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Via e-mail - Hard Copy to Follow

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Re: Preliminary Scoping Comments re: Revised Notice of Preparation of an Environmental Impact Report for the Proposed Martis Valley West Parcel Specific Plan Project

Dear Placer County, Ms. Marchetta and Mr. Marshall,

Please accept these preliminary comments submitted on behalf of Friends of the West Shore ("FOWS") regarding the scope of issues to be considered in the upcoming environmental impact report being prepared for the proposed Martis Valley West Parcel Specific Plan Project ("Project"). This letter also incorporates by reference the individual comments directly submitted by FOWS as well as the North Tahoe Preservation Alliance and Ellie Waller.

Because the Project includes an application to adjust the Tahoe Basin boundary in order to allow the siting and review to proceed under the County's land use and environmental requirements, neither the Project applicants nor TRPA can avoid preparing an EIS under the Lake Tahoe Bi-State Compact and TRPA's Code of Ordinances. In order to rectify the inappropriate Project scope set forth in the Revised NOP, the County and TRPA should issue another revised NOP to reinstate not only the County's CEQA process but also TRPA's EIS process with a correct description of the Project's components, including the requested boundary line adjustment. In the meantime, FOWS believes the following issues and potential areas of concern should be thoroughly vetted in a joint EIR/EIS prepared by the County and TRPA:

1. The NOP is inaccurate and incomplete because it fails to identify the Project's application to TRPA to adjust the Tahoe Basin boundary in order to have the Project located entirely within the County's exclusive jurisdiction. Currently, comparing the map provided by Mountainside Partners LLC with the boundary adjustment application with the NOP map attached as Exhibit 3, the Project proposes neighborhood commercial, multi-family residential cabins, and single family residential on lands that currently are within TRPA's official Base Map as well as the Plan Area Overlay Map.

Any proposed change to the Base Map must be approved by resolution of the Governing Board. Any change to a Plan Overlay Map can only be approved by an amendment to the Regional Plan. Code of Ordinances § 10.4.1. The NOP fundamentally misleads the public into believing that the proposed development does not fall within the Tahoe Basin and TRPA's jurisdiction when in fact the focal point of development extends into lands currently under TRPA's jurisdiction. The Project cannot proceed as proposed unless TRPA concurs with Mountainside's consultant and attorneys that the basin boundary should be changed. That has not yet occurred and may not occur. More importantly, for purposes of the adequacy of the NOP and the completeness of the proposed CEQA process, it is clear that the Project includes the boundary line adjustment and the County and TRPA cannot avoid treating the boundary adjustment proposal and the linked development project as a single project subject to environmental review pursuant to the Compact and the Code of Ordinances. Indeed, the original NOP specifically listed the boundary line adjustment as part of the Project. It remains a fundamental component of the Project and cannot legally be severed from the County's CEQA review, nor can the Project be severed from TRPA's obligations to prepare an EIS.

2. The NOP fails to disclose the proposed location of the secondary emergency access road that would connect to the Fibreboard Freeway. Accordingly, it is impossible for a commenter to provide informed comments on issues that feature may raise without knowing the proposed route.
3. Several of the Project's objectives are inconsistent with the undeveloped character of the Project area and the proximity to the Tahoe Basin boundary and ridgeline. The County should modify the proposed objective to "[e]ncourage the concentration of multi-family housing in and near village centers and neighborhood commercial centers (Policy 1.B.1). Although this may make sense for the City of Truckee and its existing town center, it makes little sense for undeveloped forest land where there is no existing town center. The creation of a nominal "town center" for the development itself only serves to attract more residents, vehicles and pollution sources farther afield from any existing town center.
4. The objective to "[i]mplement a density transfer and retirement by permanently retiring 600 East Parcel residential units and transferring 760 residential units and 6.6 acres of commercial uses from the East Parcel to the West Parcel while preserving in perpetuity over 6,376 acres in conservation lands" is much too narrow. Rather than a reasonable objective that fosters the comparison of a reasonable range of alternatives, this objective appears designed to restrict the County's consideration of other alternatives and to require that the applicant's preferred project be adopted.
5. A thorough review of the existing environmental baseline for the Project must be in place in order for the EIR to accurately project the impacts of the Project and the potential success of any proposed mitigations. Relevant baseline conditions should include but are not limited to:

- a. Biological resources currently present in the vicinity of the Project area;
 - b. Critical habitat and sensitive areas on or in the vicinity of the Project area must be identified and described;
 - c. Migration and wildlife movement corridors present in or in the vicinity of the Project area;
 - d. The current views of the Project site from key vantage points, including Lake Tahoe, other ridges and vistas from which the Project may be visible;
 - e. Baseline glare sources or lack thereof in and adjacent to the Project area;
 - f. The current night sky view of the Project area, including any current light sources in the area;
 - g. Current capacity of relevant utilities, including sewage treatment, water supply systems, landfill and garbage collection;
 - h. Current availability of public safety operations, including police, fire, and medical resources;
 - i. Wetland and other sensitive areas present in the vicinity of the Project area;
 - j. Existing water quality of the Truckee River;
 - k. Existing groundwater quality in Martis Valley;
 - l. Existing groundwater levels and groundwater pumping rates in Martis Valley and whether current and projected cumulative pumping levels result in any change on storage of groundwater;
 - m. Current air quality conditions in Martis Valley and the Lake Tahoe Air Basin;
 - n. Existing ambient noise levels within the proposed Project area should be determined and described;
 - o. Existing and projected traffic levels without the Project on roads and at intersections potentially affected by traffic to be generated by the Project should be identified;
 - p. The types of soils present where construction or grading will occur;
 - q. The location of potential landslide areas in and in the vicinity of the Project area;
 - r. The location of existing and potential earthquake faults in and in the vicinity of the Project area;
 - s. Thorough surveys of cultural and paleontological resources within the Project area should be conducted and described in the EIR/EIS's baseline, and;
 - t. Current GHG emissions and trends for Placer County and the Truckee-area should be presented as part of the baseline.
6. The Middle Truckee River is designated by the Lahontan Regional Water Quality Control Board, State Water Resources Control Board, and US EPA as impaired by excessive sediment loading. The baseline should quantify the existing sediment loading from the Martis Creek watershed to the Truckee River. The EIR should carefully assess the existing cumulative impacts to water quality in Martis Creek and the Truckee River. The EIR should analyze mitigations that are sufficient to address not only the project's direct sediment loading but also a significant additional percentage reduction of sediment loading from the surrounding areas consistent with the May 2008 Total Maximum Daily Load for Sediment adopted for the Middle Truckee River and its watersheds, including Martis Creek;

7. One of the obvious impacts of the proposed Project is to scenic vistas from within the Lake Tahoe Basin and surrounding ridges and impacts to the dark night sky in the area. As proposed, the Project contemplates multi-story residential and commercial buildings built on the edge of a ridge overlooking Lake Tahoe. FOWS appreciates the NOP's identification of the potential significant visual impacts the Project will have and encourage the County and TRPA to carefully investigate these impacts, including physical models of the Project and accurate simulations of the proposed Project from various distances in the Tahoe Basin and on the Lake, especially at times of maximum glare during sunrise and sunset;
8. The EIR should carefully evaluate the Project's potential impacts on the thresholds of significance established for the Tahoe Basin. In particular, the EIR must address and assure the project is consistent with the Regional Plan's specific goals and policies designed to protect the Basin's magnificent scenic values. "The primary function of the Region shall be as a mountain recreation area with outstanding scenic and natural values." TRPA Regional Plan, p. 2-2, Policy LU-1.1. The EIR/EIS must pay particular attention to the Bi-State Compact's recognition that "[m]aintenance of the social and economic health of the region depends on maintaining the significant scenic ...values provided by the Lake Tahoe Basin." Bi-State Compact, Article I(a)(6). The location of the proposed Project must not be allowed to infringe on the undisturbed ridgeline in the Project area or allow for any building and its accompanying lights to be viewed from the Tahoe Basin. The Regional Plan's Land Use Element, ¶ CD-2.1(C)(ii) should be strictly enforced by the County and TRPA and carefully analyzed in the DEIR/DEIS. Paragraph CD-2.1(C)(ii) provides that, "[b]uilding height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed." *See also* Goal SR-1 ("Maintain and restore the scenic qualities of the natural appearing landscape"). Similarly, the EIR/EIS should thoroughly review the Project's impacts on dark skies in the area, including for locations set back from the Basin's ridgeline a significant distance. The visual impacts must be considered from an array of vantage points within and outside the Basin in order to evaluate any impacts to scenic views not only from the Lake, but also from hiking trails and other ridges accessible to recreational hikers. TRPA Regional Plan, Chapter 4, Conservation Element, p. 4-21, Policy SR-1.1 ("All proposed development shall examine impacts to the identified landscape views from roadways, bike paths, public recreation areas, and Lake Tahoe"). Similar attention should also be given to the Project's potential effects on the Regional Plan's goals and policies to protect wildlife, air quality and transportation;
9. The DEIR/DEIS should evaluate any changing in zoning or authorized uses resulting from any Tahoe Basin boundary adjustments for the East Parcel. For example, lands currently within the official Base Map currently are not zoned for general timber harvesting, though thinning and management are allowed. If removed from the Basin, these areas will be rezoned and subject to potential timber harvesting in the future;
10. The Project proposes to construct a residential and commercial development on land currently zoned as Timberland Production. Given the extent of residential development proposed for the West parcel, it appears likely that the extent of tree removal that will

result from the project will exceed whatever has occurred or would occur going forward if the land remained zoned for Timberland Production. The EIR/EIS must carefully assess the overall tree removal resulting from the proposed Project;

11. Threats of landslides and increased erosion posed by building in unstable soil areas must be addressed in the EIR/EIS;
12. A thorough analysis of air quality impacts associated with the project, including from additional vehicle and truck trips both to and from the Project and for both the construction and operational phases of the Project. Air quality impacts from construction on earlier completed phases of the Project and new residents also should be evaluated. A careful assessment of toxic air contaminants and diesel emissions should be included, especially as new residents begin to move in next to construction sites over the full life of the Project. The Project's contribution of ozone pollution in the Martis Valley and in the Tahoe Basin must be carefully analyzed. Air quality impacts should be assessed for local impacts, impacts within Martis Valley and impacts within Tahoe Basin;
13. A careful analysis and discussion of traffic impacts relating to the project, especially the potential to exacerbate existing or projected cumulative traffic impacts in the affected area, Martis Valley and within the Tahoe Basin;
14. Thorough vetting and peer review of any estimates of vehicle miles travelled resulting from the project, including evidence of the effectiveness of any dial-a-ride, water shuttles, bike paths, intercept parking and other alternative transportation proposals;
15. Adverse water pollution effects of increased impermeable surfaces, included additional roads, parking areas, and roofs, to Martis Creek or to Lake Tahoe;
16. Adverse water pollution impacts of additional cars and other vehicles travelling to the Project or into the Tahoe Basin associated with the project;
17. The EIR/EIS should analyze current status and performance of existing sewage treatment plant into which the project will discharge, any increases in sewage associated with the project, and any increase in likelihood of sewage spills to storm drains, Martis Creek and its tributaries, or other locations;
18. Sufficiency of water supply for the project and the water supply conveyance system and any associated environmental impacts from necessary upgrades to accommodate the proposed Project;
19. Impacts to groundwater flow and quality from excavations proposed by Project;
20. Water quality impacts to groundwater from any proposed storm water control features;

21. The project should conduct thorough biological surveys to determine the presence of any plant or animal species listed as endangered, threatened or sensitive under state or federal law or candidates for such listings, and, if present, fully evaluate and mitigate the project's impacts on those species;
22. The Project should assess impacts to native fauna resulting from its construction and increased recreational use of the area;
23. Analysis needs to fully document potential noise levels associated with the Project, including but not limited to noise from construction activities, truck travel along routes, and Project operations including any parking facilities, traffic noise, and commercial zone noise. Noise impacts from future construction phases to new Project residents over the life of the project's construction schedule should be carefully analyzed;
24. A full evaluation of growth-inducing impacts of the Project should be evaluated;
25. Impacts to emergency evacuation procedures and routes resulting from increased numbers of visitors and residents;
26. Potential increases in accidents between additional vehicles, pedestrians and bicyclists resulting from the project;
27. Any releases of greenhouse gasses from the project will contribute to the existing cumulative impacts of global warming and must be carefully assessed and fully mitigated. GHG emissions associated with construction; the Project's operation, including fossil-fuel energy use, wood-burning, and other sources of direct and indirect carbon emissions; fuel consumption associated with the Project's traffic, including all service vehicles; the loss of carbon sequestration from tree removal associated with the Project and other emission of GHG or loss of carbon sequestration associated with the Project;
28. Any analysis of the Project's impacts into the future must take into account global warming and the expected effects on rain and snowfall amounts. This is particularly important for groundwater availability, water and air quality impacts, and fire risks associated with the Project;
29. A thorough assessment of other potential cumulative impacts including but not limited to cumulative noise impacts, cumulative wildlife and vegetation impacts, cumulative traffic impacts, cumulative air pollution impacts, cumulative visual impacts, cumulative water quality impacts, cumulative groundwater impacts, and cumulative waste disposal and landfill capacity impacts;
30. The cumulative impact analyses should pay particular attention to the cumulative impacts of numerous foreseeable projects, including projects within Martis Valley and adjacent areas, as well as the many projects being proposed within the Tahoe Basin. In

particular, the cumulative impacts analysis should address the impacts that would arise were the Project's suspended development proposed within the Tahoe Basin resurrected. Because that aspect of the Project has only been suspended, FOWS believes it may still constitute a reasonably foreseeable project, and;

31. The EIR/EIS must consider a reasonable range of alternatives. In particular, the review must consider one or more alternatives that are located sufficiently further away from the basin boundary with Lake Tahoe that no portion of the Project is visible from any location within the Lake Tahoe Basin. Only alternatives that are located away from any ridges and especially the Tahoe Basin boundary can comply with the Martis Valley Community Plan's requirement that "[s]pecific resources that are not to be further impacted by development activity include ... the ridgelines and peaks where development activities would be visible from surrounding areas.... Another obvious alternative is to maintain the current location of residential and commercial zoning within the East Parcel, rather than the West parcel, included in the current Community Plan, and reduce the current zoning to the 662-acre size now proposed for the West Parcel. A third alternative should propose a smaller version of the proposed project that would reduce direct and cumulative water pollution impacts, air quality impacts, GHG emissions and other impacts associated with residential and commercial development activities.

Thank you for this opportunity to comment on the scope of the upcoming EIR. We ask that the County address each of the above issues as it prepares the draft EIR. TRPA should suspend its pending consideration of the proposed boundary line adjustment and immediately initiate an EIS procedure for the entire proposed Project, including its proposed boundary adjustment so that a joint EIR/EIS can be prepared. We look forward to participating in these processes.

Sincerely,



Michael R. Lozeau
Lozeau | Drury LLP

cc: Susan Gearhart, FOWS
Jennifer Quashnick, FOWS