2016, p. 9.2) (attached)

[207] See SOTL 2016, p. 6.2. (attached)

[208] "Figure 1-2. Illustration of important factors and processes affecting the lake nearshore environment." Page 17. Heyvaert, A.C., Reuter, J.E., Chandra, S., Susfalk, R.B., Schaldow, and S.G. Hackley, S.H. 2013. Lake Tahoe Nearshore Evaluation and Monitoring Framework. Final Report prepared for the USDA Forest Service Pacific Southwest Research Station. http://www.dri.edu/images/stories/centers/cwes/Nearshore_Evaluation_and_Monitoring_Plan_02.10.14.pdf

[209] "With the exception of the proposed Tahoe City Town Center boundary change, the land use changes and increased coverage limits within town centers contemplated by Alterative 1 were analyzed in the TRPA RPU EIS and were found to be less than significant (TRPA 2012b: pp. 3.8-41 – 3.8-42)" (DEIR/S, p. 15-26).

As noted extensively in our comments as well as throughout the RPU litigation, local impacts to water quality (mid-lake and nearshore) and soil were not adequately analyzed. In fact, TRPA and consulting attorneys assured the courts that Area Plan environmental reviews would include additional analyses of local impacts.[210] We strongly suggest that these official promises are not ignored and these studies are not only undertaken, but shown to be based upon a thorough, credible scientific review and evaluation, otherwise the DEIR/S will remain fatally flawed.

The RPU DEIS estimated coverage as either *within or outside of Centers*;[211] it did not estimate coverage at the localized scale (e.g. in each Center, or each subwatershed, etc.), nor discuss the conditions in the nearshore in proximity to the coverage increases. It also did not address the hydrologic connection to Lake Tahoe, which was recently noted as another important factor by TRPA GB members.[212] We have pressed for an analysis which addresses the impacts of upland development in proximity to nearshore conditions repeatedly to no avail.[213] Instead, the RPU's Appendix H estimated the average coverage per unit for each land use type (e.g. CFA, TAUs, etc.) then multiplied that by the number of new units that could be built (including the remaining units per the 1987 Plan plus the additional commodities TRPA added with the RPU [note this did not include increases associated with the transfers/conversions of units such as TAU morphing]). The total new coverage was then categorized as *either within or outside of Centers*, and then land capability districts were estimated (which are therefore also only based on whether coverage is within or outside of Centers – not whether coverage is within individual centers). The new coverage amounts did not include coverage from the new bike trails, recreational/public service facilities, etc.

Soil Conservation analysis in the RPU EIS:

The RPU DEIS determined impacts to be less than significant through the conclusion that the RPU would decrease coverage in sensitive areas and because new coverage plus existing coverage was less than the total Basinwide coverage presumably allowed per Bailey (as detailed in our comments on the 2011 Threshold Evaluation Report [TER] cited previously, the RPU EIS and TER changed the interpretation of the threshold and inappropriately examined coverage at a basinwide level, irrespective of location and local parameters which affect water quality and soils impacts and without regard for the local impacts that were in fact previously recognized by TRPA with regards to Hydrologically Related Areas[214]).

[210] E.g. Stated by TRPA attorney Whit Manley during 4/12/2016 Final Hearing at the 9th Circuit Court of Appeals. https://www.youtube.com/watch?v=CODT_-55hIo&nohtml5=False

[211] RPU DEIS, App. H.

[212] See minutes from 5/27/2015 GB meeting, included in June 2015 GB packet, p. 8-10 (attached)

[213] E.g. "The RPU EIS did not analyze impacts at the localized scale, where effects on the nearshore are more direct. Rather, the RPU EIS's regional analysis treated Lake Tahoe as one large 'bowl,' only examining impacts from the perspective of mid-lake clarity. Where and how much pollution enters the Lake and how it affects the immediate nearshore areas are topics that were not examined in the RPU EIS. In response to public comments requesting examination of the nearshore conditions and increased coverage in Town Centers bordering the Lake, the Final RPU EIS included a PLRM model estimate. However, the model only developed estimates of the *runoff* from properties with BMPs compared to that of properties without BMPs; it contained no examination of the location of the runoff, the existing nearshore conditions, the substrate or lack thereof, water depth, and other local features." (NOP comments, p. 12).

[214] "The HRA concept description is provided in the 1984 EIS for the 1987 Regional Plan (p. II-17), which

The RPU FEIS included a lengthy overview of why the DEIS analysis was considered to be sufficient in a "programmatic coverage assessment" (see FEIS Master Response 3). The FEIS mischaracterized our comments on the need for localized coverage analysis as asking for 'parcel by parcel' application of the Bailey standards, although our comments clearly emphasized evaluations based on the *subwatershed* scale. As a result, the FEIS did not respond to our comments on these issues. The FEIR included some minor revisions to the total coverage amounts but no additional analysis was performed. The FEIR also stated that additional localized analysis will be done for Area Plans.[215]

Water Quality analysis in the RPU DEIS:

The RPU's water quality analysis relied on coverage standards and BMPs to conclude "Less than Significant" impacts (to all WQ standards). Regarding coverage, associated water quality impacts were considered less-than-significant for the following reasons (the water quality analysis also assumed BMPs would mitigate impacts, as discussed later in these comments):

- the total coverage will not exceed the 373 acres of maximum new coverage estimated in the TMDL reports (notably a different approach than the soils analysis used for examining the same impact),
- coverage in sensitive LCDs will be reduced (at a basinwide level),
- new coverage will be limited to high-capability land,
- BMPs will be required, and
- with 70% maximum coverage there is adequate room to fit BMPs designed for the 20-year storm.[216]

With regards to algae (both a mid-lake and nearshore water clarity problem), the RPU DEIS concluded less-than-significant impacts because the RPU will use education to phase-out the use of phosphorous-containing fertilizers by 2017 (however no mention is made of nitrogen), and because the RPU includes a new threshold management standard for attached algae (notably, including a new management standard does not, by itself, result in pollutant reductions; actual measures to reduce nutrients contributing to the growth of attached algae are necessary). The RPU also does not include any additional measures to decrease nitrogen as the TMDL (relied upon by the RPU) and one of the key programs to implement it – the Lake Clarity Crediting Program - does not guarantee needed reductions in nitrogen from stormwater. The

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states that "[t]he term "related hydrologic unit" has not yet been specifically defined. However, the Agency will limit transfers of coverage to a reasonable distance from the receiving site, so that the effect on water quality of coverage within the area is no worse than if the development were confined to the respective parcels." (Staff summary for amendments to HRA policy, p. 153). http://www.trpa.org/wp-content/uploads/October-28-2015-Governing-Board-Packet-REVISED-Corrected-title-on-RPIC-4_5-Attachment-G-1.pdf (attached)

[215] See Volume 1 of the RPU FEIR response to comment O16-121 (cited previously)

[216] "Table 3.8-7 demonstrates that high capability land with 50 percent or 70 percent coverage could accommodate the design and construction of BMPs of sufficient size to mitigate the impacts of the impervious coverage." (RPU DEIS, p. 3.8-35)

only effective way to significantly reduce nitrogen in stormwater pollution is through vegetative uptake. This requires uncovered land downstream from the source of the stormwater where vegetation can grow, however the TMDL (and Crediting Program) promote engineered stormwater BMPs that are not designed for nitrogen removal and in most cases, they do not provide added vegetation to allow for vegetative uptake.[217]

The RPU FEIS first explains why the RPU DEIS analysis was sufficient regarding the analysis of the impacts of concentrated coverage on water quality (see FEIS Master Response 5). The FEIS also includes an additional analysis in App. C, where rather than estimate the new coverage impacts using average coverage per unit (as done in the Soil Conservation section of the DEIS), the FEIS looked at Centers and determined the total new coverage based on allowing up to 70% coverage on all high-capability lands (and 50% on lands within 300' of the Lake) within Town Centers. The new total coverage was categorized as either *within or outside of Centers*, then the PLRM model was applied to estimate pollutant loads (based on one modeled "scenario" where additional local review was stated to be necessary[218]). Once again, the analysis did not examine where the coverage would be *locally* nor address location in relation to nearshore conditions or how pollution may interact in local areas. In fact, the FEIS stated that additional analysis would be required to analyze impacts to specific centers[219] and that those values will differ from the PLRM values.[220] As shown in our NOP comments (p. 11), the TERC State of the Lake Reports provide examples of the variable conditions for attached algae around the Lake, showing that conditions near South Shore Centers are different from North Shore or West Shore centers.

Upland coverage and water quality impacts:

The 2011 Threshold Evaluation Report (TER) revised how TRPA examined its soil coverage threshold, using presumed coverage in uphill areas, often on protected USFS land, to justify increased coverage in centers closest to the lake. [221,222] To date, no science proves that [the] Forest Service'[s] 148,000 acres of land that lies uphill of

[217] "Vegetation, in turn, 'is a part of a total system that is responsible for removing nutrients, particularly nitrogen, from precipitation which is stored in the soil. The nutrient removal process or nutrient uptake is extremely important in the nutrient balance in the entire aquatic system.'" October 2013 Plaintiff's Opening Brief on RPU lawsuit, p. 8

[218] There are several disclaimers about assumptions used in the PLRM. For example, the RPU FEIS discloses the following: "**Note:** The PLRM simulation described in Appendix C of the Final EIS is a simple aggregate representation of all Centers. The results presented in Table 3-4 are valid as a relative comparison of estimated changes in pollutant loading that could result from policies included in the Final Draft Plan. In practice, the Lake Tahoe TMDL requires local jurisdictions to complete load reduction plans that identify catchments (i.e., sub-watersheds) and their respective pollutant loading to Lake Tahoe. Estimates of existing condition pollutant loading in specific community centers, developed by local jurisdictions using site-specific analysis and detailed stormwater modeling, will differ from the existing condition estimate presented in Table 3-4." (RPU FEIS, p. 3-32)

[219] "Site-specific analysis and detailed stormwater modeling would be necessary to generate a representative estimate of pollutant loading in specific community centers." (RPU FEIS, p. C-5).

[220] "Estimates of existing condition pollutant loading in specific community centers, developed by local jurisdictions using site-specific analysis and detailed stormwater modeling, will differ from the existing condition estimate presented in Table 3-4." (RPU FEIS, p. 2-32).

[221] July 25, 2012 (on file with TRPA)

[222] December 5, 2012; Attachment 1 (on file with TRPA)

the urban impervious coverage is either available or usable to naturally treat the runoff from the downhill urban areas" (and so far as we know, water still runs downhill) yet this is how the 2011 TER, 2012 RPU,[223] and the proposed TBAP (as it relies on the RPU) treat coverage.

Transfers of soft coverage:

The RPU FEIS also failed to address our comments about proximity of coverage to Lake Tahoe and water quality concerns regarding the RPU's provision allowing the 'restoration' of soft coverage far from the Lake - where runoff is apt to be filtered by undeveloped land - in exchange for transferring that coverage to add more hard coverage in Centers closest to the Lake while relying on BMPs to mitigate the water quality impacts (as discussed previously, coverage impacts go beyond water quality but these other impacts are not analyzed nor mitigated through the focus on water quality). By ignoring the suite of information showing that proximity matters, the RPU and TBAP fail to guarantee the claimed outcome of the transfer program - that water quality will benefit from these transfers. The RPU also failed to include any criteria or methods for evaluating whether existing 'soft coverage' is resulting in the assumed water quality impacts in its current (pre-transferred and/or pre-restored) location. For example, supposed soft coverage in forested areas distant from Lake Tahoe may not be preventing significant infiltration of water or causing significant soil erosion, thus "restoration" of such coverage would provide no water quality benefit while the increase in hard coverage from presumably transferring this soft coverage will negatively impact water quality. As a result, it is incorrect to conclude, for example, that stormwater impacts in Town Centers are 'mitigated' by the removal of coverage elsewhere.[224] To remedy this problem, the TBAP should identify criteria and methods to measure the impacts of existing soft coverage to determine whether it is preventing infiltration (including soil compaction, such as with a cone penetrometer, soil moisture, and existing infiltration rates using, for example, a rain simulator).[225] In addition, criteria should also address the location of soft coverage and the availability of undeveloped land between the soft coverage and Lake Tahoe (or tributaries) to filter any pollution from the stormwater.flowing off of the soft coverage. In such cases where existing soft coverage is not creating significant impacts to water quality, transfers to Centers should not be allowed (as no environmental benefit would result and therefore such a transfer will result in a net negative impact on soils and water quality).

The TBAP DEIR/S tiers from the RPU EIS and fails to address the many unanswered questions noted in our comments. Taken together, inadequate and insufficient analyses have been relied upon to proclaim water quality and soil benefits although the "evidence" behind it lacks credibility and fails to support the projected 'benefits.'

[223] September 2014 Plaintiff's Opening Brief for Appeal, p. 27-28 (on file with TRPA)
[224] "…the transfer of land coverage into town centers would result in an associated decrease in coverage and stormwater runoff elsewhere." (DEIR/S, p. 15-33).
[225] i.e. See "Homewood Mountain Resort 2006 Restoration Treatment and Monitoring Report. Integrated Environmental Restoration Services, Inc." Prepared by Rachel Arst, David Gibbs, and Michael Hogan. (attached) and other information regarding methods at: http://ierstahoe.com/?pg=research (image attached)

Transfers of potential coverage:

The TBAP (and RPU, as it relies on the RPU), erroneously assumes that transfer incentives for the retirement of existing coverage from sensitive, outlying areas will successfully result in the transfer of such coverage to Town Centers, because it fails to take into account the existence of alternative ways for acquiring coverage (e.g., purchase from land banks and purchase and retirement of "potential" coverage, which is not physically existing coverage but hypothetical coverage a parcel might be allowed if it were developed). The RPU FEIS as well as RPU lawsuit responses have failed to address these comments. Coverage transfers from "potential coverage" and banked coverage within the TBAP must be examined and impacts disclosed.

Coverage transfers within 300' of Lake Tahoe:

The RPU, and by extension the TBAP, limit coverage within 300' of Lake Tahoe to 50%. This was intended to mitigate the impacts of the increased coverage allowed in Centers in the RPU. The TBAP DEIR/S relies, in part, on this requirement to conclude less than significant impacts from increased coverage in Town Centers.[226] However, there is no scientific information suggesting that only coverage within 300' of the nearshore affects the Lake; this value was an arbitrary number chosen in 2012 as a political compromise. This is yet another reason that adequate local analysis and ongoing monitoring is necessary, as well as tying future increases in development to *measured* results.

Coverage from non-contiguous project area amendment:

The DEIR/S discusses the potential impacts of concentrated coverage from the proposal to allow the use of noncontiguous project areas within Town Centers and concludes impacts will be beneficial because the change would not alter existing TRPA regulations (p. 15-26). However, the DEIR/S fails to analyze concentrated coverage at the local level. As a result, there is no evidence to conclude that further concentrating coverage through this amendment will not have significant impacts. In order to provide that evidence, TRPA and Placer County must perform a credible analysis of the local impacts to soil and water quality.

[226] "Under Alternative 1, high capability lands within the Tahoe City and Kings Beach Town Centers would be allowed up to 70 percent coverage (base allowable plus transferred coverage) for both developed and undeveloped parcels, provided that they are either (1) located on the mountain side of SR 28, or (2) are further than 300 feet from Lake Tahoe (TRPA Code Section 3.4.2.B.1). Consistent with the Regional Plan, the amount of land coverage beyond the base allowable amount would be transferred from other parcels. This increase in transferred land coverage in town centers would directly affect the both the Kings Beach Center design concept and the Tahoe City Lodge. The potential effect of this policy was analyzed in the TRPA [RPU] EIS Impact 3.7-1 (TRPA 2012b: pp. 3.7-18 to 3.7-19) and was determined to be less-than-significant." (DEIR/S, p. 14-23)

C. PLRM modeling of Tahoe City and Kings Beach Town Centers:

The TBAP relies on PLRM (modeled) estimates[227] to conclude either a benefit or less-than-significant water quality impact from each alternative[228] based on BMP implementation.[229]

PLRM does not sufficiently address all parameters that affect impacts of coverage on water quality:

As noted in our NOP comments (p. 12), the PLRM model only develops estimates of the *runoff* from properties with BMPs compared to that of properties without BMPs; while some site-specific parameters such as land uses and local BMP information were used,[230] the model provides no examination of the location of the runoff (i.e. given the availability of site-specific coverage data [e.g. as was used in the 2016 NHC PLRM analysis of the Town Centers[231]] and advanced GIS mapping, the EIR/S could have identified coverage based on the individual subwatersheds shown in Exhibit 15-1), the existing nearshore conditions, the substrate or lack thereof, water depth, mixing potential, and other local features that play a role in how much runoff may affect nearshore and mid-lake water quality.[232]

PLRM unrealistically relies on proper BMP installation and maintenance:

The PLRM also assumes proper BMP installation and maintenance,[233] which does not reflect real world conditions (see below), nor does it take into account the local factors and meteorological variations that affect stormwater conditions (as noted in the excerpt from the Boulder Bay EIS included below); instead, the PLRM assumes BMPs based on the 20-year stormwater design will consistently capture sufficient stormwater to meet objectives although evidence shows this stormwater design is not

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[227] "For the proposed project, the PLRM (Version 2) was used to individually model the maximum buildout of the Kings Beach and Tahoe City Town Centers to determine the localized effects on water quality." (DEIR/S, p. 15-26); *see* Northwest Hydraulic Consultants. 2016 (February). Placer County Tahoe Basin Area Plan: Town Center Water Quality Analysis. Draft Report. NHC Ref. No. 5001254. (Included as reference in DEIR/S)

[228] "Finally, the PLRM modeling conducted for the proposed project indicates that Alternatives 1 and 2, which encourage the redevelopment of town centers, would result in a decrease in the pollutant load carried in stormwater runoff through TRPA BMP requirements. For these reasons, the land use changes and policies that would be implemented through Area Plan Alternatives 1 and 2 would have a beneficial impact on water quality. Alternatives 3 and 4 would also generate a slight reduction in pollutant loading and would have a less-than-significant impact on water quality." (DEIR/S, p. 15-26)

[229] "[T]he PLRM model indicates that the increased BMP implementation would create a pollutant load reduction in the Tahoe City and Kings Beach Town Centers, even after accounting for the increase in land coverage." (DEIR/S, p. 15-28)

[230] "The model incorporates site-specific information on land uses, coverage, stormwater BMPs, and hydrologic connectivity." (DEIR/S, p. 15-26)

[231] Northwest Hydraulic Consultants. 2016 (February). Placer County Tahoe Basin Area Plan: Town Center Water Quality Analysis. Draft Report. NHC Ref. No. 5001254. (Included as reference in DEIR/S)

[232] Final RPU EIS, Volume 1, p. 3-31 and 3-32.

[233] "The PLRM performance estimates assume BMPs are correctly designed, installed, and maintained to retain and infiltrate the 20-year 1-hour design storm (generally taken as 1 inch of runoff from impervious surfaces on a parcel)." (NHC 2016, p. 15)

sufficient for current conditions, let alone projected increased flooding associated with climate change (discussed in greater detail below).

PLRM model relies on annual average precipitation

The PLRM model forecasts stormwater runoff based on annual average precipitation (see NHC 2016, Town Center Water Quality Analysis). As shown in the TRPA-certified Boulder Bay Final EIS, [234] annual averages do not capture the temporary fluctuations in weather that will affect the amount of stormwater in an area:

> "It is important to note that when stormwater is allowed to run off of the project area, that runoff contains sediment (including fine sediment), nitrogen and phosphorus, the primary elements leading to loss of Lake clarity. It is also critical to understand that the 20yr/1hr storm and the 100yr/1hr storm are design specifications and are not representative of how precipitation and runoff actually occur. In reality, storms often occur in a series, which can result in nearly saturated soils or partially filled storm-water infiltration galleries, tanks or detention basins, thereby reducing conceptual design capacities of storm water management strategies. As a result, we could have a relatively dry year in terms of total moisture, which produces significant runoff because the storms that did occur were abnormally large or occurred in close succession. In order to truly understand the potential for runoff, and as a result the transport of fine sediment, nitrogen and phosphorus, we must model actual data to accommodate the following: • Multiple storms back-to-back; • Longer duration storms; • The timing of storm events (fall, winter, spring); and • The impact of periodic events such as El Nino years." [Emphasis added].

As a result, the annual-average precipitation metric the PLRM uses to estimate runoff impacts is not adequate for evaluating the local, site-specific impacts of precipitation and other factors on runoff, nor how these variations affect loading (although the PLRM and stormwater design standards rely on annual averages, those averages will be affected by short-term increases in pollutant loading which will then affect annual averages). The EIR/S must assess the specific parameters that will impact runoff, as noted in the Boulder Bay stormwater report.

Lack of measured evidence to support PLRM estimates:

No evidence has yet been provided to show that PLRM estimates have accurately predicted stormwater treatment outcomes in real-world conditions. This is yet another reason that future development such as is envisioned in the TBAP should be contingent upon proven BMP effectiveness under the variety of meteorological conditions experienced in local areas.

D. Reliance on BMPs:

Like the RPU EIS, the TBAP DEIR/S also relies on implementation of BMPs to mitigate impacts from additional coverage on water quality (Impact 15-2) and the volume of stormwater runoff (Impact 15-3) associated with the TBAP[235] and the Tahoe City

[234] http://www.trpa.org/wp-content/uploads/Appendix_AB_Supplemental__WQ_Study.pdf (attached)
[235] e.g. Impact 15-2: "Finally, the PLRM modeling conducted for the proposed project indicates that Alternatives 1 and 2, which encourage the redevelopment of town centers, would result in a decrease in the pollutant load carried in stormwater runoff through TRPA BMP requirements." (DEIR/S, p. 15-26);

Lodge.[236] Our RPU litigation documents lay out detailed information regarding the problems with relying on BMPs to mitigate these impacts, including lack of enforcement and the RPU's failure to include any additional, more aggressive measures to ensure BMP installation and maintenance. In fact, during the 4/12/2016 RPU final hearing at the 9th Circuit Court of Appeals, TRPA's attorney acknowledged that other than "increased" tracking requirements associated with the TMDL, the only amendments regarding the BMP enforcement policies were related to TRPA's oversight of local government Area Plans; in other words, amendments to provide more aggressive BMP enforcement were not included in the RPU. The TBAP does not add any such policies, thus there is no assurance that BMP enforcement (of installation and ongoing maintenance) will improve such that the assumed benefits are realized, nor are there any backup measures to mitigation impacts in the event BMPs do not function as modeled. Other problems include improper/absent ongoing maintenance and an outdated design capacity which fails to address existing and future climatic conditions. A summary of these issues is provided below; however, we herein incorporate the detailed comments regarding BMPs that have been included in all RPU litigation court documents. Further, it is understood that BMPs are not intended to capture every last drop of water as they are based on annual averages. However, this means that BMPs cannot be expected to fully mitigate runoff caused by increased coverage – contrary to the RPU and TBAP's treatment of coverage as if the impacts of increased coverage can simply be mitigated through BMPs.

Enforcement failures, poor/absent maintenance, and ongoing effectiveness monitoring:

The TBAP does not include any requirements above and beyond the RPU's bare minimums to ensure BMPs are functional and effective in perpetuity (which the RPU EIR and TBAP DEIR/S assume, as decreases in effectiveness in the future have been included in any water quality analyses; in other words, BMPs are assumed to function in perpetuity once they are installed). The TRPA RPU identified that ongoing maintenance of BMPs is lacking and that maintenance was necessary for BMPs to function effectively, yet the TBAP includes no additional measures to ensure improved maintenance in the future. Instead, the only 'assurances' of effectiveness appear to be a requirement that if requested, proof of ongoing maintenance, "*such as contractual evidence, shall be provided to ESD upon request."* (DEIR/S, p. 15-25). There are no requirements to measure water quality to ensure BMPs remain effective, nor scheduled inspection activities that must be met by projects in the future.

Further, the RPU EIR relied on local governments to meet their load reduction requirements in its analysis. Therefore, Placer County must indicate how it will

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Impact 15-3: "Implementation of Area Plan Alternatives 1 and 2 would result in increased impervious surfaces within town centers. However, the requirements for future projects to meet existing BMP standards and project level drainage analysis would remain in place under all alternatives. These requirements would cause a decrease in stormwater runoff volumes for all alternatives, resulting in a less-than-significant impact." (DEIR/S, p. 15-32)

[236] "Mitigation Measure 15-2 would substantially reduce the risk of stormwater quality impacts during the operation of the Tahoe City Lodge meeting TRPA BMP requirements either through the installation and maintenance of parcel scale permanent water quality BMPs and/or participating in an area-wide water quality treatment project showing great[er] or equal water quality benefits to parcel scale BMPs." (DEIR/S, p. 15-32)

ensure BMPs relied upon for load reductions are correctly installed and maintained as assumed in the RPU EIS. Given the generally poor record regarding installation and maintenance of BMPs and the heavy reliance on BMPs to reduce pollution from stormwater to meet water quality standards,[237] the TBAP must include additional requirements to ensure ongoing inspection and effectiveness monitoring based on field measurements, and enforcement actions in perpetuity. This was also stated in our NOP comments,[238] however the DEIR/S does not address this critical water quality issue.

Outdated design capacity:

Our NOP comments outlined current information regarding storm events, impacts from climate change, and other parameters which indicate the outdated 20-year stormwater design employed by the RPU, and the TBAP, is not supported by substantial evidence, and will not sufficiently capture stormwater in the future.[239] In fact, there is no evidence that this design standard is even adequate for *current* conditions. Although BMP's are not designed to capture every single drop of water, underdesigned facilities will inevitably lead to more stormwater runoff in the future than if facilities are designed to capture higher volumes of water. TRPA's Boulder Bay EIS specifically examined weather patterns and runoff and concluded that to understand the potential for runoff, modeling must account for the variations in weather patterns and soil moisture (excerpt included above).[240]

We have raised concerns about insufficient design capacity specifications with TRPA and Placer County repeatedly over the years, including in our NOP comments on the TBAP, and this issue has still never been addressed. Oddly, TRPA's previous Community Enhancement Program (CEP) rewarded project applicants proposing higher stormwater design capacities than were required.[241] Clearly TRPA has long-recognized that 20-year designs are inadequate. The TBAP, as well as the TCL[242] (which also requests additional incentives not provided to other developers), should require stormwater treatment above and beyond the bare minimum. We recommend all future developments other than single family homes be required to design stormwater treatments based on capturing water from a 100-year storm event (see our comments regarding climate change and flooding for more discussion).

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[237] Discussed in detail in RPU litigation documents that are on file with TRPA.

[238] "It is important that an adequate performance/maintenance commitment be documented with a requirement to timely replace/rebuild non-functioning BMPs. Highly- and over-covered areas in catchments close to Lake Tahoe, such as Tahoe City and Kings Beach, increase the percentage of rain and snowmelt that would be discharged due to the excess impervious cover, and make it more difficult and costly for area-wide BMPs to infiltrate or fully treat pollutant loads." (NOP comments, p. 31)

[239] "Increased flooding as predicted in climate change scenarios will not only pose a threat to private property and public safety, but will also generate increased stormwater runoff, thus creating impacts to both mid-lake and nearshore clarity. As noted in our comments to TRPA on the RPU, there is no evidence to support that planning to capture stormwater based on a 20-year storm design is sufficient." (NOP comments, p. 31)

[240] Also included on p. 31 in our NOP comments.

[241] http://www.trpa.org/wp-content/uploads/CEPcomplete1.pdf; Note desired benefits include projects that "go above and beyond" with regards to coverage removal and stormwater treatment. (attached)

[242] "…stormwater systems [for the Tahoe City Lodge] would be designed to accommodate the volume of surface water generated by site during a 20-year, 1-hour storm…" (DEIR/S, p. 15-33)

We also noted that even if such analysis had been performed by the RPU EIS, it would have reflected only a broad, regional-level review. The design needs and runoff impacts associated with localized areas in the TBAP require a localized analysis. Factors that affect the volume and/or path of runoff include, but are not limited to:

- the amount and location of existing coverage,
- distance to streams and/or Lake Tahoe,
- angle of slope to the lake (which can increase runoff velocity) and other topographic features,
- soil type,
- depth of water in the nearshore,
- level of ground saturation, and
- intensity and duration of storms.

As requested in our NOP comments,[243] the EIR/S must examine local factors and assess what stormwater design is necessary to address actual local conditions. In addition, the importance of treating stormwater (or storing stormwater for later treatment) cannot be overemphasized. The federal and state governments have invested almost $2 million[244] in measures to protect Lake Tahoe's water quality and efforts are underway to plan to support the expenditure of another $415 million over the next ten years.[245] Meteorological and water quality experts have warned us to plan for higher volumes of water over shorter periods of time (see references cited in NOP comments); there is no excuse for not requiring higher standards for stormwater treatment.

TMDL implementation is uncertain

Implementation of the TMDL remains uncertain.[246] Not only is the TMDL a "basket of BMPs" and as noted, reliance on BMPs is not sufficient to ensure the presumed benefits, but funding for the TMDL is also uncertain. In addition, funding for meeting TMDL requirements to address roadway runoff – a significant source of fine sediments – is also questionable.[247] The RPU and TBAP do not prohibit future

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243 ***"The EIR/S should analyze what storm design standard will be adequate for ROS (rain-on-snow) events and other high runoff events in the Area Plan, with emphasis on the more developed areas (e.g. Tahoe City and Kings Beach), especially in the face of projected 200-year storms. This assessment needs to be part of a more comprehensive analysis of the impacts of the Area Plan on nearshore areas. We also recommend that water quality treatment plans and projects be designed to accommodate water from 100- to 200-year storms." (NOP comments, p. 31-32)***

244 Lake Tahoe Restoration Act of 2015; https://www.congress.gov/114/crpt/srpt256/CRPT-114srpt256.pdf; p. 12 (attached)

245 See proposed Lake Tahoe Restoration Act of 2015; https://www.congress.gov/congressional-report/114th-congress/senate-report/256/1 (p. 2) (attached)

246 January 2014 Plaintiff's Reply, p. 6-7; http://friendswestshore.org/wordpress/wp-content/uploads/2014/01/41-Pls-Reply-on-MSJ.pdf

247 "Stormwater programs implement capital projects, roadway treatments, maintain the capital projects implemented, and other miscellaneous activities. TMDL science shows that roadways contribute the dirtiest runoff. The biggest opportunity to reduce pollution is in infrastructure maintenance and roadway treatments. In fiscal year 2014/15 stormwater programs costs $2,500,000. There will be an increase in

increases in development in the event that the TMDL is not fully implemented or that roadway reductions are not achieved, let alone to independent field measurements that prove TMDL projects are functioning as modeled.

BMPs and the TCL:

As the TCL also relies on the installation of permanent BMPs to mitigate adverse water quality impacts,[248] the same technical inadequacies which plague the Area Plan conclusions also affect the DEIR/S findings regarding the TCL.

E. Lack of measured results:

The PLRM analysis in the TBAP is only a model. The only way to ensure the modeled reductions are being achieved is through on-the-ground measurements of results. Yet the RPU, and the TBAP, allow significant developments based on the *presumption* that the modeled values were correct, and/or that future areawide BMPs will someday be installed to mitigate the impacts of new and redevelopment. There is nothing in the TBAP which ties the approval of additional coverage in the Town Centers to the measured achievement of water quality objectives for mid-lake and nearshore standards. Reliance on the TMDL is misplaced as the TMDL is a 'model of a modeled model' that has yet to provide directly *measured* results to confirm the estimated load reductions. Such measurements could involve sampling the stormwater that is exiting treatment areas and facilities and comparing those results to what was previously modeled (with specific measurements of fine particulates [not assumptions that estimate the percent of fine particulates based on total particulates], nitrogen, and phosphorous species). This would require sampling during and after storm events; the methods used for collection must allow for a comparison to modeled estimates.

The TBAP needs to include standards which require adequate measurement and monitoring, with future development contingent upon measured improvements in water quality (in other words, until *field* measurements of fine particulates, nitrogen, and phosphorous verify that modeled pollutant load reduction from BMPs and other water quality projects is occurring as modeled, new and large redevelopment projects that will further increase pollutant loading should not be approved. At that time, and not until, environmental benefits can be awarded. <u>There is no backup plan in the TBAP to address water pollution and soil impacts in the event of BMP failures</u>.

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stormwater program cost over the next permit term. The low hanging fruit has been picked so it will be more difficult and more expensive to meet load reduction goals in the next permit term. Many of the roadway maintenance programs are locally funded and are ineligible for grant funding.
Funding possibilities: They include a mix of measures, each with its own set of pros and cons. Some tend to affect local residents more than visitors and vice versa, some require voter approval while others do not, and some require jurisdictions to work together and others allow jurisdictions to go forward individually. There are some options that wouldn't create the revenue to meet the program need and so a portfolio approach being evaluated that combines two or three funding options. These options were vetted with stakeholders and agency representative through one-on-one interviews." (Minutes from TRPA GB meeting, 2/24/2016; p. 17) (attached)

[248] "Implementation of Mitigation Measure 15-2 would require installation of approved permanent water quality BMPs, which would reduce the potential for Tahoe City Lodge Alternatives 1, 2, and 3 to create adverse effects on water quality from operational activities to a less-than-significant level." (DEIR/S, p. 15-26)

F. Reexamination of Significance Criteria:

As inadequate stormwater design and improper BMP maintenance will lead to overflows, additional surface runoff, alterations to water flow, potential impacts to groundwater, exposure of people to water-related hazards, runoff that would exceed the capacity of stormwater systems, and other impacts, plus a lack of adequate monitoring will not guarantee impacts will be mitigated, the following significance criteria must be reexamined (criteria are based on evaluating whether the project will do the following):

> "TRPA Criteria:
> discharge into surface waters, or alter surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity;
> cause the potential discharge of contaminants to the groundwater or alter groundwater quality;
> change absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 year 1-hour storm runoff (approximately 1 inch per hour) cannot be contained on the site;
> expose people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence.
>
> CEQA Criteria:
>
> substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation or flooding on- or off-site;
> create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage, infiltration, and treatment systems or facilities resulting in increased sources of pollutants reaching surface waters or causing detrimental flooding to property or infrastructure;" (DEIR/S, p. 15-20 to -21)

In sum, there is adequate evidence that relying on BMPs and existing policies related to BMP installation and maintenance does not guarantee the modeled water quality improvements assumed by the DEIR/S, and there is no backup plan to address failures. Further, the conclusion that there will be beneficial impacts to Impact 15-2[249] relies on the installation and effective operation of BMPs in perpetuity, which is also not guaranteed for a variety of reasons noted in our comments. The modeling used to conclude a reduction in pollutant loading from the TBAP's policies is also faulty for the reasons noted above, thus the conclusion of a "beneficial" benefit to water quality is not supported (notably this is the only impact related to water quality or soil conservation that is considered 'beneficial'). As a result, the TBAP does not guarantee net environmental gain to TRPA's water- and soil-related thresholds.

G. Atmospheric Deposition:

The discussion of TRPA's thresholds in Section 5.2.2 should also include information about TRPA's Air Quality threshold standard based on atmospheric deposition, as it is a standard aimed to protect water quality. Further, the TMDL relies on a reduction in NOx emissions from vehicles to achieve nitrogen reductions (the RPU also relied on a reduction in NOx to achieve water quality goals). However, there are no measures provided in the TBAP DEIR/S to specifically address the atmospheric deposition of nitrogen, and the deficiencies in the VMT analysis are expected to also underestimate

[249] "Impact 15-2: Potential water quality impacts to surface and groundwater due to changes in land use or lodge operation" (DEIR/S, p. 15-26)

NOx emissions, thus not ensuring that the NOx emission reductions relied upon by the RPU EIS will occur.

17. Natural Hazards

The DEIR/S notes:

> "The primary issues raised during scoping that pertain to hazards, hazardous materials, and risk of upset included:
> - increasing the number of people and structures in areas with high wildland fire hazards, and
> - evacuation in the event of an emergency." (p. 18-1)

It is well established that wildfire occurrences and severity are on the rise, and threats are increasing[250] due to the impacts of drought, climate change, bark beetles, and decades of fire suppression policies. The Placer County Local Hazard Mitigation Plan states:

> "Likelihood of Future Occurrence [of wildfires]
> **Highly Likely** — From May to October of each year, Placer County faces a serious wildland fire threat. Fires will continue to occur on an annual basis in the Placer County Planning Area. The threat of wildfire and potential losses are constantly increasing as human development and population increase and the wildland urban interface areas expand. Due to its high fuel load and long, dry summers, most of Placer County continues to be at risk from wildfire.
> **Climate Change and Wildfire**
> Warmer temperature can exacerbate drought conditions. Drought often kills plants, which serve as fuel for wildfires. Warmer temperatures could increase the number of wildfires and pest outbreaks, such as the western pine beetle." (p. 4-142)

As more humans live, visit, and recreate in the area (as will be a result of the TBAP), the potential for wildfires increases.[251,252] Narrow roads and areas with only one means of ingress/egress, as are found in many portions of the TBAP, complicate evacuation and emergency response during wildfire events.[253,254] As shown in Exhibit 18-1, most of the

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[250] "Changes in precipitation patterns and increased temperatures are expected to alter the distribution and character of natural vegetation and associated moisture content of plants and soils. An increase in frequency of extreme heat events and drought are also expected. These changes are expected to lead to increased frequency and intensity of large wildfires (CNRA 2012:11)." (DEIR/S, p. 12-11)

[251] "**Human Actions** – Most wildfires are ignited by human action, the result of direct acts of arson, carelessness, or accidents. Many fires originate in populated areas along roads and around homes, and are often the result of arson or careless acts such as the disposal of cigarettes, use of equipment or debris burning. Recreation areas that are located in high fire hazard areas also result in increased human activity that can increase the potential for wildfires to occur." (Placer County Local Hazard Mitigation Plan, p. 4-133)

[252] "CalFire data shows that, between 2000 and 2005, the majority of fires within CalFire's jurisdiction were caused by humans. Equipment, vehicles and debris burning were among the largest ignition-source culprits." (Planning for Water-Wise Development in the Sierra: A Water and Land Use Policy Guide. Sierra Nevada Alliance, Aug. 2008, p. 13). http://sierranevadaalliance.com/wp-content/uploads/2014/02/PlanningforWaterWiseDevelopment.pdf; (attached)

[253] "Factors contributing to the wildfire risk in Placer County include
- Overstocked forests, severely overgrown vegetation, and lack of defensible space around structures;
- Excessive vegetation along roadsides and hanging over roads, fire engine access, and evacuation routes;
- Drought and overstocked forests with increased beetle infestation or kill in weakened and stressed trees;
- Narrow and often one-lane and/or dead-end roads complicating evacuation and emergency response as well as the many subdivisions that have only one means of ingress/egress;
- Inadequate or missing street signs on private roads and house address signs;
- Nature and frequency of lightning ignitions; and

TBAP is located in a very high Fire Severity Zone. These Zones are described as: "Wildland areas that support high to extreme fire behavior or developed/urban areas with high vegetation density (greater than 70 percent cover) and associated high fuel continuity." (DEIR/S, p. 18-12). The DEIR/S further notes that "*Many of the communities within the NTFPD are surrounded by wildland fuels on multiple sides and often have a single road for ingress and egress (TFFT 2015:7). These isolated communities with poor access present challenges to fire suppression efforts. Even evacuating these communities during an event is very difficult."* (p. 18-13). [Emphasis added]

The significance criteria for TRPA and CEQA analysis of natural hazards include:

> "TRPA
> □□interfere with an emergency evacuation plan;
>
> CEQA
> □□impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or
>
> □□expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands." (DEIR/S, p. 18-14)

Despite the facts that the TBAP will place more people and their vehicles in a high fire severity zone, which will also result in more fire ignitions, that danger from wildfires is on the rise, and that the ability to evacuate people and provide emergency access throughout the TBAP is limited, the DEIR/S defies all evidence (as well as logic) and concludes a less-than-significant impact with regards to Impact 18-3: Interfere with implementation of an emergency response plan or emergency evacuation plan and Impact 18-4: Expose people or structures to wildland fire hazards.[255] In fact, as noted below, the referenced plans in the DEIR/S do not address the capacity of roadways within the TBAP to evacuate or provide for emergency access. While there may be general plans among first responders regarding how they will react during emergencies, the TBAP DEIR/S provides no actual emergency response plan or emergency evacuation plan that is formulated to address the capacity of our roadways to evacuate or provide emergency access. In this case, there is no plan upon which the DEIR/S can evaluate this impact in the first place, and the TBAP includes no provisions to formulate or identify such a plan.

□ Increasing population density leading to more ignitions." (Placer County Local Hazard Mitigation Plan, p. 4-132 to 4-133). http://www.placer.ca.gov/departments/ceo/emergency/local-hazard-mitigation-plan [Emphasis added] (excerpt attached)

[254] "While development has continued throughout the District, access into individual subdivisions has not changed. Street widths remain marginal, on-street parking remains a problem in all but the newest subdivisions and, in general, ingress and egress are difficult if not impossible during peak season population fluctuations." (12/8/2015 Letter to Placer County BOS from North Tahoe Fire Protection District; http://www.placer.ca.gov/upload/bos/cob/documents/sumarchv/2015/151208A/17b.pdf) [Emphasis added] (attached)

[255] DEIR/S, p. 18-23 and 18-27, resp.

The DEIR/S includes the following items:

1. **References to other Plans:**

The TBAP states it would not "alter or revise the existing Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, or Lake Tahoe Geographic Response Plan." (p. 18-23). However, there are several problems with this conclusion:

- None of these documents address the capacity of the in-Basin roadways to evacuate people from the Basin during an emergency;
- The Placer Operational Area East Side Emergency Evacuation Plan (EEP) specifically states that it does not include the Tahoe Basin;[256]
  - Even if it did include the Tahoe Basin, the EEP outlines how emergency events will be handled;[257] it does not evaluate the capacity of the Basin's roadways to evacuate people nor list criteria to assess when a proposed plan or project interferes with such plans;
- The Placer County Local Hazard Mitigation Plan (LHMP) includes information regarding plans by various agencies to assist with emergency responses and plans to update information (e.g. databases, GIS tools, public education, etc.). The LHMP does list in-Basin emergency shelters,[258] but does not address roadway capacity nor evaluate how people will travel to these shelters on congested roadways. The LHMP also refers back to the EEP, which as noted above, does not include the Tahoe Basin;
- The Lake Tahoe Geographic Response Plan addresses situations involving hazardous chemicals, not wildfire evacuations.[259]

2. **Vague speculation and opinion:**

The DEIR/S speculates that the addition of TCL visitors would not "substantially" increase existing congestion,[260] although "substantially" is not defined nor has the

[256] "For the purposes of this plan, the "eastern side" comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit." (EEP, p. 4-290 to 4-291) (attached)

[257] "The plan provides details regarding evacuation alerts, evacuation emergency medical services and public information, traffic control, transportation, communication, and animal services." (DEIR/S, p. 18-9)

[258] "Eastern Placer: The County worked closely with the American Red Cross (ARC) to identify facilities in the North Tahoe area (including Truckee) for use as emergency shelters. Schools in Tahoe City, Kings Beach, and Truckee have been identified and the ARC continues to conduct on-site assessments of the facilities for suitability as emergency shelters. Additionally, the ARC has fielded three trailers in the areas with each trailer containing 50 cots, blankets, pillows, and a generator to support each shelter." (EEP, p. 4-292) (attached)

[259] "The Lake Tahoe Geographic Response Plan (LTGRP) (Lake Tahoe Response Plan Area Committee 2014) is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies. The LTGRP establishes the policies, responsibilities, and procedures required to protect life, environment, and property from the effects of hazardous materials incidents. The LTGRP establishes the emergency response organization for hazardous materials incidents occurring within the Lake Tahoe watershed. The plan is generally intended to be used for oil spills or chemical releases that impact or could potentially impact drainages entering Lake Tahoe and the Truckee River." (DEIR/S, p. 18-6)

congestion with regards to an emergency evacuation been analyzed (see below). It is also worth noting that like the TBAP, the TCL will also contribute to a significant and unavoidable impact to LOS in Tahoe City. Although the TBAP proposes to amend the LOS policy to allow greater congestion in this area, this does not negate the fact that the TBAP and TCL are estimated to both increase congestion, which will impede emergency access and evacuation. Further, the proposed LOS policy revision for the TBAP would allow LOS F (which is basically gridlock) in Tahoe City and Kings Beach during peak periods[261] – a very dangerous proposal, especially given the lack of planning for evacuations and emergency access in the area. To allow increases in congestion for such extended periods of time only further exacerbates the danger to public health and safety in the event of an emergency situation such as a wildfire.

The DEIR/S also suggests that because future development will be directed to walkable areas, this will provide visitors with access to services and destinations without using their vehicles.[262] It appears that the purpose of this statement is to imply that this will reduce traffic and therefore impacts to emergency evacuation. However, not only is this opinion and contrary to the DEIR/S's own conclusions regarding traffic impacts, but this also fails to consider that most of those visitors will be driving into and out of the Basin for their visit. Wildfires are not planned events and certainly don't limit themselves occurring on a "Saturday" when visitors may be walking around instead of driving to or from their Tahoe destination.

3. Limits on potential development:

The DEIR/S also suggests that due to limits on future development, the addition of visitors generated by the TBAP will not "substantially increase" congestion such that it would interfere with emergency response and evacuation plans.[263] Once again, this

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[260] "Area Plan Alternatives 1 and 3 could result in an increase in overnight visitors in the Basin; however, because the lodge would accommodate approximately 236 people at maximum capacity (assuming a 118-unit lodge), the addition of these visitors would not substantially increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded." (DEIR/S, p. 18-23)

[261] "In recognition of the LOS conditions in the Tahoe City Town Center, Area Plan Alternatives 1 through 3 would revise the LOS standards to allow LOS F during peak periods in town centers (Area Plan Policy T-P-6)." (DEIR/S, p. 10-16)

[262] "Future development would be directed to walkable areas, such as town centers and mixed-use areas, providing opportunities for visitors to access services and destinations without using their vehicles." (DEIR/S, p. 18-25)

[263] "Furthermore, the additional overnight visitors could include day visitors that may have previously driven into the Basin. Roadways in the Basin currently experience congested conditions during peak periods throughout the year. With the focus on walkability, alternative transportation, and transit improvements emphasized by available allocations, the addition of visitors generated by the Area Plan would not substantially increase congestion such that interference with emergency response or evacuation plans would occur." (DEIR/S, p. 18-25)

[263] "Roadways in the Basin currently experience congested conditions during peak periods throughout the year. With the focus on walkability, alternative transportation, and transit improvements emphasized in the Regional Plan and RTP, and the fact that development potential is limited by available allocations, the addition of visitors generated by the Area Plan would not substantially increase congestion such that interference with emergency response or evacuation plans would occur…Because Alternative 1 would provide emergency access, emergency responders have confirmed their ability to serve Alternative 1 development, and the project would be required to demonstrate compliance with fire safety requirements prior to approval of TRPA and Placer County permits, operation of the lodge under Alternative 1 would not interfere with emergency response or evacuation of the project site." (DEIR/S, p. 18-24 and 18-25)

speculation runs contrary to the DEIR/S analysis, which shows increased LOS from the plan's implementation (see Chapter 10). In addition, the DEIR/S does not explain how emergency response vehicles will be able to quickly move through gridlocked traffic. Further the meaning of "substantially increase" is not defined. There are no criteria or performance targets which could be used to identify when an increase in congestion would be considered "substantial."

4. **Reduced fuel loads and increased defensible space:**

The DEIR/S also claims that forest management measures that will reduce fuel loads and regulations regarding defensible space will reduce wildland fire hazards.[264] While these actions may reduce the severity of future fires and susceptibility of homes to ignition, wildfires will still necessitate evacuations and emergency access; emergency responders will still need to respond to fires and evacuations will still be required, thus access will still be imperative. Reducing fuel loads does not change roadway capacity, nor negate the need for evacuations, and access for emergency responders, thus this provides no evidence to suggest adverse impacts to evacuation and emergency response would be reduced.

5. **Emergency responders have confirmed the ability to serve the TCL project:**

The DEIR/S concludes that because emergency responders have stated they will serve the TCL project, and the project will be required to meet fire safety requirements prior to permit approval, the project would not interfere with emergency response or evacuation of the project site.[265] This conclusion is a red herring. It is not up to emergency responders to deny or approve a project, nor does the presence of building codes negate the danger when buildings are constructed in high fire danger zones. In addition, although the DEIR/S must address the ability to evacuate the TCL project area, the DEIR/S must also examine the project's impacts on evacuation and emergency access throughout the TBAP roadways that will be affected by the TCL's traffic.

A. Failure to analyze roadway capacity

The TBAP DEIR/S includes no analysis of the capacity of roads within the TBAP to handle evacuation, the time involved in evacuations from locations throughout the TBAP, backup plans in the event a road becomes impassable, performance standards to be met to

[264] "As described under "Wildland Fire Protection," fuels reduction projects are underway or planned for over 17,000 acres within the Area Plan. With adherence to the above-mentioned regulations, implementation of Area Plan and Regional Plan policies, and continued fuels reduction efforts in the Area Plan, fuel loads would decrease and defensible space would increase resulting in a reduction in wildland fire hazards. For these reasons, the potential exposure to high or very high fire hazards for additional visitors not previously considered in the RPU EIS and RTP/SCS EIR/EIS would be reduced. This impact would be less than significant." (DEIR/S, p. 18-28)

[265] "Because Alternative 1 would provide emergency access, emergency responders have confirmed their ability to serve Alternative 1 development, and the project would be required to demonstrate compliance with fire safety requirements prior to approval of TRPA and Placer County permits, operation of the lodge under Alternative 1 would not interfere with emergency response or evacuation of the project site." (DEIR/S, p. 18-25)

ensure additional people and vehicles from new or redeveloped projects do not impede evacuation plans, or any other means to evaluate the impacts of additional vehicles on roadway capacity during emergency events. It should be noted that **the highest fire danger in the Tahoe Basin generally occurs during the same months that the Basin experiences extended peak traffic congestion – July and August.** This further exacerbates the threat to public health and safety from fires and other natural hazards requiring swift evacuation and action. In addition, while public education is important and should be completed for residents and visitors, there is limited ability to educate visitors, including overnight visitors and even more so day visitors, about how to react during emergency situations. As noted at recent Placer County Planning Commission hearings on the MVWPSP[266] and VSVSP[267] projects, people panic and this must be considered when planning for emergency situations.

None of the DEIR/S's "impact assessments" actually address the TBAP and TCL's impacts on the capacity of roadways, including SR 267, 28, and 89, to handle emergency evacuations and provide access for emergency responders. That the TBAP will worsen LOS in Tahoe City and on SR 267 and allow for more congestion in Kings Beach suggests that there will be more congestion that would interfere with an evacuation; in fact, the DEIR/S fails to explain how the project can have significant and unavoidable impacts on LOS in Tahoe City, yet have less than significant impacts on emergency evacuation on those same roadways.

In addition, a recent court ruling related to the Homewood Mountain Resort reflects the importance of assessing the impacts on the capacity of emergency evacuation routes. The Third District Court of Appeals of California issued a ruling on 12/22/2015 related to the Clean Energy Committee's (CEC's) challenge of the Homewood Village Resort's EIR.[268] One of the most notable outcomes is the Court's decision regarding emergency evacuation is:

> *"There are two components to the wildfire evacuation risk – evacuation by residents, workers, and visitors, and the impact of that evacuation on access by emergency entities responding to wildfire. The EIR fails to evaluate both."*
>
> *"…evacuation [of people from the project area] could also impact the environment by impeding emergency responders who might otherwise be able to prevent the spread of wildfire…"*
>
> "[The EIR] *failed to identify the capacity of SR 89 or connecting roads to accommodate the evacuation of people, including additional people from the project."*

The CEC noted that analyzing this impact must involve the evaluation of "*the total number of residents, businesses and tourists that can be safely evacuated from the West Shore, without impeding emergency vehicle access, in the event of wildfire, earthquake or seiche and evaluate the cumulative impact of the project on natural disaster evacuation and emergency vehicle access to the West Shore."* The Court also pointed out that while

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[266] 6/9/2016 and 7/7/2016; http://www.placer.ca.gov/departments/communitydevelopment/planning/pchearings

[267] 8/11/2016; http://www.placer.ca.gov/departments/communitydevelopment/planning/pchearings

[268] http://www.leagle.com/decision/In%20CACO%2020151222052/CALIFORNIA%20CLEAN%20ENERGY%20COMMITTEE%20v.%20COUNTY%20OF%20PLACER

the EIR concluded significant and unavoidable impacts to congestion on SR 89, the EIR "inexplicably" did not conclude those "*same inadequate roads to be a significant, unavoidable impact in the context of a wildfire requiring emergency evacuation.*"[269]

The Court directed Placer County to comply with CEQA, which will require addressing the failure to identify, describe, and analyze the wildfire evacuation risk. With regards to the TBAP and TCL DEIR/S, our NOP comments specifically requested the DEIR/S analyze these impacts:

> ***"Placer County needs to complete an updated assessment of the capacity and response times associated with existing emergency services (including fire protection and emergency medical services), and the impacts to services associated with the increased residents and visitors stemming from the new RPU and proposed Placer County TBAP, as well as cumulative increases in visitors from adjacent projects and resort expansions, including Northstar and Squaw Valley resorts."*** (NOP comments, p. 55-56)

As noted above, similar to the Homewood case is the DEIR/S's conclusion that there will be significant and unavoidable traffic impacts (before the TBAP is amended to make those impacts "comply" with the TBAP), yet the EIR "inexplicably" concludes a less than significant impact to interference with emergency evacuation.

Increased population and CFA within RPU analysis:

The DEIR/S claims that the TBAP will not increase the number of people in high or very high hazard areas "beyond that assessed in the RPU EIS…"[270] However, this is irrelevant. The RPU/RTP documents failed to include planning for evacuations and emergency access (the referenced sections only address defensible space, water flow requirements, new building standards, etc., which do not address roadway capacity or evacuation and emergency access[271]) or to account for the increased visitors and vehicles that would again visit the Basin once the economy improved (see transportation comments for more detail). In addition, traffic conditions have changed since the RPU/RTP baseline year of 2010, as the millions of visitors and residents in the Basin can attest to in 2015 and 2016.

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[269] Note: "This opinion has not been certified for publication or ordered published for purposes of rule 8.1115."

[270] "The Area Plan contains large areas of high to very high fire hazards as well as some moderate fire hazard areas (see Exhibit 18-1). Implementation of Alternative 1 would not increase the number of residents or CFA in high or very high fire hazard areas of the Plan area beyond that assessed in the RPU EIS and RTP/SCS EIR/EIS (TRPA 2012:3.14-12 – 3.14-13; TMPO and TRPA 2012:3.14-18). However, with implementation of the CFA to TAU conversion program, Alternative 1 could facilitate an increase of overnight visitors associated with the additional TAUs. Consequently, implementation of the Area Plan under Alternative 1 would increase the number of people exposed to wildland fire hazards in the Plan area." (DEIR/S, p. 18-28)

[271] "Alternative 3 would include the same policy changes as Alternative 2 that would directly increase and improve defensible space, reduce fuel load, and allow greater flexibility in the manner in which adequate fire protection is achieved and in which fires are suppressed within the Region…Furthermore, as development continues throughout the Region under Alternative 3, projects would be required to consider the fire hazards in the Region and include measures to ensure that defensible space is maintained and excessive fuel is reduced." (RPU DEIS, p. 3.14-13)

Adding to problems before solutions are addressed:

In addition to the reasonable conclusion that significant and unavoidable traffic impacts translate to significant and unavoidable impacts on evacuation routes and capacity, it is also worth stepping back and considering the bigger picture. This project will place 1000's of additional people (including new residents[272] and visitors[273]) in a very high fire danger zone, where people could lose not only their property, but their lives to wildfire. This area is also subject to millions of visitors each year, most of whom visit the region during the summer months – the same time period when fire danger is at its greatest. These dangerous land use decisions are being made without first considering the capacity of the affected roadways to evacuate people during emergencies. Although we cannot remove all of the existing development to protect people from fire danger in the area, we can plan in advance for how to address emergency situations before adding more development that will only increase the threat to public health and safety. It is most appropriate to address these impacts at the areawide planning level (as well as the regional planning level, as we believe TRPA should also be addressing evacuation concerns from a basinwide perspective as well) as evacuation plans and emergency access will involve regional roadways. This impact analysis, and the mitigation that must be developed for it, require areawide planning. Individual project-level reviews are only stop-gap measures that will not mitigate the threat nor address the bigger picture.

We ask that Placer County and TRPA consider whether placing more people in danger and exacerbating impediments to safe evacuations before analyzing how to first deal with the problem is a desirable and responsible land planning approach. We also recommend both entities focus on analyzing the capacity of roadways to handle evacuations, plans for doing so, performance standards to meet, guidelines for approval of new and redeveloped projects, and other issues in order to ensure public health and safety. Not only does this require the areawide planning in the TBAP boundaries, but also regional planning by TRPA. For example, during the 1997 floods, there was a point where the only way in and out of the Basin was SR 267. It took hours to get out of the Basin; imagine if a similar situation occurred during a wildfire event where wind and extreme fuel contribute to rapid spread (as has been the case in other in-Basin fires, including the 2007 Washoe Fire[274] on West Shore and 2007 Angora Fire[275]) and some of our roadways – or even just one of them – were closed. Finally, we note that the loss of a human life, as has occurred in previous

[272] See "Table 6-7 Existing Population and Projected 2035 Population Totals for Area Plan Alternatives." Note the table does not include part-time residents.

[273] As noted in the ED Incentives Draft Hearing Report at http://www.placer.ca.gov/~/media/cdr/Planning/CommPlans/TahoeBasinCPUpdate/DraftAreaPlan2015/Draft%20Hearing%20Report.PDF (p. A-16), and in the NOP (p. 4), Placer County envisions an additional 400 new hotel units. The Hearing Report estimates this will result in 175,200 new visitors per year. In addition, over 1,000 new housing units (with 494 occupied) and 571 additional tourist units are anticipated (Table 6-8, p. 6-12).

[274] "**August 2007 Washoe Fire** – The Washoe Fire started with a structure fire of a home located on the West Shore of Lake Tahoe near the Sunnyside Resort. The fire quickly engulfed one residence, spread to two others and moved into forestlands. The fire spread to two other homes and destroyed them as well. In all, 5 homes were destroyed and 20 acres of forestland burned. Extreme wind fueled and drove the fire, which significantly contributed to the rapid spread." (LHMP, p. 4-138)

[275] http://www.cnpssd.org/fire/angorafireusfsfullreport.pdf

fires,[276] cannot be mitigated to less-than-significant. The current developments planned in the TBAP and larger North Tahoe/Truckee Region will result in greater threats to human life. Placer County is responsible for the protection of public health and safety and approving these increases in development that will further clog already congested roadways jeopardizes the health and safety of millions of people.

B. Flooding and Climate Change:

Our NOP comments identified the need to plan for larger flood events as recommended by meteorological experts (see NOP references), the Lahontan Regional Water Quality Control Board (LRWQCB),[277] and in the most recent assessment of the Truckee River Basin,[278] however the DEIR/S fails to address this potential impact:

> "The NOP and draft Area Plan give very little attention to the need to **adapt** to the impacts of climate change. The document focuses solely on analyzing GHG emissions.[279] However, available climate change information has for years indicated that our precipitation patterns will shift, meaning we will see more rain, less snow, and heavy rains will often come in large, individual storms. This will result in a lot of rain in a short period of time, and, as noted by meteorologists,[280] we need to prepare for larger episodic storms.[281] In fact, meteorologists have continued to warn the public of the likelihood of

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[276] "Past fires in the region have resulted in loss of life, significant losses of property, and substantial damage to habitat and environmental resources." (DEIR/S, p. 19-32)

[277] "The potential risk should not be underestimated or limited to "100-year flood" events based om the available probability data from the 20th century or before; recent published scientific data and models from the U.S. Geological Survey provides substantial evidence of the potential for devastating flooding and damage from "atmospheric rivers" of moisture that reoccur with regularity on a scale of one to several centuries, bringing floods potentially much, much larger than experienced in the last century…Such flood events also have the potential to adversely affect water quality over a significant time period due to the discharge of building materials and waste from damaged infrastructure." (7/17/2015, LRWQCB comments on VSVSP DEIR (p. 5); http://www.placer.ca.gov/~/media/cdr/ecs/eir/vsvsp/comments%20on%20deir/comment_lahontan.pdf?la=en) (attached)

[278] "In a separate but related effort to the Basin Study, Reclamation assessed the potential changes in flood frequency that could occur in the Truckee Basin under future climatic and hydrologic conditions. This flood analysis found an increased probability of a one-day flood exceeding 37,600 cfs, which is the maximum flow recorded in the Truckee River at Reno during the January 1997 flood event considered to be the flood-of-record for the Basin. In fact, future conditions may increase the likelihood of a flood of any magnitude – the Basin may experience more floods like the 1997 event, but would experience more floods considered "less extreme," also. For years 2000 to 2050, the likelihood of a flood event with flows from 20,000 cfs to 40,000 cfs increases between 10 percent and 20 percent from the historical likelihood for such a flood; for years 2050 to 2099, the likelihood for such a flood increases by 30 percent to 50 percent. Analyses that assume future flood frequency will follow the same distribution as historical floods in the Truckee Basin are likely to underestimate the potential for flooding in the future. The flood analysis conducted in parallel to the Basin Study is included in this report as 'Appendix E – Truckee River Flood Frequency and Magnitude Analysis.'" (Truckee River Study Basin Study Report, Dec. 2015, p. 6-9)

[279] "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 associated with the Area Plan and the Tahoe City Lodge Pilot Project will be compared against the conditions contemplated in the Regional Plan EIS, RTP/SCS EIR/EIS, and Lake Tahoe Sustainability Action Plan to determine whether they are within the envelope of what has already been analyzed.…With regards to Tahoe City Lodge Pilot Project impacts on GHGs and climate change, the EIR/EIS will quantify estimated operational carbon dioxide emissions from both stationary and mobile sources." (NOP, p. 16)

[280] http://www.waterboards.ca.gov/lahontan/board_info/agenda/2015/jan/item_13.pdf

[281] Excerpt of Summary Point slide from referenced presentation to the Lahontan Regional Water Quality Control Board, January 2015 included below in NOP comments.

> increased 200- to 500-year Megaflood storm events as a result of climate change.[282] In terms of protecting our future Lake Tahoe environment, now is the time to plan for accommodating more flood water, especially in areas that have been previously mapped as SEZ.
>
> ***The EIR/S must examine the impacts that will result from 200- and 500-year storms, including where the water will go and how it will be managed, under each alternative.***
>
> ***We request Placer County take the opportunity to plan for this now by designing an Area Plan with adequate flood plain protection that accounts for the best available science. The EIR/S must evaluate the impacts of flooding, and identify mechanisms and available land that will be used for flood attenuation." (NOP comments, p. 25-26)***

The DEIR/S only considers the currently mapped 100-year flood plain and relies on existing Placer County regulations[283] and TRPA Code prohibiting new development in floodplains (although exceptions may be granted for certain uses, thus it is not correct to imply that all future development is prohibited in these areas[284]). However, this does not address the issue of planning to handle larger volumes of water throughout the TBAP. Planning must go beyond the 100-year floodplains to include stormwater throughout the entire TBAP area. In addition, this problem is exacerbated by the individual land capability challenges that are changing historical SEZs to lands with higher land capability, resulting in more development on these lands. The water will need to flow somewhere, and as noted previously, the existing 20-year stormwater design is not adequate. Further, the DEIR/S notes that land use changes also impact the ability to handle flooding, yet includes no assessment of how the TBAP's proposed changes (including increased cover in Town Centers) will affect water flow during large flood events.[285]

The DEIR/S also relies on outdated information regarding the frequency of flooding events.[286] However, as noted in information provided by experts (as cited in our NOP comments), the Basin will experience more frequent, episodic flooding events, and as a result, should be planning to handle larger volumes of stormwater.

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[282] http://tahoe.ca.gov/wp-content/uploads/2014/06/files/2013_VO/UTR_/Dettinger_Ingram_sciam13.pdf; http://www.tahoeculture.com/events/north-shore-events/arkstorm-impacts-at-lake-tahoe-at-terc-jan-31/; http://meteora.ucsd.edu/cap/pdffiles/ARkStorm_Summit_Handout_Final.pdf; (copies attached)

[283] Placer County Flood Damage Prevention Regulations (Section 15.52, Placer County Code) (DEIR/S, p. 15-36)

[284] "TRPA Code Section 35.4.2 prohibits additional development, grading or filling of lands within the 100-year floodplain, with limited exceptions provided for outdoor recreation, public service facilities, floodplain crossings, and water quality control facilities." (DEIR/S, p. 15-36)

[285] "The potential for flooding can change and increase through various land use changes and changes to land surface, which result in a change to the floodplain. A change in environment can create localized flooding problems inside and outside of natural floodplains by altering or confining natural drainage channels. These changes are most often created by human activity." (DEIR/S, p. 4-79)

[286] "In its common usage, the floodplain most often refers to that area that is inundated by the 100-year flood, the flood that has a one percent chance in any given year of being equaled or exceeded. The 100-year flood is the national minimum standard to which communities regulate their floodplains through the National Flood Insurance Program. The 500-year flood is the flood that has a 0.2 percent chance of being equaled or exceeded in any given year." (DEIR/S, p. 4-79)

C. Other geologic hazards:

The DIER/S concludes less-than-significant impacts from earthquakes through reliance on California Building Codes.[287] However, earthquakes may result in seiches. According to Figures 14-2 and 14-3, most of the Tahoe City Town Center and almost all of the Kings Beach Town Center fall within the area that could be affected by a seiche,[288] thus more residents and visitors will be located in the areas that could be affected by this natural hazard. In fact, the larger amount of existing development in these locations is noted as a threat.[289] The DEIR/S concludes that the danger of exposure of the increased development and people brought by the TBAP is less-than-significant because site-specific geotechnical reports will be required.[290] However, unless geotechnical engineering can elevate project areas up to 30 feet or higher, development located in the affected areas will still be threatened by seiches. The DEIR/S also relies on evacuation and emergency response plans to mitigate TBAP and TCL impacts. As noted elsewhere, there is currently no analysis of the capacity of Basin roadways to evacuate people or quantify and mitigate potential impacts from new developments, nor stated intentions to perform this assessment and develop sufficient plans, thus there is no basis upon which to conclude less-than-significant impacts. The TRPA and Placer County should first address the Basin's capacity to evacuate and provide emergency access and plan to safely protect human life first, before placing more people and property in harm's way.

18. Greenhouse Gases (GHGs)

We are concerned with the increases in GHG emissions associated with the TBAP. Lake Tahoe deserves up-front measures to protect its nearshore and deep-water clarity and blueness; climate change, a result of increased GHG emissions, is already impacting the lake in numerous negative ways.[291] Therefore, allowing any increase in GHG emissions contributes to further climate-fueled harm to Lake Tahoe. Automobiles are one of the largest source of GHG emissions; failing to implement all available mitigation to reduce vehicle emissions (as well as other motorized emissions such as from boats), as discussed

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[287] "Although the Plan area would experience strong seismic shaking in the event of a large earthquake, the risk to people and structures would be reduced through compliance with the current seismic design requirements of the California Building Standards Code." (DEIR/S, p. 14-34)

[288] "Seiche waves can continue for hours following a tsunami inducing earthquake, causing extensive damage. Modeling of potential earthquakes occurring beneath Lake Tahoe indicate that a fault rupturing seismic event of magnitude 7.0 could trigger a tsunami, followed by seiche with waves of up to 30 feet high along the shoreline of Lake Tahoe (Ichinose et al. 2000). Exhibits 14-2 and 14-3 show the land area within 30 vertical feet of the Lake Tahoe high water elevation in the Tahoe City and Kings Beach Town Centers." (DEIR/S, p. 14-10 to 14-11)

[289] "Because the majority of buildable land within the Tahoe Basin is located along the shore of Lake Tahoe, a seismically induced seiche wave could inundate many communities within the Plan area." (DEIR/S, p. 14-34)

[290] "…compliance with existing TRPA and Placer County permitting requirements, which limit development on steep slopes, require site specific environmental review, and, as appropriate, require geotechnical analysis to identify and mitigate potential geologic hazards would reduce these potential risks to a less-than-significant level." (DEIR/S, p. 14-34)

[291] http://terc.ucdavis.edu/stateofthelake/sotl-reports/2016/2016sotl_v2-sm.pdf; http://terc.ucdavis.edu/publications/documents/state_climate_change.pdf; Coats et. al. 2010, http://terc.ucdavis.edu/publications/documents/climate_change_2010.pdf

with regards to inadequate mitigation strategies for transportation impacts, skirts TRPA and Placer County's responsibility to protect Lake Tahoe.

The following comments focus on the analysis of "Impact 12-3: Impacts of climate change on the project." As the DEIR/S notes:

> "These climate change effects may translate into a variety of issues and concerns that may affect the Area Plan and lodge project area, including but not limited to:
>
> - increased frequency and intensity of wildfire as a result of changing precipitation patterns and temperatures;
>
> - increased stormwater runoff associated with changes to precipitation patterns and snowmelt patterns;
>
> - increased risk of avalanches, mudslides, and flooding associated with changes to precipitation and snowmelt patterns; and
>
> - decreased snowpack resulting in lower water supply during summer months and negative economic effects from impaired winter recreation.
>
> Despite the global effects of climate change, how those effects would impact the project areas would depend on the policies, plan or project designs, and programs in place that would lessen climate change impacts." (DEIR/S, p. 12-31)

The DEIR/S concludes a less than significant impact on the project from climate change. However, as noted in our comments regarding stormwater runoff and design, precipitation patterns, flooding, wildfire threats, and water supply, the DEIR/S analyses of these various impacts is not adequate, nor is the proposed mitigation. As a result, evidence does not support the less-than-significant conclusion.

19. Water Supply

The DEIR/S concludes a less-than-significant impact on water supply from the TBAP and TCL (p. 16-18) by tiering from the RPU's water supply analysis, and by relying on future project-level reviews (which as noted previously, often causes environmental impacts to be overlooked due to bureaucratic and political momentum). However, the RPU's water supply analysis failed to address the potential impacts of climate change and drought on water supply, both to the Lake Tahoe[292] and Truckee River watersheds (see discussion in comments regarding cumulative water supply impacts). The RPU relied on the TROA limits,[293] which were determined before we entered into the historic drought

[292] "The consequences of this change [in thermal dynamics] to the vulnerable Lake Tahoe ecosystem will include exacerbation of existing water quality problems (e.g., reduced mixing, lower dissolved oxygen and/or development of anoxia in the hypolimnion, release of bio-stimulatory nitrogen and phosphorus) and water supply problems (e.g., increased lake surface temperature, higher evaporate rate) driven primarily by climate change." G.B. Sahoo, A.L. Forrest, S.G. Schladow, J.E. Reuter, R. Coats, and M. Dettinger. 2015. Climate Change impacts on lake thermal dynamics and ecosystem vulnerabilities. Limnol. Oceanagr, 00, 2015, 00-00.

[293] "Although the precise location of new development and redevelopment in the Basin cannot be known, on a Region-wide basis, surface water allocation to the Tahoe Region pursuant to the TROA is 34,000 afy, and current Region-wide water demand is approximately 28,079 afy (USBR and DWR 2008). Additional demand generated by the Regional Plan Update alternatives would range from a low of 637 afy for

we've now experienced for five years, and the TROA FEIS did not consider the impacts of such a severe and prolonged drought. Our NOP comments include specific details regarding the failures of the TROA analysis and other circumstances which further threaten water supply in the future (see p. 50-54). In addition, the RPU EIS did not analyze the increased demand that would occur if the Basin's second homes became primary homes, nor did it assess the increased development potential from transfers and conversions of units (associated with recent RPU amendments as well as the proposed TBAP amendment) and the TBAP DEIR/S has also not performed this analysis. We also note that the recent RPU amendment allowing a conversion of CFA and TAU and vice versa relied on a purported comparison of transportation impacts; it did not consider the differences in water demand among these uses;[294] notably the DEIR/S does recognize that converting CFA to TAU increases water demand,[295] however the DEIR/S analysis only considers the new conversions that would be allowed by the TBAP. It does not examine this increase in demand associated with TRPA's 2015 RPU amendment regarding CFA to TAU conversions and therefore does not make up for TRPA's failure to examine the impacts of the 2015 amendment.

The DEIR/S also relies on future project-level reviews to address water supply. However, as water supply is a basin-wide issue, addressing supply and potential mitigation measures are most appropriately considered as part of a higher-level analysis. As the RPU did not perform this review, the TBAP must assess these impacts and include any necessary mitigation measures.

20. Population and housing

Our comments regarding the cumulative impacts on affordable housing (below) are also applicable within the TBAP boundaries. Although there are social and economic issues to consider as well, we herein focus on the transportation and related environmental impacts of the current housing imbalance in the region. Workers who cannot afford housing in the Basin must commute from other areas, thereby contributing to VMT and impacting public health and safety, air quality, water quality, noise, and other resources.[296] This is clearly represented by the majority of jobs in the Basin that employ workers who live outside of the Basin.[297] Policies which inevitably lead to more low-wage jobs in the region will increase the demand for affordable housing. In our NOP comments[298] we

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Alternative 1, to 2,308 afy for Alternative 5, at build-out of remaining and newly authorized allocations. Therefore, sufficient water supplies would be available for any of the alternatives." (RPU DEIS, p. 3.13-11)

[294] http://www.trpa.org/wp-content/uploads/May-27-2015-Governing-Board-Packet.pdf

[295] "However, with implementation of the CFA to TAU conversion program, Alternative 1 could facilitate an increase of overnight visitors associated with the additional TAUs. Consequently, implementation of the Area Plan under Alternative 1 would increase the amount of demand for water supply and conveyance in the Plan area." (DEIR/S, p. 16-19)

[296] "On a typical workday, approximately **11,880** workers commute into the Region and **9,980** residents commute out of the Region for work. •Vehicle emissions negatively impact environmental thresholds." ; http://www.trpa.org/wp-content/uploads/Tahoe-Regional-Housing-Needs-Report-May-14-2014.pdf

[297] "In 2013, the percentage of jobs filled by workers from outside the region was approximately 79 percent on the North Shore and West Shore (U.S. Census Bureau Center for Economic Studies 2015)." (DEIR/S, p. 6-7)

[298] ***"The EIR/s needs to examine the number, duration (seasonal/year-round, full time/part time), and wages associated with the jobs that will be created by the new re/development promoted by the RPU and***

identified the need for the DEIR/S to evaluate the type of jobs that will be available as a result of the TBAP, including the duration and wage of employment. The RPU and TBAP policies favor large redevelopments with a focus on tourism and recreation; it is reasonable to expect that this will create many low-wage part-time/seasonal jobs, as is customary with these kinds of uses.[299] The DEIR/S does estimate the number of new jobs (Table 6-8), but states that evaluating the type of job is difficult due to economic shifts.[300] However, given that Tahoe's economy is, and has for decades, been based on seasonal tourism and recreation, which favors low-wage, part-time jobs, it is not unreasonable to conclude that many of the new jobs are likely to be these kinds of jobs. The recently released "*Truckee North Tahoe Regional Workforce Housing Needs Assessment, August 2016"*[301] discusses many of these issues as well as notes that "seasonality [in employment] is primarily driven by employment changes in the Accommodation and Food Service and Arts, Entertainment, and Recreation sectors" – two of the dominant employment sectors.[302]

Yet the TBAP fails to ensure that the supply will be sufficient to meet the demand. The DEIR/S concludes a less-than-significant impact for three reasons[303] as discussed below.

1. **<u>Implementation of the expanded secondary dwelling unit program:</u>**

   As discussed in our comments on the cumulative housing impacts, the TBAP proposes an amendment that will remove an incentive to provide affordable housing by allowing secondary units to be market rate. Thus, there is no guarantee that such units will provide housing for even moderate income employees, let alone low-income. Home size doesn't necessarily mean the homes will be

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draft TBAP, as well as the Pilot Project. The EIR/S must evaluate this information in light of housing needs, and identify policies and regulations that will ensure adequate affordable housing is provided for the new jobs promoted by the TBAP. We also recommend the 2014 policies noted above (as were included in the housing policies in Placer County's Policy Document) be included in the TBAP. Finally, as the draft TBAP has identified "Opportunity Sites" for development, we request the EIR/S identify potential locations for low- and very low-income housing. Further, the EIR/S should evaluate how policies and incentives will allow for the provision of such housing. Alternatives should include increased requirements for those generating the low- and very low-income jobs to provide adequate housing for the employees and on-site workforce housing". (NOP comments, p. 43)

[299] http://www.ttcf.net/wp-content/uploads/2016/01/FINAL-RHS-Executive-Summary.pdf

[300] "Accurate forecasts of these projections, including the types of employment (e.g., part-time/full-time, minimum wage, seasonal/year-round) are difficult to calculate due to the uncertainty of future economic shifts." (DEIR/S, p. 6-13).

[301] http://www.ttcf.net/wp-content/uploads/2016/01/FINAL-RHS-Executive-Summary.pdf

[302] "The dominant employment sectors in the Study Area include Accommodation and Food Services; Arts, Entertainment, and Recreation; and Construction." (Regional Workforce Housing Needs Assessment, p. 3)

[303] "Area Plan Alternative 1 would support an increase in the development of affordable and moderate-income housing over existing conditions with implementation of the expanded secondary dwelling unit program, development incentives allowed by the Regional Plan, and Placer County requirements for new development to provide workforce housing and reductions in development fees for affordable housing. For these reasons and because the growth management system of the Regional Plan would maintain a balance of jobs and housing to meet demand, this alternative would not induce substantial population growth, either directly or indirectly, such that it would create an additional demand for housing Therefore, Area Plan Alternative 1 would have a less-than-significant impact." (DEIR/S, p. 6-20)

affordable.[304] Unless these units are deed-restricted to affordable housing units, the DEIR/S cannot rely on them to provide affordable housing.

2. **Development incentives allowed by the Regional Plan:**

   Incentives, such as awarding bonus units, may encourage some additional affordable housing. However, as history shows, without assurances or requirements to do so, projects are more likely to be developed for higher profits. A clear example of this is the Gondola Vista project at South Stateline, where although approved with the inclusion of affordable housing units, the developer recently proposed a different use, thus eliminating the affordable housing that was going to be provided as a component of the project.[305] It is not unreasonable to assume that future project applicants will seek to gain the greatest profits for their project, which will result in larger, more expensive units that moderate- and low-income workers cannot afford. Therefore, unless the TBAP includes requirements which limit new development that will create lower income jobs until affordable housing is guaranteed, the existing RPU policies do not guarantee adequate affordable housing supply.

3. **Placer County requirements include the provision of workforce housing and reductions in developer fees for affordable housing**

   As discussed in our comments on cumulative housing impacts, current Placer County programs are only required to provide a portion of the affordable housing needed to support new developments. This exacerbates the situation by allowing developments to create new low- and moderate- income jobs yet not provide housing to support them and over time, the gap widens as recognized by Placer County.[306] In addition, there is often a delay between the payment of mitigation fees and the construction of such housing units.

In our NOP comments, we also requested the TBAP include potential locations for low and very-low income housing. However, no such information was provided. In summary, the TBAP not only fails to ensure adequate affordable housing, but it actually amends one of the RPU's policies to *reduce* the amount of deed-restricted affordable housing. Worse yet, this is being done as we are in the midst of an affordable housing crisis throughout the region.[307] Further, as reflected in the RPU's policies, environmental protections are often waived or weakened in order to accommodate affordable housing (i.e. the provision to allow new units without requiring residential allocations, which were developed to limit future growth capacity). Therefore, as the proposed TBAP has the potential to further increase the demand for affordable housing while not ensuring

[304] http://www.hcn.org/articles/tiny-houses-are-not-the-solution-to-the-rural-wests-housing-crunch/ (attached)
[305] http://southtahoenow.com/story/05/10/2016/new-condo-development-planned-property-adjacent-van-sickle-bi-state-park
[306] "[Placer] County also recognizes that compliance with Policy C-2 by development projects in the County will not by itself completely solve this social challenge, and that employees will still need to commute, share accommodations, etc…" (VSVSP, FEIR, p. 3.2.3-9)
[307] http://www.tahoedailytribune.com/news/23328607-113/the-faces-of-tahoes-affordable-housing-issue-three-stories

sufficient supply, it is reasonable to expect that additional measures may be proposed in the future to facilitate increased affordable housing which will have negative impacts on the environment. As a result, there is no evidence to support the assertion of less-than-significant impacts for Impacts 6-1 and 6-2.

21. Air Quality

The DEIR/S concludes less-than-significant for Impact 11-3: Long-term operational emissions of ROG, NOX, PM10, and PM2.5 and Impact 11-7: Atmospheric deposition of NOX and phosphorus in large part by tiering from the RPU EIS (see Chapter 11). However, there are significant deficiencies with the air quality analysis that were not corrected in the final EIS.[308] One of the large problems with the RPU EIS analysis was the failure to adequately account for boating impacts on Lake Tahoe. The TBAP expands this error by assuming no additional boats,[309] although the TBAP will draw more people to the area. In addition, boat use from the substantial cumulative development increases in the Region will increase as 1,000's of new units will be constructed in the "resort triangle" area (Truckee/Northstar/North Tahoe/Squaw Valley/Alpine Meadows). It is reasonable to expect that with more people will come more boats and other motorized recreational equipment; in fact, TRPA has recently noted that recreation demands on Lake Tahoe will increase.[310] As noted in our comments on the RPU EIS, a substantial number of boats on Lake Tahoe are brought in from outside of the Basin. However, boats are not even mentioned in the TBAP DEIR/S's cumulative impact discussion on air quality. The FEIR/S must address the TBAP and TCL-related increases in boat emissions as well as the potential cumulative increases from regional development.

22. Cumulative Impacts

The cumulative impact analysis in the TBAP DEIR/S tiers from the RPU EIS and RTP EIR/S, noting that the cumulative analysis evaluates only new projects or proposals that would substantially alter the cumulative context and analysis, or new or refined features of the proposed TBAP that can contribute to cumulative impacts.[311] However, there are numerous cumulatively considerable impacts that have not been adequately analyzed.

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[308] RPU DEIR comments 6/28/2012, p. 170-231

[309] Table 11-8. See footnote: "No adjustments were made to the estimate of waterborne emissions provided in the RPU EIS." (DEIR/S, p. 11-26).

[310] "There will be a drive for increased demand for recreation access in the Basin. As a regional entity, TRPA needs to plan and execute on it." (Joanne Marchetta, 10/28/2015 GB hearing minutes, p. 4) [attached]

[311] "Because the proposed Placer County Tahoe Basin Area Plan was prepared to implement the Lake Tahoe Regional Plan and is consistent with its goals and policies, which were evaluated in the EIS for the Regional Plan Update (RPU, December 2012), cumulative impacts of the Area Plan are addressed in light of the information in the RPU EIS. The Tahoe Metropolitan Planning Organization (TMPO) *Regional Transportation Plan: Mobility 2035 and Sustainable Communities Strategy* (RTP/SCS) was developed concurrently with the RPU and is a long-range plan to implement a transportation system in the region. The cumulative impacts of the Area Plan are also considered within the context of the impacts identified in the RTP/SCS EIR/EIS…Where new projects or proposals not previously considered in the RPU EIS or RTP/SCS EIR/EIS would substantially alter the cumulative context and analysis, these projects are addressed herein. In addition, where new or refined features of the proposed Area Plan (e.g., map revisions, land use changes, and Area Plan programs and standards) can contribute to cumulative impacts, those effects are also addressed herein." (DEIR/S, p. 19-1)

A. Cumulative Land Use Impacts:

Cumulative Land Use impact 5-1: Cumulative Impacts to the regional development pattern

The DEIR/S claims the impacts of the "limited conversion" of CFA to TAUs associated with the Regional Plan and TBAP were determined to be approximately equivalent with respect to certain environmental impacts.[312] TRPA's RPU amendments allowing the conversion of CFA to TAUs (cited previously) included only a cursory "checklist" review of the environmental impacts of the amendment. No EIS or even EA analysis was completed to analyze the full suite of potential impacts that could result, nor was the public provided the opportunity to review and consider the comprehensive impacts from these changes. Although the DEIR/S claims this conversion program is subject to a "finite" number of allocations,[313] the potential increases in development (associated with each allocation) from these conversions go above and beyond the development increases evaluated by the RPU EIS. As noted in our comments on the proposal, there were numerous technical deficiencies and unsupported assumptions used in the 'analysis' of this change. The impacts of TAU morphing were also not considered in the amendment. This deficiency is magnified by the TBAP's reliance on the same conversion formula to allow even more conversions to TAUs.[314]

The TBAP EIR/S must analyze all environmental impacts of the CFA to TAU conversion, including the full extent of commodities that this would apply to, whether such commodities would come from conversions of new or existing units, pooled units, transfers/conversions, and where such units would be subject to commodity and bonus unit limits.

Cumulative Land Use Impact 5-2: Cumulative impacts resulting from land use classification changes, including expansion or intensification of non-conforming uses

The DEIR/S concludes less-than-significant cumulative impacts to land use classifications for two reasons.

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[312] "New development and redevelopment proceeding from the Regional Plan and Area Plan alternatives would be limited to the TRPA established allocation limits and land use designations, as modified by the limited conversion of CFA to TAUs for Alternatives 1 and 3, the ratio of which was determined to be approximately equivalent with respect to certain environmental impacts (e.g., traffic generation)." (DEIR/S, p. 19-4)

[313] "The limited conversion of CFA to TAUs for Alternative 1 (400 additional TAUs and 181,600 fewer square feet of CFA) and Alternative 3 (200 additional TAUs and 90,800 fewer square feet of CFA) would still occur under a system of finite allocations, and in accordance with a plan that emphasizes concentration of development in Town centers." (DEIR/S, p. 19-4)

[314] "Limited Conversion of CFA to TAUs: The Area Plan would establish a pilot program for the limited conversion of CFA to TAUs for existing development (held by property owners) and for the CFA supply held by Placer County. (Note: TRPA Code Section 50.10.1 currently permits the opposite conversion, TAUs to CFA.) Limitations on the program include:
1. The conversion ratio shall be 450 square feet of CFA = 1 TAU;" (DEIR/S, p. 3-17)

1) The DEIR/S states that cumulative development outside of the Basin would not contribute to this effect (p. 19-5). However, as described in our comments on the proposed MVWPSP,[315] out-of-Basin development has the potential to change land use in the Basin. Approval and construction of the MVWPSP will provide the infrastructure that will support the proposed in-Basin Brockway Campground, as well as make it more likely that findings related to "being near existing development" would be made for the Brockway Campground, allowing increased development.
2) The DEIR/S concludes that future proposed land use changes would be reviewed as RPU amendments and will therefore be subject to environmental review. However, just as the TBAP now claims TRPA analyzed the impacts of the CFA to TAU conversions, review of future RPU amendments may simply 'tier off' of previous environmental documents and/or perform minimal reviews through "environmental checklists."

The TBAP should require that any future proposed land use changes be subject to complete and comprehensive environmental analysis. Provisions for Placer County to also evaluate the impacts of out-of-Basin projects on in-basin land uses and their environmental impacts should be included in the TBAP.

B. Cumulative Population and Housing Impacts:

Cumulative Impact 6-1: Cumulative location, distribution, density, and growth rate of population and housing and Cumulative Impact 6-2: Population growth and housing demand:

The DEIR/S concludes a less-than-significant impact related to population growth that would create additional demand for housing such that an adverse physical effect on the environment would occur.[316] The DEIR/S acknowledges the increased employment associated with regional projects such as VSVSP and MVSPSP, then dismisses the impacts that increased employment will have regarding housing based on the claims noted below.

1) Number and type of new jobs:

   The DEIR/S speculates that employment opportunities would be limited and seasonal from the new residential component,[317] although the environmental

[315] http://friendswestshore.org/wordpress/wp-content/uploads/2015/12/FOWSTASC-MVWPSP-DEIR-Comments-12.20.2015.pdf; http://friendswestshore.org/wordpress/wp-content/uploads/2016/06/FOWSTASC-MVWPSP-FEIR-Comments-6.6.2016-for-6.9.pdf http://friendswestshore.org/wordpress/wp-content/uploads/2016/07/FOWSTASC-MVWPSP-comments-for-PCPC-7.7.16.pdf

[316] "Cumulative projects would not induce substantial population growth, directly or indirectly, that would create additional demand for housing such that an adverse physical effect on the environment would occur. This would be a less-than-significant cumulative impact." (DEIR/S, p. 19-7)

[317] "Because the residential component of these projects includes a substantial number of second homes, and employment opportunities would be limited in number and potentially seasonal, the cumulative projects would not have a substantial effect on the distribution of population, employment, and housing such that it could result in significant cumulative effects." (DEIR/S, p. 19-6)

documents for the many regional projects all identify additional jobs for each project.[318] Also, seasonal employees still require housing, therefore the DEIR/S's claim that there will be less demand for housing because jobs may be seasonal makes little sense.

2) Mitigation for employee housing units:

The DEIR/S lists numerous current and future projects that will generate additional jobs[319] (which by their nature as recreational resorts, second homes, and commercial projects, are likely to include primarily jobs in the service/retail/recreation industry that are minimum-wage, seasonal/part-time employment such that employees will require low-income affordable housing) but also relies on Placer County Codes for mitigation, which require "*Housing development projects in Placer County…to set aside at least 15 percent of the total housing units for affordable housing (Placer County Code Section 15.65.130), and new development projects…to provide housing for 50 percent of FTE employees of the project, either through constructing new employee housing, dedication of land for needed units, or payment of an in-lieu fee to the County (Placer County General Plan Policy C.2).*" (p. 19-7). This mitigation may be done through constructing new employee housing, dedication of land for needed units, or payment of an in-lieu fee to the County. However, there are several reasons the referenced Code does not mitigate the cumulative impacts to affordable housing. First, these requirements only provide housing for a *portion* of the new employees; the cumulative impacts of multiple projects each providing housing for (or paying an in lieu fee for) only a portion of the new employees result in a larger number of employees in need of housing that is for the most part not available in the area, as evidenced by numerous recent reports and articles cited previously.[320] Second, in-lieu fee payments or dedication of land does not guarantee that adequate affordable housing is available for employees *when their jobs begin*. There is often a delay between the collection of mitigation fees (and project construction) and the use of those mitigation fees to construct affordable housing, just as there would be substantial lag time between dedicating land for this use and actually constructing the housing on the land. The TBAP must fully address the critical needs for employee housing that the Plan creates and allows.

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318 http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/villageatsquawvalley/draft%20eir; http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/martisvalleywestparcel/draft%20eir

319 "Cumulative development in the region, to the degree that it is not offset by redevelopment projects, would generate a small increase in employment both within the Tahoe Basin (e.g., VOLTAIX Commercial Project, Boulder Bay, 6731 Tahoe Timeshare, Brockway Campground, and Homewood Mountain Resort Ski Area Master Plan), and outside the Tahoe Basin (e.g., Martis Valley West Parcel Specific Plan [MVWPSP], Martis Camp, Northstar Mountain Master Plan, Northstar Highlands Phase II, Joerger Ranch Specific Plan, Tahoe Expedition Academy, Village at Squaw Valley Specific Plan)." (DEIR/S, p. 19-7)

320 In addition, in 2013 there was just one rental housing complex in the North Shore (Kings Beach Housing Now [previously referred to as "Domus"]) and it had a waiting list of 150 households, and a majority of demand for subsidized housing was coming from area employees. http://www.trpa.org/wp-content/uploads/Tahoe-Regional-Housing-Needs-Report-May-14-2014.pdf

3) Housing demand impacts to the Basin from regional projects:

In addition, as noted in the VSVSP EIR, a significant number of those employees live in the Lake Tahoe Basin. It is reasonable to assume that employees for regional projects in the Truckee/Northstar/Squaw Valley area will also seek housing in the Lake Tahoe Basin.

4) Secondary units

The RPU strategy for providing additional affordable housing included and amendment allowing second units to be constructed on parcels that are less than 1 acre in size in order to encourage more affordable housing.[321] However, the TBAP proposes to change this requirement so such second units are not deed-restricted for affordable housing, and instead can be used as market-rate housing.[322] As a result, the TBAP's proposal further decreases the availability of affordable housing in the Basin and fails to comply with TRPA's approach to ensuring more affordable housing. Thus, the TBAP, along with regional projects, will add more low-paying jobs which will increase the demand for affordable housing, yet proposes to reduce regulations aimed to provide affordable housing. This will no doubt exacerbate existing problems with locating affordable housing and increase pressure for such housing, which will potentially result in additional environmental impacts in the future (though the construction of additional housing and/or increase VMT and congestion associated with employees commuting from outside the region).

TBAP – cumulative impacts:

All together, these regional and local projects result in a cumulatively considerable widening gap between housing needs and the availability of affordable housing, and increase the demand for additional affordable housing. Notably, the TBAP bases conclusions on the "in-basin" impacts (claiming the number of new jobs will roughly equal the number of available housing units *in the Tahoe Basin)*,[323] although this chapter is supposed to evaluate the *cumulative* impacts of *regional* projects. The RPU also did not examine the demand for housing that would be created by regional projects outside of the Lake Tahoe Basin.[324]

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[321] http://www.trpa.org/wp-content/uploads/Tahoe-Regional-Housing-Needs-Report-May-14-2014.pdf

[322] "In addition to allowing residential uses in mixed-use areas, Alternative 1 would expand upon TRPA Code Section 21.3.2 to allow market-rate secondary dwelling units on certain residential parcels less than one acre in size within the Plan area." (DEIR/S, p. 5-23)

[323] "Implementation of Area Plan Alternatives 1 and 3 would result in a balance of jobs and housing, where the number of jobs would roughly equal the number of available housing units in the Tahoe Basin." (DEIR/S, p. 9-7)

[324] "As described in the RPU EIS, growth in the Tahoe Basin, including the Plan area would be modest, the jobs-to-population ratio would remain relatively constant, and the cumulative projects in the Tahoe Basin would be limited by the established allocation limits and land use designations described in Chapter 5, "Land Use," and location of development, as identified in the Area Plan Land Use Map (see Exhibit 5-1)." (DEIR/S, p. 19-6)

Further, the TBAP does not identify the ongoing market for vacation rentals that is being created by converting existing housing into short-stay rentals, thereby removing even more potential low-and moderate income housing for low-wage employees.

TCL – cumulative impacts:

The same problems exist in regard to the TCL evaluation, as the Lodge will result in an increase of approximately 29 FTE compared to baseline conditions, yet will only be required to mitigate a portion of the housing for the new employees (as it will be subject to Placer County's requirements).[325] The DEIR/S does not identify how or where the other half of the new employees will be housed.

In conclusion, the DEIR/S has not evaluated this impact nor provided adequate mitigation. Not only will this create social and economic impacts in the area, but it will also result in more driving, thereby creating additional VMT and associated environmental and public health and safety impacts.

C. Cumulative Scenic and Night Sky Impacts

Cumulative Impact 9-1: Cumulative effects on scenic or visual quality, Cumulative Impact 9-2: Cumulative effects on community character, and Cumulative Impact 9-3: Cumulative effects from light and glare

The DEIR/S concludes there will be no cumulatively considerable impacts on scenic or visual quality, community character, or light and glare from the TBAP or TCL based on the application of existing TRPA regulations to projects both within and outside of the TBAP boundaries (p. 19-13). Notably TRPA regulations would only apply to projects within the Tahoe Basin, thus not all projects adjacent to the TBAP boundaries would be governed by TRPA's Code. However, the DEIR/S includes no scenic or light pollution analysis of the combined impacts of the increased heights allowed in Town Centers both within the TBAP and outside of it (e.g. Incline Village and North Stateline) from public vistas where buildings in both Centers would be visible (e.g. areas of the Tahoe Rim Trail, mountaintops, and on Lake Tahoe), nor did the RPU analyze this impact. In addition, impacts from light and glare will be visible from far greater distances than daytime scenic impacts, as recently acknowledged by Placer County.[326] The TBAP also includes no additional policies to address the cumulative impacts that may occur from developments such as the MVWPSP (although the DEIR/S states there are no scenic or night sky impacts from this project, extensive public comments from FOWS, TASC, and

[325] "The Tahoe City Lodge would not directly result in any permanent housing, and would generate approximately 66 full-time equivalent (FTE) employees, an increase of approximately 29 FTE as compared to baseline conditions. The project would conform to the Area Plan, and thus to the Regional Plan. Because the Area Plan, in combination with other cumulative development would result in a less-than-significant cumulative effect on population, employment, and housing, it follows that the contribution of the Lodge project would not be cumulatively considerable." (DEIR/S, p. 19-6)

[326] "As shown in these profiles, only at a substantial distance is the project site visible from portions of the Tahoe Rim Trail. For example, the site can be seen from General Creek, Marlette Peak, and South Camp Peak, but these viewpoints are over 19, 11, and 17 miles, respectively, from the MVWPSP site." (MVWPSP, Final EIR, p. 3-13) [attached]

others have identified significant problems with the applicable analyses in the MVWPSP EIR as well as cumulative impacts associated with the MVWPSP and Brockway Campground [cited previously]). The TBAP also lacks any analysis of how projects in areas adjacent to the TBAP may affect community character (for example, changes at North Stateline just outside of the TBAP will impact community character on the California side, which is within the TBAP boundaries).

The TBAP EIR/S must analyze the potential cumulative scenic and night sky impacts from increased heights in the Town Centers in combination with existing buildings (e.g. North Stateline), proposed buildings (e.g. Boulder Bay), potential increased heights in other Centers (i.e. Incline Village), and projects outside of the Tahoe Basin that may be visible from in-Basin viewpoints. It is important for the DEIR/S to disclose the increased night light that occurs from taller buildings, with more lighted windows at higher elevations than existed previously. For example, the comparison between the existing and proposed TC Lodge buildings with up to four story-high lighting will change the amount of light in Tahoe City from an area that is relatively dim under current existing conditions.

In addition, the TBAP should include provisions to prevent cumulative impacts from out-of-Basin projects that may result from projects within the TBAP. For example, where the MVWPSP project relies on tree cover to mitigate scenic and night sky impacts from the Basin, the TBAP should include policies to prevent in-Basin projects from removing those trees. The EIR/S must also assess the potential impacts to community character from development in areas adjacent to the TBAP boundaries.

D. Cumulative Transportation Impacts:

The following impacts have not been adequate analyzed and as a result, directly impact the analysis of cumulative transportation impacts. Further, the technical deficiencies identified previously in the transportation analysis, which is noted as 'reflective of cumulative transportation conditions'[327] also infect the analysis of cumulative impacts. While some of these deficiencies are called out below, not all are repeated here. In addition, the failure to examine potential increased growth impairs multiple impact assessments; according to the TRPA, "*Projections show the number of annual visits increasing by up to 20% in the next 20 years*."[328] This is a significant impact to LOS and VMT (and all affected natural and public health and safety resources) that TRPA and Placer County must anticipate and sufficiently plan for.

Reliance on deficient traffic analyses of regional projects:

The DEIR/S notes that the cumulative analysis considers additional traffic from regional projects.[329] However, as noted previously, the DEIR/S relies on the

[327] "…the transportation analysis in Chapter 10 is reflective of cumulative transportation conditions in the Tahoe Basin." (DEIR/S, p. 19-14)
[328] http://www.linkingtahoe.com/input/
[329] "The analysis in Chapter 10 also reflects some, but not all, of the cumulative growth that could occur outside of the Tahoe Basin. The cumulative analysis below considers additional traffic increases that could occur as the result of growth outside of the Tahoe Basin, including Martis Valley, the Squaw Valley/Alpine Meadows area, and Truckee." (DEIR/S, p. 19-14)

transportation analyses in other environmental documents for these projects which contain significant technical errors causing a potential underestimate of impacts, as identified in comments submitted by FOWS, TASC, the League to Save Lake Tahoe, Sierra Watch, Mountain Area Preservation and other organizations and citizens. As a result of relying on those estimates, the TBAP DEIR/S also underestimates the potential cumulative impacts of the TBAP.

Traffic increases due to economic recovery:

As noted in our previous comments, there were significant technical deficiencies in the RPU and RTP environmental analyses which resulted in the underestimate of traffic impacts in the Basin. One glaring example is the failure to consider the traffic increases that would occur as the economy recovered (discussed previously). In 2015 and 2016, traffic increases in the Basin have been significant,[330] yet no new large development projects were constructed during this time. An air quality expert reviewing the 2011 TER also recommended the RPU/RTP include an "air cushion" to account for economic recovery. Our comments on the draft RPU EIS suggested a potential increase in traffic around 7% could occur just from economic recovery (p. 222). By selecting 2014 as the "base year"[331] and then only analyzing increases associated with the TBAP, these cumulative impacts are again ignored by the analysis. Further, the DEIR/S' conclusion that existing conditions are reflected by the analysis[332] is not supported by the record, since past and present projects have resulted in the existing infrastructure that currently exists in the Basin and this infrastructure has the potential to draw more traffic (and observations over the past two years indicate it is already drawing more traffic to the Basin again). While TRPA and Placer County may argue that the selection of 2014 was appropriate given the nature of environmental documents, this does not relieve the agencies or TCL applicant of the responsibility to address the impacts of reasonably foreseeable traffic increases on the Basin's roadways. In fact, had the analysis included the traffic impacts that would occur from economic recovery (and/or accounted for the maximum traffic that has occurred on Tahoe's roadways in the long term – that is, prior to the 2005 traffic year erroneously used to represent the "long term" analysis as discussed in our transportation comments), the traffic increases we have seen in 2015 and 2016 would have already been incorporated into the cumulative transportation analysis, thus providing a sufficient estimate of maximum potential traffic and opportunity to identify mitigation of said impacts.

Future increases from approved, but not-yet-built projects:

Several already-approved projects that will generate additional traffic have not been built yet (e.g. Boulder Bay, Homewood Village Resort). As model estimates rely on traffic counts, the impacts from these developments have not yet been incorporated

[330] http://southtahoenow.com/story/02/12/2016/information-and-education-key-eliminating-south-lake-tahoe-traffic-jams; http://southtahoenow.com/story/03/13/2016/slow-moving-exodus-south-lake-tahoe

[331] "The available traffic counts on SR 28 for 2005 through 2014 (the most recent year available) throughout the Plan area were reviewed, and the results are illustrated in Appendix G." (DEIR/S, p. 10-5)

[332] "The cumulative effects of past and present projects on the environment are reflected by the existing conditions in the Plan area and Tahoe City Lodge site." (DEIR/S, p. 19-4)

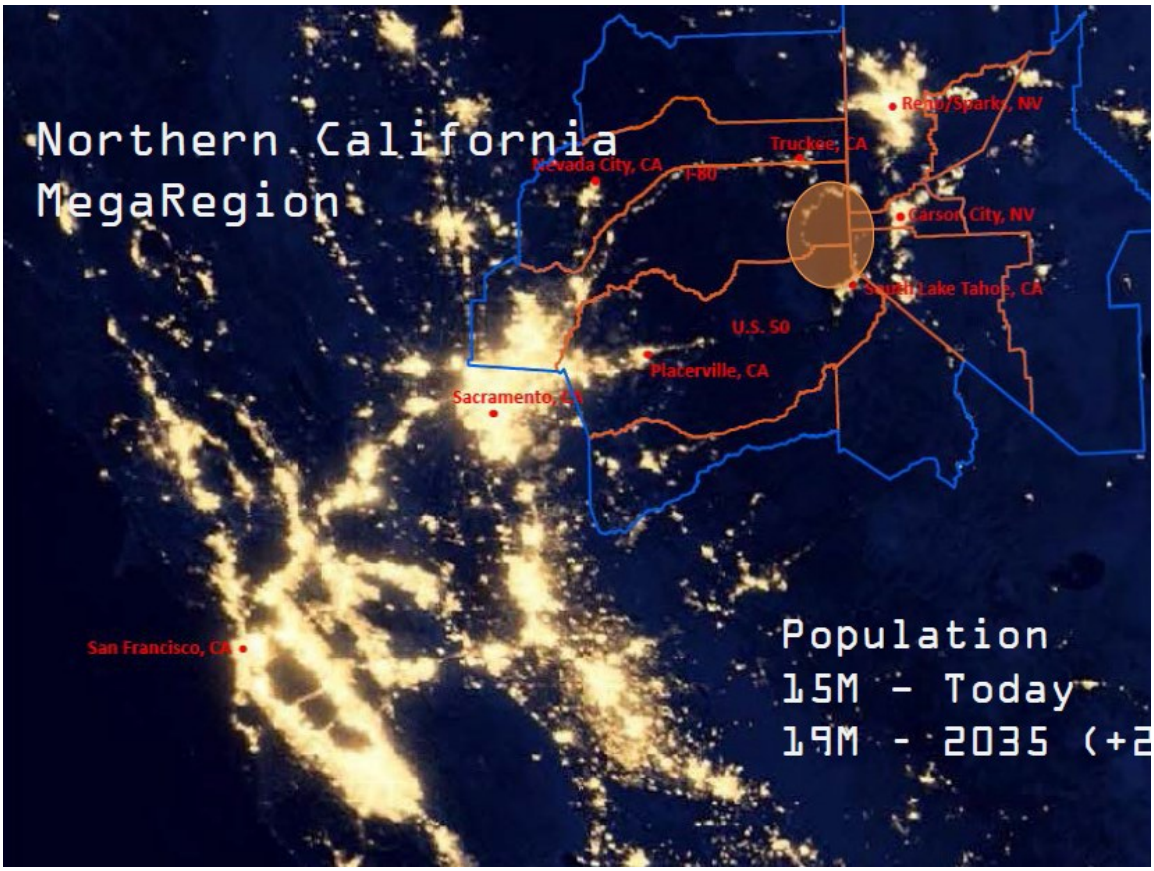
into the cumulative impact analysis nor considered in light of the existing traffic levels.

Increases from transfers/conversions of uses (e.g. TAU morphing):

The analyses also failed to consider the increased traffic associated with the transfers and conversion of uses. The morphing of TAUs (discussed previously) is a clear example of how traffic impacts from one small unit can be substantially increased, yet not considered in the cumulative traffic analysis.

External growth impacts on day trips into the Basin:

As millions more people move to adjacent areas in Northern California and Nevada more will drive into the Tahoe Basin.[333] For example, TMPO staff reported an anticipated increase of four million people over the next twenty years:



http://www.trpa.org/wp-content/uploads/Presentation-Agenda-Item-No.-VII.D-North-Lake-Tahoe-Transportation-Update-TRPA.pdf

The RPU EIS assumed that 60% of the motorists entering the Tahoe Region were visitors, [334] and more recently, TRPA estimates a 20% increase in visitor trips over

[333] http://www.sierrasun.com/news/opinion/23112620-113/trpa-opinion-working-hard-to-protect-lake-tahoes

[334] RPU EIS, Appendix E, p. E.7-14.

the next 20 years.[335] This will clearly increase the impacts on the Basin's roadways. However, the proposed mitigation is not sufficient to address plan-related traffic increases, let alone deal with the cumulative impacts of traffic – which the DEIR/S inexplicably claims will be mitigated through the same inadequate mitigation measures discussed for mitigation of the TBAP.[336] In addition, day visitors are less likely to utilize transit when there is little incentive to do so and/or little disincentive to driving their own vehicle, especially as they already have their personal vehicles and are likely carrying luggage, recreational equipment, children, pets, etc. This is reflected in the response to the recent TART survey where only 13% of respondents were area visitors and only 11% were overnight visitors, suggesting perhaps 2% of the passengers may have been day visitors.[337] Although TRPA may have no legal authority to limit the number of people entering the Basin, TRPA is responsible for ensuring thresholds are met. Significant changes will be necessary to address the impacts from millions of additional potential day trips into the Basin. The DEIR/S mentions one method to address this – toll roads or basin user fees[338] which the RPU Final EIS noted "*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"* (Volume 1, p. 3-462) – but then dismisses this option due to difficultly with implementation, although the RPU EIS confirmed this option could be legally implemented.[339] The RPU DEIS also included intercept lots at basin entry points coupled with transit shuttles in the Alternative 2 analyzed in that document.[340] That it may be difficult to implement is no excuse for dismissing mitigation options. TRPA clearly stated the legal basis by which the agency could implement these options in the RPU FEIS, as noted previously. The Compact does not prescribe TRPA meet threshold standards only when doing so is 'easy.' These impacts must be addressed, whether through these suggestion mitigation measures and/or other appropriate measures. The RPU does not include mitigation for, and future project-level reviews will certainly not include mitigation for, increased day use traffic; the area plan is the appropriate time and place to include measures to handle these increases in traffic. Otherwise, status quo will continue and our roadways will become even more congested, our environment more polluted, and our health and safety more threatened.

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[335] http://www.linkingtahoe.com/input/

[336] "Implementation of Mitigation Measure 10-5 would establish a funding mechanism that would facilitate increased transit service during peak periods. This increased transit service would accommodate typical peak-period transit loads that would occur with Area Plan Alternatives 1, 2, and 3 under cumulative future conditions." (DEIR/S, p. 19-18).

[337] TART 2016, p. 30.

[338] "In addition to the financial resources that would be required to operate additional transit vehicles throughout the peak season, generating the necessary increase in ridership even if the service could be provided would require substantial auto use restrictions (such as roadway tolls or substantial parking fees), which may not be possible due to the mix of private and public parking opportunities in the Plan area. Thus, this potential mitigation would be infeasible." (DEIR/S, p. 10-32)

[339] "Any road user fees would be required to comply with federal regulations and Compact restrictions, and therefore would not represent an illegal element of Transportation Strategy Package B (and Alternative 2)." (See full response to I129-6 in the Final RPU EIS, Volume 1, p. 3-462 to 3-463)

[340] "This strategy package corresponds with Regional Plan Update Alternative 2. It includes more aggressive strategies to encourage alternatives to automobile travel, including intercept lots at basin entry points coupled with transit shuttles and road user fees." (RPU DEIS, p. 3.3-31)

Cumulative Impact 10-1: Roadway LOS under 2035 cumulative scenarios; Cumulative Impact 10-3: Intersection LOS under future cumulative scenarios; and Cumulative Impact 10-5: Cumulative transit service and operations

See previous comments regarding DEIR/S analysis of LOS and transit-related impacts.

Cumulative Impact 10-2: Impact on local residential streets under 2035 cumulative scenarios:

To mitigate potential cumulative impacts to traffic increases on Fairway Drive, Placer County proposes to conduct traffic counts on Fairway Drive between Bunker Drive and Grove Street for a two-week period in August "at least every 5 years." (p. 19-17). As noted in our previous comments, the EIR/S must first examine the actual capacity of this roadway given local conditions, including snow removal needs, to assess an appropriate significance threshold. Second, to prevent cumulative impacts, roadway counts should be collected at least annually. The DEIR/S provides no explanation for why counts would only be required every five years. As is clear in the long term traffic trends, and has been widely observed over the past two years, traffic levels can significantly increase on just an annual basis. Every five years is not sufficient enough to prevent potential cumulative impacts to Fairway Drive.

Cumulative Impact 10-4: Cumulative vehicle miles traveled

See previous comments regarding DEIR/S analysis of VMT. In addition, as noted above, the potential increases in traffic associated with economic recovery and other factors (in other words, VMT increases that may occur regardless of whether new development is constructed), are also significant. For example, the DEIR/S notes that current VMT is approximately 4.6% below the level that would violate the regional VMT standard.[341] However, the TBAP and TCL, combined with the cumulative impacts of economic recovery/increases on existing infrastructure (potentially 7% or greater), the VSVSP, and the MVWPSP, could easily violate the regional VMT standard – even without the consideration of any other regional projects. Further, based on the significant increase in traffic, it's possible that the regional VMT standard is not restrictive enough to avoid unacceptable future local impacts within the TBAP boundaries and/or Town Centers over the next few years. Protecting public health and safety as well as Tahoe's environment may require a more restricted standard.

In addition, the baseline VMT (for 2014) do not include the VMT increases associated with approved but not-yet-built projects, such as Boulder Bay and Homewood Village Resort.

[341] See "Table 10-12 Region-Wide Daily Summer VMT Under Build-Out by Alternative." (DEIR/S, p. 10-39): Difference between baseline value (1,937,070) and VMT threshold standard (2,030,938) is approximately 4.6%.

E. Cumulative Geology, Soils, Land Capability, and Coverage Impacts:

See previous comments regarding DEIR/S analysis of coverage impacts.

F. Cumulative Hydrology and Water Quality Impacts:

Cumulative Impact 15-1: Cumulative adverse impacts to water quality; Cumulative Impact 15-2: Potential for increase in stormwater runoff or alteration of drainage patterns; and Cumulative Impact 15-3: Cumulative risks from exposure to flood hazards

As noted in our comments, the insufficiency of the 20-year storm design combined with failures associated with relying on BMPs results in the likelihood that stormwater systems designed per the TBAP requirements will not adequately treat stormwater. This will result in more polluted water runoff coming from impervious surfaces (which are increased by the TBAP) and flooding, threatening lake water quality and clarity, altering drainage patterns, and increasing the risk from flood exposure. From a cumulative perspective, the combination of even small volumes of untreated stormwater running from numerous individual projects could be significant when considered together. Therefore, the same flaws that permeate the TBAP and TCL analyses also affect the cumulative analysis.

G. Cumulative Water Supply/Demand:

The EIR/S must consider the potential for the TROA to be amended as climate change and drought threatens our water supply.[342] For example, as groundwater is further depleted and precipitation patterns change, it is reasonable to expect that the volume and/or timing of water provided by the Truckee River will decrease, resulting in the potential for future amendments to the TROA agreement. As noted previously, the TROA FEIS did not consider the long term impacts of the historical drought we are currently experiencing in the west, nor long-term changes associated with climate change. In fact, a recent study of the Truckee River Basin (notably seven years after the final TROA EIS was certified) identified concerns with climate-related impacts on water supply (Truckee Basin Study Basin Study Report December 2015[343]):

> "The Truckee River has never had surplus water: each drop from its headwaters at Lake Tahoe to its terminus at Pyramid Lake serves important human uses and ecological functions. As a result, even small changes in future conditions (e.g., increases in demand or changes in climate) are perceptible and potentially contentious…Climate change, drought uncertainties, and source water

[342] E.g. "The report identifies climate change as a growing risk to Western water management and cites warmer temperatures, changes to precipitation, snowpack and the timing and quality of streamflow runoff across major river basins as threats to water sustainability. Water supply, quality and operations; hydropower; groundwater resources; flood control; recreation; and fish, wildlife and other ecological resources in the Western states remain at risk." (U.S. Dept. of the Interior: https://www.doi.gov/pressreleases/interior-department-releases-report-underscoring-impacts-climate-change-western-water)

[343] http://www.usbr.gov/watersmart/bsp/docs/finalreport/truckee/tbsbasinstudy.pdf

> contamination were identified as the largest threats to water supply quantity and quality…The climate of the Truckee Basin is characterized by cycles of flood and drought, with precipitation and runoff varying widely from year to year. Runoff patterns and variability have driven streamflow, lake levels, evaporation, and groundwater recharge, all of which underpin the current water management. Thus, the availability of water to meet demand in the Truckee Basin is largely related to annual weather conditions and overall climate. While the ecosystems and infrastructure of the Truckee Basin are well suited to the historical variability in water supply, climate changes may create new challenges for either or both." (p. 3-1) [Emphasis added]
>
> "Increases or decreases in average annual precipitation would directly influence the availability of water supplies by changing the amount of water running off into the Basin's lakes, rivers, and streams, as well as the amount of water recharging groundwater resources." (p. 3-29)
>
> "Surface runoff of precipitation is the primary source of water supply in the Truckee Basin; changes in the quantity of precipitation would have a direct influence on water supply availability." (p. 3-51)
>
> Even with the increased precipitation that occurs in some climate ensembles, snowmelt and runoff will occur earlier and potentially result in less water available in reservoirs during the spring and summer. Temperature increases could also cause more precipitation to fall as rain and cause snowpack to melt sooner and faster. Under these conditions, the Basin's current storage capacity and operations may not be suited to manage the water supply. (p. 3-56)

The TBAP must address the potential cumulative impacts on demand throughout the Lake Tahoe and Truckee Watersheds.

Finally, the EIR/S must consider the water demand associated with the change from use of second homes to primary residences or more frequently used visitor rentals throughout the region, which could be substantial given the current high vacancy rate.[344] Our NOP comments[345] noted the need to evaluate this change within the Tahoe Basin (which was not addressed by the DEIR/S); the proliferation of second homes in the Truckee/Tahoe region requires this same analysis be performed for the entire region to assess cumulative water demand. The temptation to drain more water from Lake Tahoe will be great if the drought goes on. It will take clear-headed decisions for Lake Tahoe to survive as a National Treasure.

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[344] "However, as of 2010, approximately 51 percent of all housing units in the Basin are vacant or used seasonally (as vacation homes) and owner or renter-occupied housing accounts for approximately 49 percent of Regional housing (see Section 6.3.3, "Housing")." (DEIR/S, p. 6-13);
"In 2010, 62.2 percent of vacant housing units in the unincorporated county were for seasonal, recreational, or occasional use (Placer County 2013c:13–14)." (DEIR/S, p. 6-9)

[345] ***In light of the prospects of a potentially persistent drought and the increasing effects of climate change, a new analysis needs to be undertaken to determine whether water supplies will be adequate to provide service to this and other Area Plans provided for under the RPU. The EIR/S must assess the ability to provide sufficient water to support existing and new uses under each alternative, in light of existing and anticipated water supply conditions and drought. Water demand associated with new developments in each alternative must also be assessed (e.g. what is the water demand from adding more tourists accommodations compared to adding multi-family residential or commercial uses in the same location). This assessment must also evaluate the increased water demand that would result if existing infrastructure were filled to capacity; in other words, if existing second homes in the Basin became full-time residences, and all existing tourist accommodations and vacation rentals were occupied. The analysis also needs to address how water demand from new and expanded uses may impact existing wells in the Basin, and identify who will be responsible for paying for upgraded/increased water supply facilities.*** (Excerpt from NOP Comments provided as example; full comments on p. 50-54)

H. Cumulative impacts to emergency evacuations and response:

Cumulative Impact 18-3: Cumulative interference with implementation of an emergency response plan or emergency evacuation plan and Cumulative Impact 18-4: Cumulative exposure of people or structures to wildland fire hazards

See previous comments regarding DEIR/S analysis of impacts to emergency evacuations and response. In addition, the cumulative impacts from regional projects must be assessed, including but not limited to the VSVSP, MVWPSP, Northstar area projects, other Truckee projects, and the population increases in Northern California and Nevada that will result in even more people in the Tahoe Basin.

Deferral to project-level review of cumulative impacts and mitigation:

The DEIR/S acknowledges that the construction and operation of future projects could prevent or impede evacuation or result in physical interference with an evacuation plan,[346] yet these impacts are then dismissed as "less-than-significant" because future projects would be required to mitigate any adverse impacts.[347] As noted in our comments on Impacts 18-3 and 18-4, the DEIR/S has not only failed to analyze and disclose the extent of the TBAP and TCL impacts to these issues, but also dismisses these impacts based on irrelevant information, speculation and opinion, and side-stepping around the issue by discussing other measures that do not directly address the threat of interfering with emergency access and evacuations and placing more people in high fire danger areas. Further, as this is a cumulative, regional problem, project-level mitigation is not the sufficient time to plan for evacuations and emergency access. Not only are impacts to evaluation and emergency access inherently a cumulative problem, but solutions and plans will require planning at the regional and areawide (TBAP) level.

Reliance on other measures to lessen impacts:

The DEIR/S acknowledges that development in the area has increased the risk to life and property when fires to occur, as well as increased the potential for fires to be ignited,[348] and that cumulative developments will continue this trend. However, these impacts are then dismissed through speculation that the extension of water service, roadways, and fire clearance measures, the application of

[346] "While conditions on local roadways and highways during an emergency evacuation could be congested, construction and operation of future projects implemented in accordance with the Area Plan plus cumulative development could prevent or impede evacuation, or result in physical interference with an evacuation plan such that evacuation occurs more slowly." (DEIR/S, p. 19-32)

[347] "The cumulative projects listed above would be subject to project-level analysis for potential interference of an emergency response plan or evacuation plan and would be required to mitigate any adverse effects. Such mitigation could include off-street parking, staging, and materials storage during construction; signage; designated points of ingress and egress for construction vehicles and equipment; traffic control personnel; emergency preparedness and evacuation plans, and other measures. The cumulative impact with regard to emergency evacuation would be less than significant." (DEIR/S, p. 19-32)

[348] "Additionally, past development in the forested landscape has increased the risk to life and property when fires do occur, and increased the potential for ignition of wildland fires through increased human presence and activity." (DEIR/S, p. 19-32)

Community Wildfire Protection Plans (CWPPs), and the collection of fees in State Responsibility Areas (SRAs) will mitigate these impacts to less-than-significant[349] (p. 19-32 and 19-33). First, we note that having water service and roadways does not make an area less prone to fire than when the same area is a natural forest; in fact, development in these areas increases fire danger as noted previously. The application of CWPPs will help improve defensible space and other measures to better protect homes in the event of a fire, however people will still need to be evacuated when large fires are ignited. Finally, the collection of fees is a funding issue that is unrelated to the ability of roads to safely evacuate people and provide emergency access. We are unaware of any past fires in developed areas that were fought any less aggressively due to a lack of funds in any given coffer. While such measures may help better prepare us to attack fires and improve our ability to protect our homes, they will not free up roadway space on our main highways so that people may evacuate faster, nor prevent areas from never having to be evacuated in the first place. Thus, such measures do not provide mitigation for the impacts to evacuation and emergency access.

Inappropriate dismissal of ignition potential:

While the DEIR/S acknowledges that increased human presence leads to increased threats of wildfire ignitions, it then claims that because the TBAP concentrates new development in already urbanized areas, this impact is less-than-significant. However, this fails to address the fact that human presence does not come solely from homes; people recreate in forests where campfires, sparks from off-road vehicles, and other human activities often start fires. Notably the Angora Fire was started by an abandoned campfire. Therefore, even if the TBAP were to prevent any additional development on undeveloped land (which is does not), more humans in the developed areas will mean more people in the forest, translating to *increased* fire ignitions.

23. Lack of adequate monitoring

In order to restore the lake and the nearshore, TRPA and Placer County priorities must include a rigorous monitoring program that is scientifically sound, as determined by qualified, objective experts in the field, and sufficient to understand what is happening in the whole ecosystem, so that high priority management actions will ensure its protection. Priorities should include specifically designating adequate funding to focus and support this critical monitoring program. Monitoring must be implemented prior to allowing substantial new developments, and as noted throughout these comments, new and redevelopment project approvals must be tied to field monitoring to assure assumed benefits are being realized.

[349] "The combination of these cumulative projects, including projects that would manage fuels and reduce wildland fire risk, would result in a less-than-significant cumulative impact related to exposure of people and structures to wildland fires." (DEIR/S, p. 19-33)

24. Reliance on requirements which do not fully mitigate

The DEIR/S includes numerous mitigation measures that are already required for all new projects. Examples include, but are not limited to, Mitigation Measure 14-2d: Use approved design standards for BMPs (DEIR/S, p. 23-14), Mitigation Measure 14-2e: Comply with grading season prohibitions (DEIR/S, p. 23-14), Mitigation Measures 15-1b: Verification of SWPPP submittal (DEIR/S, p. 23-17), Mitigation Measures 15-1c: Design, install, and maintain water quality BMPs which meet industry and TRPA standards (DEIR/S, p. 23-17), and Mitigation Measures 15-1d: Demonstrate TRPA permit approval prior to approval of Placer County Improvement Plan (DEIR/S, p. 23-18). In general these regulations simply *lessen* an impact – there is still a net increase in impacts. For example, relying on BMPs to mitigate development does not mitigate the lost soil associated with covering natural land, nor does it fully mitigate all of the runoff that will result from the development (even assuming the BMPs were correctly installed and maintained in perpetuity) where that runoff would not otherwise have occurred had the project not been built. In addition, submitting SWPPPs and demonstrating permit approvals do not physically mitigate the impacts of the project. In the case of redevelopment, the RPU and TBAP rely on the idea that redeveloped areas will install BMPs, creating a net benefit to water quality. However, BMPs are already required for existing developed properties, and have been for decades. A recent letter by the California Attorney General's Office on the VSVSP EIR notes that Placer County cannot deem GHG emissions mitigated by simply relying on state fuel efficiency standards as the project will still generate *additional* GHG emissions.[350] Following this same argument, Placer County and TRPA cannot deem impacts mitigated by regulations that are already in place where additional impacts will be generated by the TBAP and TCL.

[350] "Second, as noted above, where the EIR relies on a statewide goal, it must provide substantial evidence connecting that goal to project-specific reductions, based on local conditions and the characteristics of the project. *(Center for Biological Diversity, supra,* 62 Cal.4th.at p. 226.) Applied in the mitigation context, this means that the EIR must show how the Advanced Clean Cars regulations or the Low Carbon Fuel Standard results in meaningful mitigation of the specific impacts caused by the Project. The FEIR cannot presume - and it provides no evidence to show-that no adverse impacts would occur from the Project's GHG emissions when regulated under these programs. Even if the additional emissions are less than they would be if they were not regulated by fuel efficiency standards (i.e., relative to a "maximum possible" emissions scenario), they are still absolute, *additional* GHG emissions. For example, while fuel efficiency is regulated under the Low Carbon Fuel Standard, vehicle miles traveled (VMT) is not. Even if all the vehicles associated with the Project were energy efficient, the additional trips created by the Project would generate substantial GHG emissions. VMTs alone account for 15,382 MT C02e/year in the full build-out scenario. The EIR cannot assume that those emissions are simply being displaced from elsewhere; it is more likely that those emissions - regulated or otherwise -would not exist *but for* the Project, the stated intent of which is to draw visitors from around the. world for short-term visits. This is a significant impact that must be mitigated." (Comments on VSVSP EIR, 8/9/2016, p. 13). http://friendsofsv.org/wp-content/uploads/2016/08/Attorney-General-Letter-regarding-Squaw-Valley-Village-Proposal.pdf

25. Attachments

1 SierraSun Aff Hsng
2 May-27-2015-GB pckt 4 pages
3 StateLake Clarity chapter
4 December-16-2015-GB packet re HRA
5 HMR VMT 11_Traffic_FEIR_EIS-5
6 FOWS-comments-on-CFA-TAU-for-RPIC-5.27.2015
7 September-23-2015-GB Yeates vehicles
8 Community Meeting Online – Linking Tahoe
9 Sweeping plan for transportation improvements would benefit entire county
10 Federal funds boost to help improve North Lake Tahoe area public transit
11 3.1 RTC MasterResponses
12 comment_CHP-3
13 Office of Planning and Research - Alternative Transportation Metrics (SB 743)
14 Planning commissioners vote 5-2 for denial of Martis Valley West _ SierraSun
15 SR267_TCCR_Signed
16 Attorney-General-Letter-regarding-Squaw-Valley-Village-Proposal
17 Slow moving exodus from South Lake Tahoe _ South Lake Tahoe - SouthTahoeNow
18 - The Washington Post waze
19 PlacerCountyNTMPManual-1
20 FOWS-TASC-comments-to-APC-requesting-Ridgeline-Code-DRAFT-2
21 FOWS-comments-to-RPIC-with-attachments-10.26.2015
22 SLRT-on-the-UTR-2014-1
23 2015 SOF-PARM_FINAL-3
24 SOTL EXEC Summ p.
25 2016sotl_v2-sm
25b 2016sotl_v2-sm
26 June-24-2015-Governing-Board-Packet
27 HRA discussion RPIC
28 2-14 HMR Report Summary v12 final MPH 2007-02-13
29 Research and Resources - Integrated Environmental Restoration Services
30 BBay Appendix_AB_Supplemental__WQ_Study
31 CEPcomplete1
32 CRPT-114srpt256-1
33 March-23-24-2016-Governing-Board-Packet
34 PlanningforWaterWiseDevelopment-1
35 PlacerCounty _2016LHMP_Chapter 4 Risk Assessment
36 TruckeeNorthTahoeWorkforceHousingStudy_FINAL_08-01-16-complete_small
37 PlacerCounty _2016LHMP_Chapter 4 Risk Assessment
38 PlacerCounty _2016LHMP_Chapter 4 Risk Assessment
39 comment_lahontan
40 Dettinger_Ingram_sciam13
41 ARkStorm Impacts at Tahoe at TERC Jan 31 _ Tahoe Arts and Mountain Culture
42 ARkStorm_Summit_Handout_Final
43 Tahoe-Regional-Housing-Needs-Report-May-14-2014
44 Tiny houses won't solve our affordable housing problem — High Country News
45 Gondola Vista
46 December-16-2015-Governing-Board-Packet-1
47 MVWPSP 03 Cmts Resps
48 traffic education
49 Slow moving exodus from South Lake Tahoe _ South Lake Tahoe - SouthTahoeNow
50 Presentation-Agenda-Item-No.-VII.D-North-Lake-Tahoe-Transportation-Update-TRPA
51 Interior Department Releases Report Underscoring Impacts of Climate Change on Western Water Resources _ U.S