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

June 6, 2016

Subject: Martis Valley West Project Specific Plan (PGPA 20130080), State Clearinghouse No. 2014032087

Dear Members of the Planning Commission:

The Friends of the West Shore (FOWS) and the Tahoe Area Sierra Club (TASC) appreciate the opportunity to provide comments regarding the proposed Martis Valley West Specific Plan (MVWPSP), including the Final Environmental Impact Report (FEIR).

The FOWS and TASC believe the FEIR fails to disclose or fully evaluate the potential environmental impacts of the proposed MVWPSP, including within the Lake Tahoe Basin (detailed comments are attached). While the project area may not be located in the Basin,[1] the boundary between the MVWPSP and the Basin is indistinguishable with respect to GHG emissions, scenic degradation, light pollution, trespass and glare, and traffic, including significant project-created congestion and vehicle miles traveled.

The FEIR has noted significant and unavoidable impacts from the project, as proposed, without sufficient mitigation to alleviate these impacts. In addition, the FEIR fails to disclose (and therefore, mitigate) numerous additional significant impacts to the Lake Tahoe Basin and Truckee/Tahoe region. Unmitigated and in some cases, undisclosed impacts include, but are not limited to:

- Potential impacts to national scenic resources (daytime and nighttime) as observed from numerous locations around the Lake Tahoe Basin, including on the lake, from scenic highways, recreational trails and facilities, and popular mountaintop vistas;
- The additional traffic that will impact North Lake Tahoe and the entire Basin;
- The disruption of a primary emergency evacuation route for North Lake Tahoe (SR 267);
- The increased threat posed to people and firefighters from the placement of this project in a high fire danger area; and
- The cumulative impacts of the proposed Project in addition to other nearby projects, including the proposed Brockway Campground.

As reflected in the FEIR's deletion of Policy 1.A.1 ("The County will promote efficient use of land and natural resources and will encourage "in fill" development"[2]), the proposed is in direct conflict with Placer County's efforts, as well as statewide efforts, to encourage infill development. In addition, the North Tahoe Regional Advisory Council (NTRAC) did not recommend the project, noting concerns with insufficient timing to review the FEIR and the impacts of the project at their 5/12/2016 meeting.

[1] Notably, the boundary line has been the subject of several proposals, including a requested boundary line amendment in February 2015.
[2] This policy is deleted in the FEIR, as noted on p. 2-8.

We have the following additional comments based on review of the staff report, final CEQA Findings of Fact and Statement of Overriding Considerations (Findings), and related materials provided on June 2 for the June 9th Planning Commission meeting:

- The EIR concludes that Alternative 3 is the environmentally-superior action-based alternative (Findings, p. 31) which meets one of the key objectives: the transfer of development potential from the East to West Parcel. However, the Findings include a summary from a new *Martis Valley West Parcel Specific Plan Economic Viability Analysis* ("Economic Report") dated May 2016[3] - notably not made available to the public - to claim that Alternative 3 is not economically feasible. Given the MVWPSP will guide the next 20 years of development in the area and result in numerous significant and unavoidable impacts, the public should be afforded the opportunity to review and comment on this Economic Report. The Planning Commission meeting is now days away, the public was just informed of this report and its significant implications on June 2nd, and no copy has been made available to the public, nor has Placer County performed an independent review of such information to assess whether dismissal of the environmentally-superior alternatives is reasonable based on the cost differences between the alternatives and the proposed project..
- According to the Findings, Alternatives 3 and 5 would reduce the severity of all environmental resource impacts (p. 31). However, the Findings give little more than cursory attention to the reduced *severity* of impacts – which should be taken into account when weighing the pros and cons of the project. For example, the new peak vehicle trips generated by Alternatives 3 and 5 are almost 50% less than the proposed project. This is a substantial difference, yet the Findings often simply state that Alternatives 3 and 5 would "not avoid the significant and unavoidable impacts" – thus minimizing the discussion of the *severity* of impacts that should play a key role in deliberations on the Proposed Project. In addition, the FEIR's purported analysis of Alternative 5 provides very little quantitative information, instead relying on generalizations about impacts being 'similar to or less than' the Proposed Project. For example, every additional vehicle added to a roadway already experiencing severe congestion increases the delay, emits more air pollution, and further impedes evacuation routes and emergency access. Therefore, minimizing the number of additional cars has a positive effect. The *severity* of impacts must be considered when the projects presumed benefits are weighed with consequences.
- The Findings misrepresent the fire danger by claiming the project will reduce the risk of wildfire in the area through improved access to water and defensible space. However, adding more development to an undeveloped area *increases* wildfire danger and places more people in a hazardous area.[4] If a fire were to occur on the West Parcel now, firefighters can concentrate resources on protecting SR 267 and other areas; once there is development on the West Parcel, fires are more apt to be started[5] and will be far more difficult to fight. In addition, the Findings also state that the project will "not diminish

[3] "Mountainside Partners LLC has provided information regarding the economic feasibility of the Project compared to Alternative 3, the Reduced Density Alternative and Alternative 5, the East Parcel, Reduced Density Alternative. The results of this study are located in the report titled *Martis Valley West Parcel Specific Plan Economic Viability Analysis, Alternative 3 and Alternative 5* (May 2016). This study is presented as evidence that Alternative 3 is economically infeasible." (p. 24).

[4] http://sierranevadaalliance.com/wp-content/uploads/dangerous-development.pdf

[5] Most wildfires are started by humans, not nature. For example, see Calfire statement at: http://www.voiceofsandiego.org/topics/news/how-wildfires-start-hint-its-usually-not-arson/

services to existing residents" (p. 33). However, new development in fire-prone areas diverts firefighting resources from other areas.[6]

- Contrary to claims in the Findings,[7] the proposed West Parcel developments are not "in proximity to" or "in the vicinity of" other development – another point clarified by members of the North Tahoe Regional Advisory Council (NTRAC). The Findings also imply the West Parcel is developed while the East Parcel is not,[8] however *neither* parcel is developed. These statements misrepresent the existing conditions on the West Parcel.

We therefore urge you to deny the project, as proposed, and ask that you consider alternative 5 (included in the Final EIR), with the inclusion of a conservation easement and/or sale to a land trust of the acreage outlined in the Martis Valley West Opportunity Agreement and a conservation easement for the land upon which the Brockway Campground is proposed, after an adequate analysis of the environmental impacts is undertaken and all feasible mitigation measures have been included. Approval of the project as currently proposed will result in a great injustice to Tahoe's environment and communities.

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,	Laurel Ames,	Jennifer Quashnick,
President	*Conservation Chair*	*Conservation Consultant*
Friends of the West Shore	Tahoe Area Sierra Club	

Our comments address the following topics: **Page #**

[6] http://www.laketahoenews.net/2016/05/threat-of-fire-ignites-concern-in-tahoe-basin/

[7] http://www.placer.ca.gov/~/media/cdr/planning/pc/2016/june9/attachmentspart3.pdf?la=en; (p. 20 and 27, resp.)

[8] "At present, development along the SR 267 corridor focuses on Northstar Ski Resort, on the west side of SR 267. The area east of SR 267 is largely undeveloped…" (p. 27).

FOWS and TASC submitted extensive technical comments regarding deficiencies in the draft EIR (DEIR), as did numerous other organizations, agencies, service providers, and members of the public.[9] However, many of our comments were either not addressed, were dismissed, reinterpreted and responded to incorrectly, or 'merged' such that numerous detailed points are only 'responded to' by large blanket statements or references to Master Responses.

1. Analysis of existing conditions

As noted in our DEIR comments, the EIR frequently compares impacts to a hypothetical full buildout of existing Plans (e.g. Martis Valley Community Plan)[10] and an unrealistic future scenario (e.g. GHG emissions). Whether the project meets existing land use and Scoping Plan requirements or not is distinctively different than CEQA's requirements to analyze and disclose the potential environmental impacts based on *existing physical conditions*. In this sense, comparisons to the 'allowable uses' on the East Parcel are irrelevant.

Although this applies to numerous resource impact chapters, here we focus on the issue of future population growth. The EIR concludes that the project's population growth of 1,900 people is "within the growth anticipated in the Placer County MVCP," and therefore this is a less-than-significant impact.[11] However, as noted in our DEIR comments reprinted below, a review of the environmental documents for the 2002 MVCP, the 1994 Placer County General Plan, and the 1975 Martis Valley Community Plan revealed that no such analysis has ever been performed. Rather, each document simply referred back to previous documents, thereby skirting this assessment for over forty years.

> "Tracing the origins of the original 'holding capacity' has been difficult. First, as noted above, the MVWPSP DEIR concludes less-than-significant impacts on growth because the population increase is within the anticipated growth for Martis Valley. An examination of the 2002 MVCP EIR shows that the DEIR, at that time, concluded less-than-significant impacts because the growth was already anticipated by the 1994 Placer County General Plan,[12] and the holding capacity had been 'reduced'

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9 http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/martisvalleywestparcel/draft%20eir/draft%20eir%20comments

10 E.g. "Further, the reduction in the number of allowable units in the Martis Valley, from the 1,360 dwelling units allowed in the MVCP to the 760 units proposed in the MVWPSP (a reduction of 600 units), would represent a reduction in the maximum anticipated population by approximately 1,500 persons." (p. 6-13).

1111 "The anticipated population at buildout of the MVWPSP, based on 760 proposed units and 2.5 persons per unit, would be 1,900 persons, which would be within the holding capacity (i.e., maximum growth anticipated) of Martis Valley (21,500± persons) and consistent with the vision identified in the MVCP. This impact would be less than significant." (Impact 6-2, DEIR, p. 6-10).

12 "Although the proposed project would result in population growth in the area, the Plan area is designated for such growth as a Community Plan area in the General Plan. Therefore, impacts relating to population growth are considered less than significant." (MVCP DEIR, p. 4.2-16);

"The transportation impact analysis focused on 2010 travel demands and needs. Travel forecasts were also made for 2040 conditions so that transportation corridors that would be needed beyond 2010 under the *General Plan* could be identified (these corridors are shown on the Circulation Diagram as "post-2010" roadways). This long-horizon evaluation is, by its nature, a less precise analysis of future travel conditions than the 2010 analysis. Its purpose is to give a general indication of the magnitude of travel demand and

> because some lands had been developed below the maximum permitted density.[13] An examination of the EIR for the 1994 Placer County General Plan reveals the EIR also concluded less-than-significant impacts on population growth because the prescribed growth was within the anticipated holding capacity for Martis Valley per the 1975 General Plan.[14] In essence, it appears that there has been no carrying capacity analysis for at least forty years, if one was even performed then. Regardless, CEQA requires the significance of the environmental consequences of a project be evaluated against *existing* conditions. The DEIR and project applicant rely on the project being 'within the capacity' of the MVCP to minimize several resource impacts (e.g. traffic[15] and population growth[16]) and/or relies on the claim that this is a reduction in units compared to what zoning would allow on the East Parcel.[17]" (Labeled as comment IO18-8, FEIR, p. 3.5-83 to -84).

As a result, the EIR perpetuates the technical deficiency related to analyzing the holding/carrying capacity of this area of the Martis Valley. Even if there had been an analysis in 1975, the impacts of human population and development today are quite different from forty years ago. For example, the new homes contemplated by the MVWPSP have a much larger footprint than typical homes built in the area in 1975. Further, the FEIR dismisses our comments regarding the distinction between the holding capacity (determined by land use and math, not environmental analyses) and carrying capacity (based on environmental factors) by claiming that carrying capacity only applies to wildlife populations.[18] In fact, use of an environmental carrying capacity to assess the impacts of human development is not a novel concept – the Lake Tahoe Basin is regulated through the TRPA Bistate Compact,[19] which specifically calls out the human

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needs under the *General Plan* when Placer County is closer to its population holding capacity." (Placer County Countywide General Plan FEIR, p. 4-11).

[13] "The Plan area's holding capacity is the product of the permitted densities specified in the land use districts, and the acreage within each district. The County has adjusted this figure to reflect actual densities in those areas that are already fully developed. For those areas that are not fully developed, the County has reduced the theoretical maximum holding capacity by 20%. This reduction reflects the fact that due to market or environmental or other constraints, property rarely develops at the maximum theoretical density afforded by the applicable land use designation. In this fashion, the County calculated that the MVCP has a holding capacity of approximately 8,600 dwelling units." (MVCP, p. 30).

[14] "As described in the 2002 MVCP DEIR, it appears the 1975 General Plan assigned holding capacity based on certain physical parameters (e.g. slope, access), but this approach again suggests a 'density per acre' assignment, rather than a true carrying capacity in terms of population and traffic: 'The plan, adopted in 1975, used a set of physical constraints to identify lands with development potential within Martis Valley; these constraints included slopes in excess of 30 percent, slopes with low stability, areas difficult to access, and areas of ecological value, including important wildlife habitats and open space area (Placer County, 1975).'" (MVCP DEIR, p. 4.1-7).

[15] At the 11/19/2015 Placer County Planning Commission, applicant Blake Riva stated the project would result in a "35% reduction" in traffic; however, this is 'compared to' the maximum density allowed by the current MVCP on the East Parcel, not to existing conditions.

[16] "The anticipated population at buildout of the MVWPSP, based on 760 proposed units and 2.5 persons per unit, would be 1,900 persons, which would be within the holding capacity (i.e., maximum growth anticipated) of Martis Valley (21,500± persons) and consistent with the vision identified in the MVCP. This impact would be less than significant." (DEIR, p. 6-10).

[17] "The East Parcel is approximately 6,376 acres, 670 acres of which are zoned for residential and commercial development under the Martis Valley Community Plan. The proposed project would shift 760 units and 6.6 acres of commercial from the allowed development of 1,360 units and 6.6 acres of commercial on the East Parcel to the West Parcel. The project would permanently retire 600 allowed units." (2015 NOP, p. 1).

[18] "Moreover, given that ecological carrying capacity is a concept typically applied to the size of a wildlife population the environment can sustain given the availability of food, water, and habitat available in the environment, the concept does not lend itself to a human population on a project development site." (FEIR, p. 3.5-158).

[19] http://www.trpa.org/bi-state-compact/

carrying capacity of the Basin.[20] Thus, there remains no analysis of the carrying capacity of the Martis Valley; this needs to be corrected before substantial new developments are approved.

The FEIR also refers to a "project development site" in the response, thus mischaracterizing our comments, which applied to the area covered by the entire Specific Plan, not an individual project site.

2. Transportation Impacts

Our DEIR comments identified numerous problems with the transportation analysis which need to be corrected. Unfortunately, the FEIR fails to address our comments.

A. Occupancy rate

The DEIR examines other potential impacts based on a 100% occupancy rate, yet assumes *only 20%* full time occupancy for the transportation analysis, as noted in our comments:

> "The DEIR evaluates the maximum potential impacts – that is, assuming 100% full time occupancy – for natural gas and electricity,[21] light pollution,[22] water supply,[23] GHGs (for non-mobile sources),[24] and wastewater treatment services,[25] yet the traffic impacts are based only on 20% full-time occupancy.[26]" (Labeled as comment IO18-10 in the FEIR, p. 3.5-86).

Because the trip generation rates for part-time occupancy are lower than full-time occupancy, assuming only 20% full time occupancy results in fewer trips in the EIR (versus the use of 100% full time occupancy trip rates). As noted in our DEIR comments, the MVWPSP does not include any limits regarding occupancy of the homes, thus full time occupancy of all units is a potential outcome of the

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[20] Article I (b): "In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities." [Emphasis added].

[21] "Energy (natural gas and electricity) emissions are based on Estimates for Gas and Electric Utilities Usage for the MVWP Project (see Chapter 16, "Utilities," which conservatively assume full-time occupancy of all units." (DEIR, p. 12-13).

[22] "The nighttime photo simulations represented a worst-case scenario that assumed illumination in all windows in all buildings" (DEIR, p. 9-30)

[23] "The Water Supply Assessment prepared for the MVWPSP estimates that buildout of the West Parcel could result in a water demand of 325 acre feet per year (afy) (see Table 15-1), assuming 100 percent occupancy of the 760 proposed units (Stantec 2015)." (DEIR, p. 15-21)

[24] "The analysis provided herein is considered conservative because it is based on the assumption that the 760 residential units would be occupied full-time…" (DEIR, p. 12-10).

[25] "However, these are conservative estimates because they assume 100 percent occupancy of the development…" (DEIR, p. 16-24).

[26] E.g. "Mobile source GHG emissions are derived from the traffic analysis, which assumes that 20 percent of the units are permanent, year-round occupants and the remaining 80 percent are seasonally occupied." (DEIR, p. 12-13).

Project. As a result, the DEIR's claim[27] that "the analysis has focused on the project's highest possible traffic impacts" is not correct. As reflected by the ITE trip generation rates, the "highest possible traffic impacts" occur when the units are occupied on a full-time basis.

The FEIR also fails to directly respond to our comments regarding occupancy. For example, the FEIR reiterates the difference between assuming part-time versus full-time occupancy, noting that the use of a 20% full-time occupancy versus 100% full-time occupancy does not mean that the number of units and associated trip generation are "summarily reduced by 80 percent."[28] Our DEIR comments clearly explained that it was not a linear relationship, but rather that the trip generation rates are different for part-time versus full-time occupancy.[29] However, the FEIR misrepresents our comments, responding with a statement about what occupancy options are, rather than addressing the issue of the trip rates associated with the types of occupancy.[30] The FEIR also states that the trip generation for the study periods only represents trips that occur during the peak hour. As noted in Table 10-11 (image below), the peak-hour trip generation rates for units occupied full time is also greater than the peak-hour trip generation for units occupied part-time. Therefore, whether one examines the daily trip generation or the peak trip generation rates, units occupied full-time generate more trips than units occupied part-time. Thus, analyzing the maximum potential traffic impacts would require assuming *all* units are occupied full time – a very likely scenario during peak Holidays and weekends over the summer.

[27] "By basing the traffic study on the unit mix with the highest aggregate trip generation rates, the analysis has focused on the project's highest possible traffic impacts." (DEIR, p. 10-20).

[28] The Draft EIR neither states nor implies that the second home residences are only occupied 20 percent of the time. Rather, the traffic study assumes that 20 percent of the single-family homes and townhomes are represented by the full-time occupancy trip rates, and that 80 percent of those residential units are represented by the second home trip rates. The ITE manual provides different trip generation rates depending on whether the dwelling unit is a full-time occupancy home, or a second home…The number of units and associated trip generation are not summarily reduced by 80 percent; instead, the ITE manual recommends the use of trip-generation rates based on data gathered at other, similar projects. (FEIR, p. 3-16).

[29] "Notably [category of part time occupancy] generates fewer trips per unit; thus a higher makeup of part-time residential units will translate into fewer trips from the project when compared to full time occupancy of the units." (FEIR, p. 3.5-86).

[30] "The commenter further elaborates that the part-time residences may be occupied during peak periods. As discussed in Master Response 5 regarding trip generation assumptions and methodologies, the traffic analysis assumes that most homes are occupied. The split between full- and part-time pertains to the type of occupant—a full-time, permanent resident, or a second homeowner or guest." (FEIR, p. 3.5-159).

Table 10-11 Project Trip Generation

Land Use	ITE Land Use (Code)	Size[1]	Trip Rates						%Internal Capture[2]	External Trips					
			Daily	p.m.	% p.m. In/Out	Sunday Daily	Sunday Peak	% Sunday Peak In/Out		Daily	p.m.	p.m. In/Out	Sunday Daily	Sunday Peak	Sunday Peak In/Out
Residential Trips															
Single Family Homes															
Full-Time (20%)	Single Family Housing (210)	100 du	9.52	1.00	63%/37%	8.62	0.86	53%/47%	10%	857	90	57/33	776	77	41/36
Part-Time (80%)	Recreational Homes (260)	400 du	3.61	0.26	41%/59%	2.93	0.36	46%/54%	0%	1,444	104	43/61	1,172	144	66/78
Townhomes															
Full-Time (20%)	Townhome (230)	40 du	5.81	0.52	67%/33%	4.84	0.45	49%/51%	10%	209	19	13/6	174	16	8/8
Part-Time (80%)	Recreational Homes (260)	160 du	3.61	0.26	41%/59%	2.93	0.36	46%/54%	0%	578	42	17/25	469	58	26/31
Cabins															
Part-Time (100%)	Recreational Homes (260)	60 du	3.61	0.26	41%/59%	2.93	0.36	46%/54%	0%	217	16	6/9	176	22	10/12
Total Residential Trips										3,305	271	136/134	2,767	317	151/165
Commercial & Amenities Trips															
Commercial & Amenities	Shopping Center (820)	34.5 ksf	*	*	48%/52%	25.24	3.12	49%/51%	80%	680	59	28/31	174	22	11/11
Total Commercial & Amenities Trips										680	59	28/31	174	22	11/11
Total External Project Trips										3,985	330	164/165	2,941	339	162/176

Notes: * Trip Generation Equations - Daily: $L_n(T) = 0.65Ln(X)+5.83$; p.m. Peak Hour: $L_n(T) = 0.67L_n(X)+3.31$

[1] du = dwelling units, ksf = 1,000 square feet

[2] The ITE trip generation rate for Recreational Homes (260) considers internal trips within the recreational homes community; therefore, no further reduction for internal trips is necessary.

Sources: Modeling performed by Fehr & Peers in 2015

Further, although the DEIR notes that 'average' occupancy rates for other areas show lower values, once these structures are built, nothing will prevent them from being occupied on a full-time basis. In fact, as our climate warms and winters are less affected by snow, it is reasonable to expect that more people will seek full time residency in the region's mountainous areas, where summertime temperatures will be more tolerable than in lower-elevation populated areas (e.g. Sacramento, Bay Area, Reno).

Additionally, as stated in our DEIR comments,[31] the EIR for the Martis Valley Community Plan analyzed the *maximum* occupancy scenario (Table 4.2-11; MVCP DEIR, p. 4.2-16), although the EIR stated that full-time occupancy would be less.[32] The FEIR does not address this discrepancy.

B. Project Study Area

As noted in our comments on the DEIR,[33] the area analyzed for traffic impacts should include the entire "resort triangle." Impacts include LOS and VMT (the latter is addressed in a separate comment, discussed below). In response, the FEIR has included additional information regarding the impacts to SR 28 on either side (west and east) of the intersection with SR 267 (FEIR, p. 3.5-159 and -160). We appreciate the additional analysis of these impacts and discuss them further below. However, the EIR still fails to address the project's individual and cumulative impacts to roads in the *entire* resort triangle – specifically, SR 28 to Tahoe City and SR 89 between Tahoe City and Truckee. Impacts to SR 89 south of Tahoe City must also be properly assessed. The cumulative impacts are of

[31] Labeled as comment IO18-11, FEIR p. 3.5-87.

[32] "Projected permanent occupancy for the project would be less than anticipated in the Placer County General Plan, ranging from 43.7 to 64.2 percent of the General Plan holding capacity for Martis Valley." (MVCP DEIR, p. 4.2-16).

[33] Labeled as IO18-13, FEIR, p. 3.5-89 and -90.

exceptional concern given the multiple projects being considered in the area (e.g. Village at Squaw Valley, and other multiple developments at Squaw Valley and Alpine Meadows) that will also generate substantial traffic in the area.

With regards to the estimated impacts to SR 28 east and west of SR 267, there are several issues of concern:

- The increase in the V/C ratio between existing and existing plus project conditions (Table 3-7) is 0.04. The FEIR concludes no significant impact because the change is not 0.05 or greater. The estimated increase is very close to the 0.05 significance determination. It is likely that if the maximum potential occupancy were considered, the V/C ratio may increase by 0.05 or more, resulting in a significant impact.
- The FEIR refers to the "State Route 28 Transportation Corridor Concept Report (TCCR)" published by Caltrans in 2012[34] to state that the acceptable Level of Service for SR 28 is LOS E. This same Caltrans report notes that the lane reduction in Kings Beach is expected to result in a decline from LOS B to LOS E (in the roadway section on either side of the intersection of SR 28 and 267) within the next 20 years.[35] This degradation in LOS is based on Caltrans anticipated roadway projects; increased congestion from new projects that create more traffic is not taken into consideration in this report. As a result, if the cumulative conditions without the project are expected to degrade to E, then it is reasonable to assume that conditions with the project are more likely to reach LOS F.
- TRPA's LOS E requirements only allow for LOS E "during peak periods in urban areas, not to exceed four hours per day." As noted below, the FEIR does not evaluate the peak hour or hourly conditions, therefore it is impossible to determine whether the LOS E conditions will occur for more than four hours per day.
- The DEIR analyzes both the daily and peak hour LOS for the roadway segments it included.[36] However, the FEIR only evaluates the *daily* LOS on SR 28 west and east of SR 267. First, the significance of the impacts to roadway segments is based on the peak *hour* LOS, not peak *day*:

> **"Impact 10-2: Impacts to roadway segments:**
> The proposed project would worsen traffic congestion on the five SR 267 segments between the Town of Truckee/Placer County Line and SR 28, resulting in a segment either degrading from acceptable LOS D to unacceptable LOS E, or exacerbating conditions on a segment operating at an unacceptable LOS E by an increase in V/C ratio of 0.05 or more, for both the summer and winter peak hours. This would be a significant impact." (DEIR, p. 10-29). [Emphasis added].

[34] http://www.dot.ca.gov/hq/tpp/corridor-mobility/documents/d_3_docs/SR28_signed_071812.pdf
[35] "This segment operates at LOS B; however, with the proposed lane reduction the LOS is expected to decline to LOS E within the 20-year planning period." (p. 6).
[36] "The existing roadway segment level of service was determined by comparing daily and peak-hour traffic volumes to the definitions in Tables 10-2 and 10-3." (DEIR, p. 10-9).

As a result, the information in the FEIR is not comparable to the significance criteria, and significance cannot be determined. Thus there is no evidence for which the FEIR can base the conclusion of "less than significant" impacts[37] to SR 28 road segments west and east of SR 267.

Peak *hour* LOS is especially important when considering the project's impacts on evacuation routes in North Lake Tahoe. As noted in our comments regarding public health and safety, the EIR fails to address the project's impacts on the capacity of SR 267 to safely evacuate people during peak periods.

C. Failure to analyze regional VMT generated by project

In response to our comments regarding California's recognition of the importance of evaluating VMT,[38] the FEIR states:

> "The comment states that the project's VMT impacts to all roadways should be examined and disclosed. Please see Master Response 6 regarding project VMT related to the Tahoe Basin. Regarding recommendations for changes to CEQA analyses of transportation impacts based on VMT rather than level of service (LOS), the California Governor's Office of Planning and Research released a discussion draft in summer 2014. It is expected that implementation of any formal changes would not occur until late 2016 or early 2017. The state of the practice for EIR analysis of transportation impacts continues to be based on LOS." (FEIR, p. 3.5-182).

While the Office of Planning and Research (OPR's) proposed CEQA Guidelines may not yet be legal requirements, the information identifying the importance of using VMT as a metric for evaluating transportation impacts has been available for several years. In addition, the recommendation to use VMT as the primary transportation metric has been proposed by OPR since 2014. [39] This is not new information. This project will have a 20-year construction timeline; to not rely on the best available information to assess the project's impacts in the EIR fails to meet CEQA's requirements to assess and disclose impacts.

D. Regional Traffic implications for Lake Tahoe:

We appreciate the FEIR's clarification regarding VMT methodology (e.g. whether VMT included both trip directions), however other questions and concerns that were lumped together into Comment IO18-20 were not addressed by the FEIR's response (p. 3.5-162). Specifically:

[37] "Under both existing plus project and cumulative plus project conditions, the project would not worsen the roadway segments from acceptable LOS E to LOS F, and would not worsen already unacceptable LOS F by increasing the V/C ratio by 0.05 or more. Hence, project impacts to SR 28, both to the east and west of SR 267, would be less than significant." (FEIR, p. 3.5-161).
[38] Labeled as comment IO18-17.
[39] https://www.opr.ca.gov/s_sb743.php

- The cumulative impacts to VMT in the Lake Tahoe Basin need to be considered[40] (for example, the Village at Squaw Valley will increase in-Basin VMT by 1.2%,[41] while the MVWPSP estimates a 0.7% increase;[42] compared to the 2011 VMT estimates in the most recent TRPA Threshold Evaluation Report,[43] these two projects alone will create enough VMT as to violate TRPA's threshold).
- Potential impacts need to be based on the maximum possible occupancy,[44] which would be reflected by the rates for 100% full-time occupancy (discussed above).

E. Wintertime peak LOS impacts:

As requested in our comments on the NOP[45] and repeatedly in the DEIR, impacts to the Lake Tahoe Basin need to be examined, including LOS and VMT, in terms of how they impact TRPA's standards. In the case of LOS, TRPA's Goals and Policies state that *peak period* traffic flow must not exceed LOS values. They do not say "30th highest" peak period (as is evaluated in the EIR). The DEIR also notes that the 30th highest peak hour is meant to represent a busy, but not absolute peak period of travel.[46] Therefore, for the FEIR to correctly assess the LOS impacts in the Lake Tahoe Basin and compare those impacts to TRPA's requirements (which are meant to define what constitute an impact within the Basin), the *peak period* traffic flow must be used. Nothing in the TRPA Code allows for a substitute, yet the FEIR responds to our comments by referring to the metrics relied upon in other 'eastside' Placer County documents - for projects not

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[40] "In addition, these estimates do not take into account the cumulative increases resulting from other approved but not-yet-built projects (e.g. Boulder Bay), proposed projects (i.e. Squaw Valley Village expansion), proposed Plans (such as Placer County's Tahoe Basin Area Plan), and the general increase in travel in the area[40] resulting from recovery from the economic recession and other factors." (FEIR, p. 3.5-94)

[41] http://www.placer.ca.gov/~/media/cdr/ecs/eir/vsvsp/finaleir/volume1/3,-d-,1%20rtc%20masterresponses.pdf?la=en

[42] "…the project would result in an estimated 0.7 percent increase in VMT within the TRPA boundary." (FEIR, p. 3-17)

[43] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf

[44] "Notably, homes that are not occupied full-time are likely to be occupied by renters, vacationers, or second-homeowners during peak times. The impacts of the greatest possible occupancy must be assessed in order to evaluate the potential impacts of the project." (FEIR, p. 3.5-94).

[45] "The DEIR/S must sufficiently analyze the increased traffic, including trips, VMT, and congestion, in the Lake Tahoe Basin as a result of this project. According to TRPA Code Section 65.4.2, the traffic analysis shall include: 1. Trip generation rates of the proposed project; 2. Impacts of the proposed project on the level of service at any impact intersections; 3. Impacts of the proposed project on regional vehicle miles travelled (VMT); 4. Impacts of the proposed project on regional and subregional air quality; 5. Ingress and egress characteristics of the proposed project, and their impacts on traffic flow adjacent to the project area; 6. Measures necessary to mitigate all traffic and air quality impacts to a level consistent with the environmental thresholds, the Goals and Policies, the Regional Transportation Plan, and the 1992 Air Quality Plan; and 7. Additional information that TRPA may require." (3/28/2015 NOP Comments, p. 17).

[46] "For winter conditions, the 30th highest peak hour of the ski season was analyzed. The 30th highest hour is often cited in transportation literature (such as *A Policy on Geometric Design of Highways and Street*, 4th Edition, American Association of State Highway and Transportation Officials 2001) and is used to establish the "design hourly volume." It is meant to represent a busy, but not absolute peak period of travel. The 30th highest peak hour was calculated by applying a numerical factor to the actual counts that were taken for the project on March 9, 2014 (see below under "Winter")." (DEIR, p. 10-4)

located within the Tahoe Basin – to conclude that the 30th highest peak value is appropriate.[47] Until the peak period traffic impacts to the Lake Tahoe Basin are assessed, there is no way to determine whether these impacts will be significant within the Lake Tahoe Basin.

F. Cumulative traffic impacts:

We requested that the traffic counts used for the analysis be compared to historical counts in order to ensure that the traffic that could be supported by existing infrastructure was accounted for; we also noted that traffic during the time period (2013 and 2014) was generally still lower than it had been in years before the Great Recession,[48] providing yet another reason to compare the baseline traffic counts to historical data. In response, the FEIR examined the traffic counts for just five years – from 2009 to 2014 (all notably after the Great Recession) – and concluded the DEIR's analysis to be adequate.[49] This fails to address our comments.

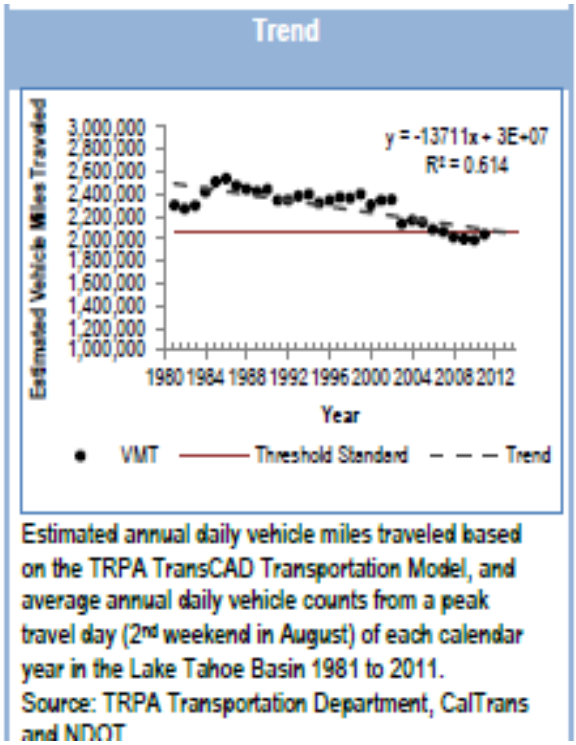
As illustrated by the figures below (from TRPA's most recent Threshold Evaluation Report[50]), vehicle miles traveled on Lake Tahoe's roadways have been much higher in past years (and peak winter traffic volumes, which affect LOS, have also been higher), and the same roadway infrastructure still exists today. There is also more development today than 10, 20, or even 40 years ago. Therefore, even without adding new development, traffic volumes on our roadway systems could substantially increase. The EIR needs to consider the potential cumulative impacts of the project, which may include resurgence in traffic under existing conditions. This is why we requested the traffic counts be compared to historical counts to ensure the maximum potential cumulative traffic impacts are assessed.

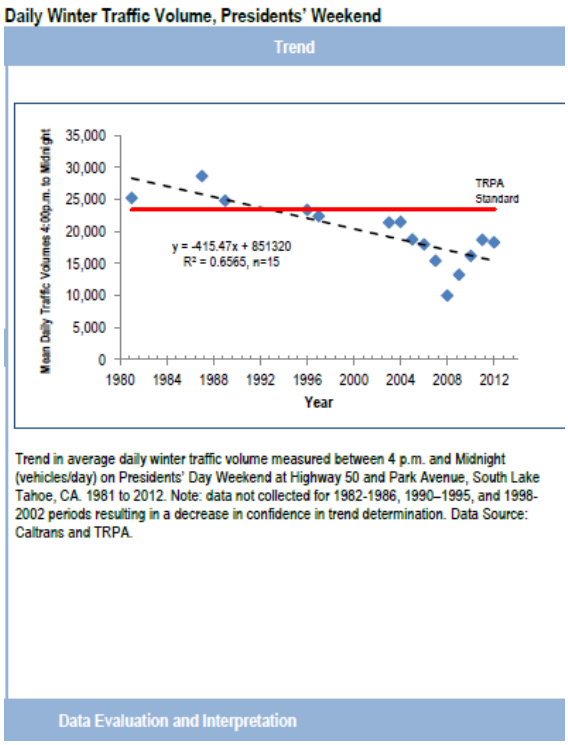
[47] "Consistent with other EIRs completed in eastern Placer County, impacts on study roadways and intersections are determined by measuring the effects of project traffic on the summer weekday (Friday) pm peak hour and the winter 30th highest peak hour. The winter peak is technically defined as the 30th-highest peak hour of travel demand during the ski season, which is used in other eastern Placer County EIRs, such as the Northstar Mountain Master Plan EIR (Placer County, 2003)." (FEIR, p. 3.5-162).

[48] Labeled as comment IO18-22, FEIR p. 3.9-56.

[49] "The comment states that the traffic counts used in the Draft EIR were collected in 2013 for the summer and 2014 for the winter, which may represent lower than average traffic based on the Great Recession and the drought, and states that traffic counts be compared to 2015 and historical counts in order to adequately analyze peak traffic conditions. The traffic counts were collected at the time the study was initiated, which occurred before 2015 (see Section 1.3 of the Draft EIR for definition of the baseline). Comparison of historical counts from Caltrans Traffic Volumes Book for each year from 2009 through 2014 (the most current year available) shows that on the SR 267 segment next to the project site, the average daily traffic during the peak month of the year was highest in 2014 (12,900 vehicles), compared to the five years prior; therefore, the traffic counts collected were appropriate for the analysis." (FEIR, p. 3.5-163).

[50] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf





Our comments noted that the cumulative traffic analysis failed to consider the impacts of the proposed Brockway Campground, as it relied on modeling from two models (one by TRPA and the other, the Town of Truckee), neither of which appeared to have included Brockway Campground.[51] In response, the FEIR simply refers to Master Response 2 regarding the Brockway Campground, which then refers to Table 4-2 in the DEIR to claim the impacts had been included (FEIR, p. 3.5-163). However, while Table 4-2 may list Brockway Campground, the FEIR fails to provide any evidence that Brockway Campground traffic was included in the cumulative traffic modeling estimates. If the impacts were included, the FEIR could simply refer to the specific section of the EIR, or provide additional information from the record that supports this claim. Yet the FEIR instead refers from one section to another, and then another, none of which specifically respond to the question. Inclusion of text in a project list does not provide a substitute for an evaluation of cumulative traffic impacts.

It is reasonable to expect that most visitors to the proposed Brockway Campground would arrive on a Friday evening in the summer – during the same hours analyzed as a peak period for summer conditions in the DEIR.[52] If, for example, those 550 units are booked at full capacity (as is typical on Holidays or during peak summer times), at least 550 new vehicle trips will added to SR 267

[51] "The cumulative transportation impacts were estimated based on the Truckee and TRPA TransCAD models. However, it is unclear whether either model took into account the potential impacts of expansions at Squaw Valley. Additionally, neither model included estimates for the proposed Brockway Campground." (Labeled comment IO18-23, FEIR, p. 3.5-96).

[52] "For this Draft EIR, the summer condition is represented by a Friday afternoon peak hour in August." (DEIR, p. 10-4).

during this time (assuming only two campers per site). For example, assuming 50% of the campers arrive during the peak window, an additional 275 vehicles could be on SR 267 during the peak Friday afternoon period. Compared to the total of 636 peak vehicles in the Existing plus Project estimates (DEIR, Exhibit 10-7, p. 10-26), 275 is certainly a substantial number of vehicles to add to the roadways during peak conditions. Even if just 25% of the campers arrived during the peak period, that would still be almost 140 additional vehicles.

3. Mitigation for traffic and transit impacts

Response to IO18-27 estimates very few people in the project will actually use transit.[53] According to the FEIR,[54] it is estimated that during the winter, only 13.5 daily trips (or 27 trip ends) will be diverted through transit. In the summertime, this drops to just 3.5 daily trips (7 trip ends). Given the total net increase in trips with the project of 3,985 trips (on a peak Sunday, DEIR, p. 10-23), clearly transit is anticipated to "mitigate" a very small number (approx. 0.7%[55]) of the new trips generated by the project. Thus, we pose the same question as we did in our DEIR comments:[56] how will this actually serve to mitigate the project's impacts? These same questions were also posed in comments from other organizations (e.g. IO41-48 and -49); FEIR responses to our comments refer to these other responses. Comment IO41-48 questioned how establishing a new Zone of Benefit will mitigate impacts (as proclaimed in the DEIR); the response acknowledges that this has yet to be defined[57] – thereby deferring mitigation to the future. IO41-49 queried how membership in the TNT/TMA will mitigate project impacts; the response provides a lengthy discussion about the purpose and activities of the TNT/TMA, but fails to actually address the question.[58]

In addition, given so little mitigation is anticipated from this measure, we again reiterate the request for other mitigation measures to be considered. The FEIR appears to simply label the impacts "significant and unavoidable" and not consider other options to reduce those impacts.

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[53] FEIR, p. 3.5-164 to 3.5-168.
[54] FEIR, p. 3.5-164 and -165.
[55] Note: 27 Daily trips equate to roughly 0.7% of the project's total of 3,985 generated trips.
[56] Labeled as comment IO18-29, FEIR, p. 3.5-101.
[57] "The specific level of transit service improvements that would be funded through establishing a new Zone of Benefit under a County Service Area has yet to be defined." (FEIR, p. 3.5-448).
[58] "The mitigation measure requiring membership in the TNT/TMA is a standard mitigation measure for large development projects in the eastern Placer County area. It is intended to ensure ongoing participation by major economic institutions in regional transit/transportation discussions, further improving transit service. The project would be required to join and maintain membership in the TNT/TMA prior to Improvement Plan approval and/or recordation of the Final Map. The TNT/TMA is dedicated to fostering public-private partnerships and resources for advocacy and promotion of innovative solutions unique to the transportation challenges of the Truckee-North Lake Tahoe Resort Triangle. The TNT/TMA serves as a discussion and advocacy forum for transit, pedestrian, biking, and roadway infrastructure designed to increase access and reduce congestion within the Resort Triangle. The TNT/TMA partners with local governments, agencies, businesses, resorts, advocacy organizations, local and federal legislators, as well as regional and state agencies to promote expansion of regional transit solutions. By joining and maintaining membership in the TNT/TMA, the project is providing funding that would be used towards enhanced transit and other forms of multimodal transportation." (FEIR, p. 3.5-448 and -449).

Also, the response to IO18-28 mischaracterizes our comments. We asked how the DEIR could conclude that the proposed transit stop improves "existing" transit service when there is no 'existing' transit need for the MVWPSP project.[59] In other words, there is nothing to "improve." Further, the FEIR speculates that the additional three minutes associated with adding the MVWPSP bus stop[60] would not be "expected to" degrade service, and that any increase in travel times would be "modest."[61] However, the FEIR presents no information, such as passenger surveys, to support the assumption that the additional delay would not affect existing transit use. Additional delays may discourage existing passengers such that they opt to drive instead.

The FEIR also appears to imply that because the project is not one large resort, the applicant cannot include additional mitigation (beyond membership in the TMA).[62] Because regional traffic and transit systems are just that – *regional* – it is far more effective to plan for the impacts of the project now, rather than attempt to mitigate the regional impacts of individual home or commercial projects in the future. The mitigation and monitoring plan in the FEIR clearly relies on future cooperation through homeowners associations and other means.

A. Contributions to transit systems:

The DEIR proposes two mitigation measures which it concludes mitigate transit impacts to less-than-significant:

> "Mitigation measures 10-5a (Payment of Annual Transit Fees) and 10-5b (Join and Maintain Membership in the TNT/TMA) would determine with specificity the project's fair-share annual contribution to ongoing operational transit services and improvements, and would require ongoing participation by the project's commercial and homeowner associations in TNT/TMA to address and improve transit and transportation conditions into the future. These measures would offset the project demand for additional transit services, thereby reducing the impact on transit to a less-than-significant level." (DEIR, p. 10-33).

The DEIR does not sufficiently estimate the potential impact to transit systems in the first place (for example, the additional three minutes added by the new transit stop may affect ridership, as noted previously), therefore it is impossible to determine whether they can be mitigated to less than significant. In addition, the

[59] "The DEIR states that 'The proposed project would enhance existing transit service on SR 267 with construction of a new bus shelter within the MVWPSP near SR 267.' (DEIR, p. 10-33). However, it is unclear how adding a new bus shelter enhances 'existing' transit service. Currently, there are no homes or recreational attractions that require existing transit service to stop where the future bus shelter would be. Therefore, it is not correct to claim enhancement of 'existing services' where no existing services exist. In fact, the addition of a new bus stop is likely to degrade existing transit services." (Labeled as IO18-28, FEIR, p. 3.5-100).

[60] "In sum, serving this stop may add 3 minutes to the one-way running time of the TART 267 Route." (FEIR, p. 3.5-167).

[61] "Bus schedules may have to be adjusted, but would be evaluated by TART and are not expected to result in a degradation of service… Because the project would result in only one additional stop, any increase in the travel time of the transit route would be modest." (FEIR, p. 3.5-167).

[62] Response to IO41-39: "The project is not a resort that would be controlled by the project applicant following construction and allowing for the implementation of measures such as discounted transportation to the Amtrak station or transit passes. Recruitment of transit riders would likely occur (or occur more effectively) through other efforts in place from the TMA to publicize transit opportunities." (FEIR, p. 3.5-444).

DEIR provided no information showing how the payment of annual transit fees and membership in the TNT/TMA will ensure mitigation; the FEIR did not correct this deficiency. Simply paying a fee does not meet the CEQA requirement to show how that fee will result in mitigation.[63]

B. Fair Share of Transit Costs:

Our DEIR comments stated that: "The EIR should clearly analyze how residents and guests of the new MVWPSP project area will contribute their fair share toward transit. Existing Tahoe Basin and Martis Valley residents should not bear any additional burden of funding transit in order to support the new development." The FEIR's response (IO18-30)[64] refers to the mitigation measures for the payment of annual transit fees (10-5a) and joining and maintain membership in the TNT/TMA (10-5b). However, as noted previously, the EIR does not identify how these measures will actually ensure mitigation. Without this information, it is impossible to assess what the fair share contribution should be.

In addition, we questioned how the impacts from day-use drivers in the Basin would be addressed (labeled as comment O18-30). The FEIR refers to the response to O18-29, which does not evaluate or disclose how day-traffic from MVWPSP would be mitigated by the proposed mitigation measures.

4. Brockway Campground

Numerous comments were made regarding the cumulative impacts of the MVWPSP and Brockway Campground. In response, the FEIR asserts that the projects are not connected,[65] that "each of the two projects can be implemented without the other," and that "If one project is approved, then that approval would create no 'bureaucratic momentum' with respect to the other proposal."[66] The facts show otherwise.

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[63] http://www.sierrawatch.org/wp-content/uploads/2015-SMW-Letter-to-M-Krach-re-Village-at-Squaw-Specific-Plan-DEIR-07-16-2015.pdf; p. 51-52

[64] "The comment recommends that the EIR address the MVWPSP's fair share contribution toward transit. Mitigation Measure 10-5a (Payment of Annual Transit Fees) and Mitigation Measure 10-5b (Join and Maintain Membership in the TNT/TMA) are included in the EIR, which would include a determination of the project's fair-share annual contribution to ongoing operational transit services and improvements, and would require ongoing participation by the project's commercial and homeowner associations in the Truckee-North Tahoe Transportation Management Association (TNT/TMA) to address and improve transit and transportation conditions into the future." (FEIR, p. 3.5-168).

[65] "First, either of these proposals can be constructed on its own. Neither project depends on the other. Put another way, if the County and the Tahoe Regional Planning Agency do not approve the Brockway Campground, then that decision will have no bearing on whether the MVWPSP project is able to proceed. The reverse is also true; the fate of the MVWPSP project does not affect the viability of the Brockway Campground." (FEIR, p. 3-7).

[66] "The comment asserts that the MVWPSP and the Brockway Campground proposal are connected notwithstanding the fact that the MVWPSP project will be implemented with or without the Brockway Campground. However, the fact that each of the two projects can be implemented without the other demonstrates that each proposal has independent utility, by which each project can be subject to a separate EIR under CEQA. As stated under Section 15165 of the State CEQA Guidelines, where one project is one of several similar projects of a public agency, but is not deemed a part of the larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect. The two projects are separately proposed. They involve different

Projects are connected:

Although the MVWPSP may not rely upon the Brockway Campground (Campground) for approval, the Campground may rely on the MVWPSP for approval.

1. The Brockway Campground application files specifically note sewer facilities offside (on the MVWPSP project area). If the MVWPSP is not approved, then it would likely cost the developers of the Campground significantly more to install a sewer line the full distance that it would need to go to connect to where the MVWPSP will connect it to. We question whether such a cost would be undertaken if the infrastructure for MVWPSP isn't built. In addition, the Campground application states: "Sewage will be collected from restrooms, amenities and camper sites and will drain by gravity to the low point of the site where it will be conveyed to a septic system located off site, outside of the Tahoe Basin. The sewage collection system will contemplate a possible future connection to sewer infrastructure outside and adjacent to the project site." (p. 7) [emphasis added]. Note the figure from the Brockway Campground application below states: "Sewer to be taking to septic system outside the Tahoe Basin" (see close-up image of area under circle following larger map). This clearly suggests that the Campground aims to connect to MVWPSP facilities. No alternatives are included in the Campground application. Further, the EIR lists Brockway Campground as one of the cumulative projects that would contribute flows to the TRI.[67] Images from the application (p. 7) are included below.[68] It is also reasonable to anticipate that installing energy and natural gas infrastructure for the MVWPSP would provide lines for connecting the Campground's utilities. The projects are not only connected, but the MVWPSP will develop infrastructure (i.e. the sewer line connection) that is likely to induce growth where the Brockway Campground project is proposed. CEQA requires the growth-inducing impacts of the project be fully disclosed.[69]

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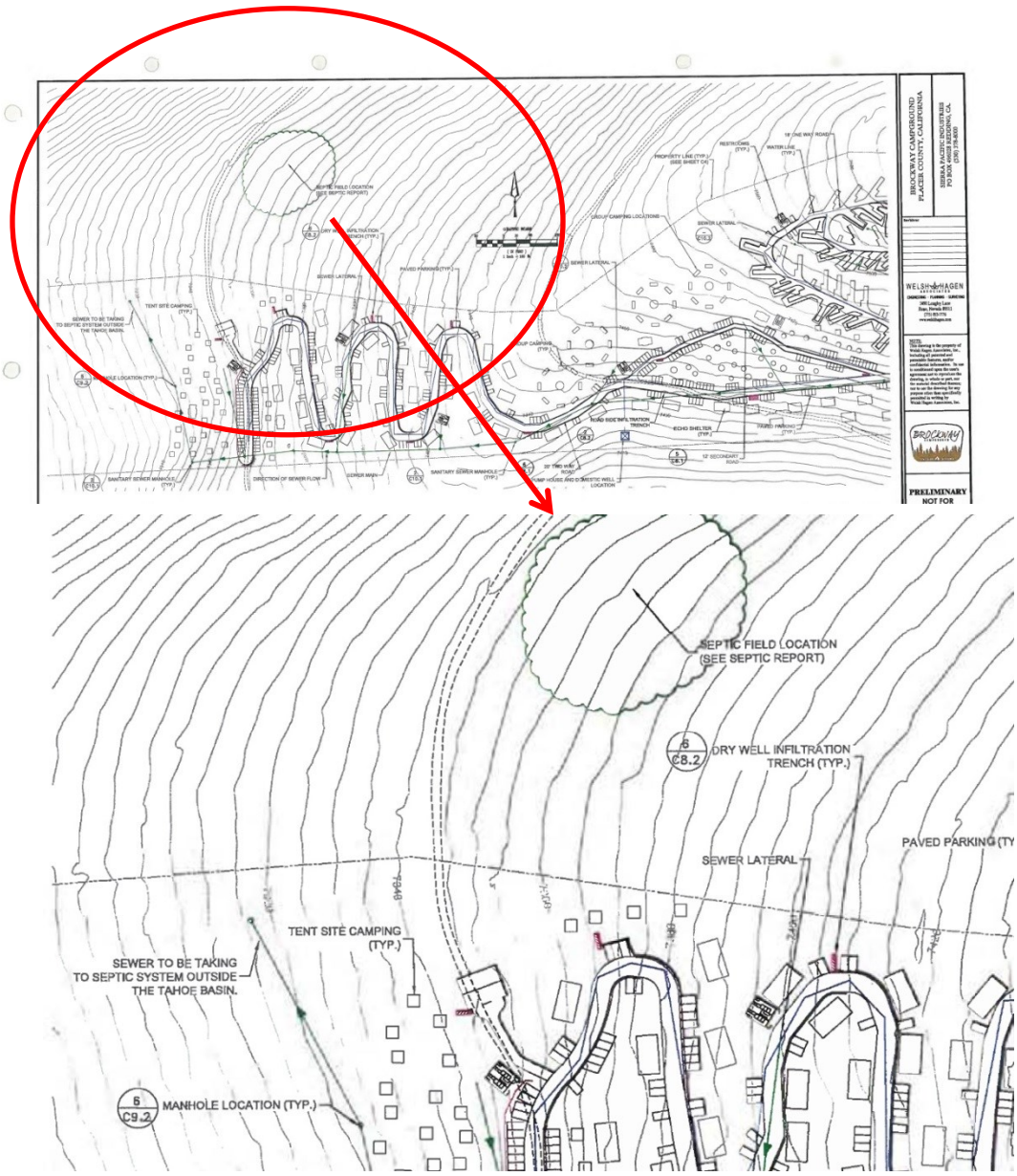
uses. They are located in the same region, but not on the same sites. They would be implemented under separate timelines. They do not share road networks (except for the MVWPSP's secondary EVA) or utilities. If one project is approved, then that approval would create no "bureaucratic momentum" with respect to the other proposal. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396.) The Brockway Campground proposal and other related projects that may contribute to cumulative effects were considered throughout the cumulative impact analyses of the Draft EIR." See Master Response 2 regarding the Brockway Campground. (Response to Comment IO41-4, FEIR, p. 3.5-426).

[67] "Cumulative projects that would contribute flows that could affect the TRI below the TSD outfall include Joerger Ranch, North Highlands II, Northstar Mountain Master Plan, Martis Camp, Brockway Campground, Homewood Mountain Master Plan, and projects in Squaw Valley and Alpine Meadows." (DEIR, p. 16-31).

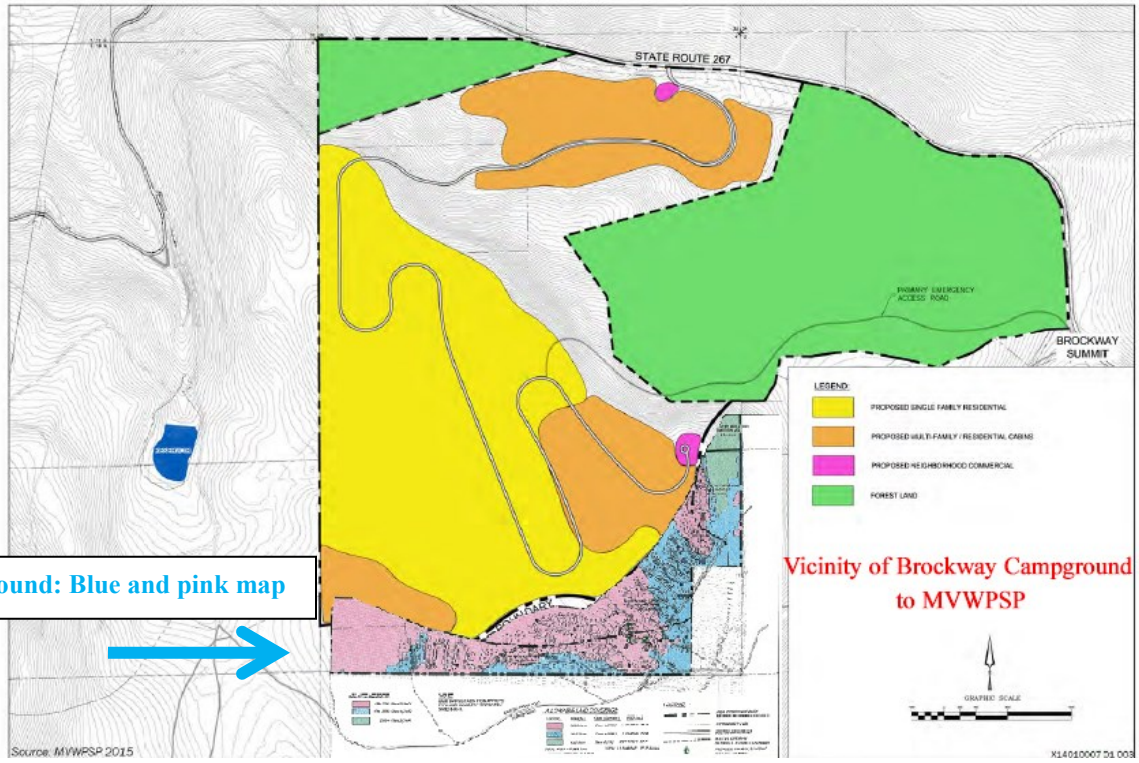
[68] http://www.placer.ca.gov/~/media/cdr/planning/brockwaycampground/project%20description.pdf?la=en

[69] CEQA: **15126.2** (d) Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must



not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

2. We also questioned the cumulative scenic impacts of the projects. For example, when one compares the MVWPSP layout to the Campground layout, it appears that the trees that will have to be removed for roadways and development of the Campground are likely to 'open up' views between Lake Tahoe and the MVWPSP structures, resulting in cumulative scenic impacts to views from the Tahoe Basin. The FEIR fails to respond to this question (labeled IO18-39), instead reasserting that the DEIR evaluated the impacts and referring to Master Response 2, where these comments are not addressed.[70] Our DEIR comments included the following rough map,[71] comparing the MVWPSP layout to the proposed Campground layout.[72]



Brockway Campground: Blue and pink map

Image: General comparison between location of the MVWPSP and Brockway Campground (Figure C11.2 from the Campground application was merged with the MVWPSP figure).

Bureaucratic Momentum:

Currently, both projects are proposed in an undeveloped forested area. They are clearly not "infill" or close to existing infrastructure. In fact, the deletion of the Placer County policy 1.A.1,[73] which promotes in-fill development, from the Specific Plan language

[70] "The comment states that the cumulative impacts of the proposed Brockway Campground and Martis Valley West Area Plan must be fully assessed. The Draft EIR includes an assessment of cumulative impacts as outlined in Section 4.2, Cumulative Impact Analysis Methodology…The analyses of cumulative effects are included in the separate technical chapters of the Draft EIR. See Master Response 2 regarding the Brockway Campground proposal." (FEIR, p. 3.5-170).

[71] Image from our DEIR comments, included in the FEIR on p. 3.5-108.

[72] http://www.trpa.org/wp-content/uploads/APPLICATION-PHOTOS-GRAPHICS-PLANS.pdf; (Figure C11.2 on p. 7)

[73] The FEIR deletes the following policy: "The County will promote efficient use of land and natural resources and will encourage 'in-fill' development." (FEIR, p. 2-8)

reflects this fact. However, once the MVWPSP is approved, it will become "nearby" or "adjacent" development to the Campground site, making the approval of the Campground easier to justify as it would no longer represent extensive development of *undeveloped pristine forest land*. In fact, Placer County staff have already seemingly downplayed the significance of the development of the MVWPSP's now forested conditions by stating that it is "close to" other development (Stacy Wydra, comments to the North Tahoe Regional Advisory Council [NTRAC] on 5/12/2016). In this case, the reference was to Northstar developments; an NTRAC member pointed out that this was confusing because there are recreation-zoned lands that are not developed beyond recreation between Northstar and the MVSPSP project area (meaning it is not correct to say it is near existing development). In response, Placer County staff stated the: "characteristics of the site contain development;" which fails to address the issue, let alone appears to be a meaningless statement.

Therefore, it is also reasonably foreseeable that once the MVSPSP has been approved, the Campground will then be viewed as "near or adjacent to" other development as well, making approval of the Campground far more likely. This is how urban sprawl happens, and reflects a clear example of piecemealing development, which is not allowed by CEQA.

We refer back to our comments, as well as those submitted by numerous other public organizations and citizens, regarding the need to evaluate the cumulative impacts of the MVWPSP and the Brockway Campground.

5. Impacts to Emergency Vehicles on 267

The DEIR examines the following two criteria related to wildfire threats and evacuation (DEIR, p. 18-13):

> "□□impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan;
>
> □□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;"

The DEIR concludes both impacts are less than significant for the following reasons:

> "Because the project would include two emergency access points in addition to the primary access road, adequate emergency ingress or egress would be provided. This impact is less than significant." (DEIR, p. 18-19).
>
> "Because the project would develop an emergency evacuation plan as part of the FPP, provide adequate emergency vehicle access and points of ingress and egress in a manner that meets NFD requirements (Shadowens, pers. comm., 2015a), and result in operational traffic that, at buildout, would represent an incremental increase insufficient to interfere with the SR 267 Emergency Evacuation Plan, the project's impact relative to emergency evacuation is less than significant." (DEIR, p. 18-20).

Neither of the DEIR's discussion points actually address the project's impacts on emergency evacuation and access on SR 267, as requested in our comments.[74] The FEIR refers to Master Response 9, however, the response does not address how the project would impact evacuations and emergency access on SR 267. This is not the same issue as to whether the project will cut off or modify any evacuation routes (the focus of the response[75]). At 5/12/2016 NTRAC meeting, the applicant's representatives confirmed that the project's evacuation 'analysis' only addresses people and vehicles *within the project area*, leaving the impacts on SR 267 for Caltrans to deal with. Master Response 9 also refers to a Fire Protection Plan,[76] however once again, this only focuses on emergency access standards, routes, and other factors *on the project site.* Even where the latter section discusses the potential to interfere with the Evacuation Plan for SR 267, the EIR does not explain how the project can have significant and unavoidable impacts on transportation, yet have less than significant impacts on emergency evacuation and access on SR 267.

In addition, a recent court ruling related to the Homewood Mountain Resort reflects the importance of assessing the impacts of the project on the capacity of emergency evacuation routes. Although released on 12/22/2015 – the same day public comments on the FEIR were due – we include the following information for the record and to reiterate comments we have previously made.

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.[77] One of the most notable outcomes is the Court's decision regarding emergency evacuation:

> "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."

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[74] "The MVWPSP will generate 'significant and unavoidable' transportation impacts (i.e. more congestion) to SR 267, including the segment from Brockway Summit to the SR 267/SR 28 intersection in Kings Beach. The DEIR also notes that even if SR 267 were to be widened, it would not likely occur before construction of the MVWPSP project began. This will create additional delays for emergency vehicles on SR 267…[and] interfere with emergency evacuations, which may involve residents and visitors to North Lake Tahoe, those within the MVWPSP project area and Northstar, and guests at the proposed Brockway Campground." (FEIR, p. 3.5-103 and -104).

[75] "Impact 18-4 discusses interference with an emergency evacuation plan. As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes." (FEIR, p. 3-37)

[76] "The impact discussion explains that, in accordance with Policy PSU-25, a Fire Protection Plan (FPP) would be prepared for the project that would identify emergency evacuation routes, emergency access road standards, standards for signs identifying evacuation routes, and a program for disseminating public safety information." (FEIR, p. 3-37).

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

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 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.*"[78]

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 MVWPSP EIR, we requested the FEIR address the project's impacts on the capacity of SR 267 to evacuate people from the North Tahoe region and allow for emergency access. The FEIR fails to respond. Also similar to the Homewood case is the EIR's conclusion that there will be significant and unavoidable traffic impacts, yet the EIR "inexplicably" concludes a less than significant impact to interference with emergency evacuation. It appears the FEIR skirts the question by determining significance based on a very narrow focus on whether there is an access route for people within the MVWPSP project area to exit the project area on to SR 267, thereby ignoring the impacts of those people *on* SR 267.

In addition to the reasonable conclusion that significant and unavoidable traffic impacts translate to significant and unavoidable impacts on evacuation plans, it is also worth stepping back and considering the bigger picture. This project will place 1000's of people in extremely dangerous locations, where they could lose not only their property, but their lives to wildfire. Second, placing more people in fire-prone areas takes away resources from fighting fires elsewhere, and fire-fighting resources are already lacking (e.g. "'Some people are building homes in fire prone spots. It changes the way we fight fires, when we're having to send more resources in to protect these homes,' said Mike Taormina, South Lake Tahoe fire wildland operations coordinator.").[79] Third, developing in forested areas also increases the threats to firefighters, as they are now tasked with having to defend homes from a fire in an area that would have been less dangerous to deal with when only a forest is burning.[80] Fourth, development in this forested area makes it far more difficult, if not impossible, for land managers to use prescribed ecological fire to ensure forest health and reduce the threats of catastrophic wildfire.[81] All in all, this development is a dangerous proposal that will place the lives of 1,000's of people and firefighters in danger (and perhaps 10's of 1,000's when peak resident and visitor traffic periods are considered). We request Placer County consider whether this is a desirable and responsible land planning approach.

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

[79] http://www.laketahoenews.net/2016/05/threat-of-fire-ignites-concern-in-tahoe-basin/

[80] "Fire spread and intensity was reduced in this area primarily due to USFS and CTC urban lot hazard fuel treatments, reduced concentration of houses and safer access by firefighters." http://www.cnpssd.org/fire/angorafireusfsfullreport.pdf

[81] M. P. North, S. L. Stephens, B. M. Collins, J. K. Agee, G. Aplet, J. F. Franklin, P. Z. Fulé. Reform Forest Fire management. *Science.* 18 September 2015. VOL 349, Issue 6254, p. 1280-1281.

6. Water Supply

We are concerned about the project's individual and cumulative impacts on water supply. While we reference comments submitted by Sierra Watch for detailed concerns, we want to emphasize the following two points:

First, the applicant told the NTRAC members and public (at the 5/12/2016 meeting) that the project will create a "new" water supply for the area. We would like to clarify that this is technically incorrect. The project will not bring "new" water to the area; it will simply add wells to draw from water already part of the ecosystem in the area. Further, as to implications that this 'new' water source will benefit firefighters, we note that the fire risk and increased danger from adding homes to this area far outweigh any benefits from having additional wells to draw water from. As it currently stands, if a fire were to occur on this parcel, firefighters can focus efforts on creating containment lines around the area and ensuring the highways remain safe and open, instead of having to put themselves in greater danger by trying to protect homes from raging flames.

Second, as noted in our comments on the DEIR,[82] the water assessment only analyzed four-years to represent presumed "long term" drought conditions with regards to supply. We presented evidence that droughts have already lasted longer than four years, as well as references showing that we are currently in the most severe drought recorded in over a century. Four years does not provide for an adequate analysis of a "long term" impact. It would behoove Placer County to fail to consider how water will be supplied to existing uses, let alone new uses, in a true long term drought situation.

7. Scenic Impacts

Our DEIR comments noted the special significance of scenic resources of the Tahoe Basin, providing as evidence references to numerous Tahoe Basin documents, including the TRPA Compact, Goals and Policies, and the study behind the adoption of TRPA's scenic threshold standards (see Comment IO18-41, FEIR, p. 3.5-109 to -110). The FEIR dismisses this information: "[The] specific TRPA documents cited in the comment do not apply to the project area."[83] We disagree. CEQA requires the project's impacts on the environment be disclosed, and TRPA's rules and standards specifically identify the Basin's scenic resources as an important value of the Lake Tahoe Basin, including the "edges between sky and ridgetops…"[84] Thus, it is necessary for the EIR to evaluate and disclose the impacts to these resources, as defined by documents and regulations associated with TRPA. In addition, we are concerned with new ridgeline development such as this around the Tahoe Basin, and the approval of the proposed project will set a precedent that may allow further degradation of Tahoe's scenic resources.

The Response to Comment IO18-41 also asserts that the DEIR considered scenic impacts in the context of each view:

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[82] "One glaring problem with the water supply assessment is that the evaluation of 'long term' impacts is based on just *four* years." (Labeled as comment IO18-35, FEIR, p. 3.5-104).
[83] FEIR, p. 3.5-171.
[84] *Environmental Impact Statement for the Establishment of Environmental Threshold Carrying Capacities,* Tahoe Regional Planning Agency. May 1982. (p. 44-45). As referenced in our DEIR comments.

> "On page 9-32, the Draft EIR also explains how the impact analysis considered the context of each view when determining if visual changes would result in a significant effect, stating that:
>
> > "In determining the extent and implications of the visual changes, consideration was given to the following factors for each of the significance criteria listed above:
> >
> > - existing visual qualities of the affected environment and specific changes to its visual character and qualities;
> >
> > - the visual context of the affected environment;
> >
> > - the extent to which the affected environment contains places or features that provide unique visual experiences or that have been designated in plans and policies for protection or special consideration; and
> >
> > - the sensitivity of viewers, access of viewers, their activities, and the extent to which these activities are related to the aesthetic qualities affected by the project-related changes."
>
> The Draft EIR analyzes the significance of each impact with consideration given to the context of the visual changes in the Tahoe Basin, including a separate analysis of the project's effects on scenic vistas from the Tahoe Basin (pages 9-33 through 9-37). Because the Draft EIR appropriately considers the context of the Lake Tahoe Basin, including the existing visual quality and the sensitivity of viewers to change, when determining the significance of visual changes that could be viewed from the Lake Tahoe Basin, the analysis is adequate as provided." (Response to Comment IO18-41, FEIR, pl. 3.5-171).

However, the EIR does not include separate significance criteria to evaluate the impacts to viewers within the Lake Tahoe Basin that will view the project area from both developed and undeveloped areas (like mountain peaks and the Tahoe Rim Trail).[85] Without a significance finding, adequate mitigation cannot be determined. As TRPA's documents show, scenic quality is valued especially high in the Lake Tahoe Basin (and as a result, includes additional protections through the TRPA Bistate Compact). As noted in our comments regarding night sky impacts from light pollution (discussed below), the FEIR acknowledges that lights will be viewable from other areas of recreational and scenic value around the Tahoe Basin, yet still concludes less than significant impacts without having considered unique criteria for the Lake Tahoe Basin.

A. Screening by vegetation:

The FEIR relies heavily on screening by existing trees to conclude less than significant impacts to scenic resources from the Tahoe Basin.[86] However, the FEIR is careful to frequently focus only on trees *within the project area*, analyzing only the

[85] "Buildings that are not behind a topographic feature that completely removes them from viewpoints around the lake will likely be viewable from numerous locations in the Basin, and the impacts to night sky will be even greater as light pollution from the structures, associated streetlights, and vehicle headlights can be seen from farther distances (noted below) and will contribute to ever-increasing sky glow in the area." (Labeled as Comment IO18-42, FEIR, p. 3.5-110).

[86] "Similarly, when discussing potential nighttime effects of the project, page 9-46 of the Draft EIR explains that lighting from the project would be blocked by the ridge between the West Parcel development area and Lake Tahoe and by existing trees." (FEIR, p. 3-12).

trees to be removed for the MVWPSP[87] and defensible space[88] on the project area. For example, the FEIR states that trees would not be thinned outside of the project area *as part of the Project*.[89] There is no acknowledgement that trees will be removed as part of the adjacent Brockway Campground development, nor as a result of likely future thinning efforts by the USFS on adjacent publicly-owned parcels due to extreme fire danger (in fact, the FEIR avoids this consideration again by focusing solely *on the project area*).[90] The most recent fire and fuels plan for the Basin identifies 'planned' and 'to be considered' thinning projects in the area.[91] In fact, although detailed project plans are available for the Brockway Campground,[92] the FEIR claims that the cumulative effects of other projects "cannot be known with specificity."[93] This exclusion of tree removal also infects the expert reports and peer-review results,[94] since expert analyses and peer reviews only examined visibility impacts associated with the MVWPSP (not reasonably foreseeable tree removal on adjacent parcels). Thus, potential cumulative impacts from Brockway Campground and future USFS thinning on adjacent parcels were not considered as part of the EIR's scenic studies, yet are likely to have a direct, significant impact to views from the Tahoe Basin.

B. Light pollution impacts to night sky:

In our DEIR comments, we stated extensive concerns regarding the impacts of the project on night sky views from around the Lake Tahoe Basin. Viewing areas include developed areas, recreation areas, and high elevation mountain trails and peaks. In addition, we noted that tree removal associated with the proposed Brockway

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87 "…the visual simulation methodology…consisted of creating a model for trees on and around the site, removing all trees planned for removal to accommodate buildings and roads, and conservatively assuming less than 50 percent visibility for the remainder…the simulations portrayed the effects of 100 percent tree removal for houses and roads." (FEIR, p. 3.5-190). [Emphasis added].

88 "Within the project area, much of the vegetation up to 10 feet from the ground surface would be removed for fuel maintenance..." (FEIR, p. 3.5-190).

89 "Trees outside of the project area would not be thinned as part of the MVWPSP…" (FEIR, p. 3.5-191). [Emphasis added].
"The determination of viewpoints from which to prepare the photo simulations was based on an extensive visual profile study to determine from which surrounding locations views onto the project site might be visible, and not completely blocked by existing topography or vegetation that would not be subject to removal by the project." (FEIR, p. 3-12). [Emphasis added].

90 "This area would not be subject to fuel maintenance as part of the project, so the trees closest to Fibreboard Freeway would not be thinned. Therefore, there would not be an effect on the analysis." (FEIR, p. 3.5-176).

91 Lake Tahoe Basin: Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy (August 2014).. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3812893.pdf; see Figure 14, p. 34.

92 http://www.placer.ca.gov/departments/communitydevelopment/planning/brockwaycampground

93 "Where the Draft EIR acknowledges that the cumulative effects of past, present, and future projects—though based on best available information and good-faith analysis—cannot be known with specificity, the assessment goes on to provide analysis and evidence from the project-specific environmental review and reasonably foreseeable cumulative projects to support the cumulative impact conclusions and the project's contribution to cumulative conditions…However, the Brockway Campground Project is a separate proposal for which environmental review has not yet commenced, and which will be within the jurisdiction and decision-making authority of both TRPA and Placer County…" (FEIR, p. 3.5-191).

94 "The daytime and nighttime visual simulations were peer-reviewed by Field of Vision, an independent firm with technical expertise in visual simulations and visual impact assessment…" (FEIR, p. 3-14).

Campground, as well as thinning on nearby USFS lands, may increase the day and nighttime visibility of the project area. The impacts of tree removal adjacent to the project area are still not evaluated (more below).

1) Impacts to views from high elevation locations, including Tahoe Rim Trail:

The FEIR acknowledges that the night lighting from the project area will be viewable from other such locations such as Marlette Peak and South Camp Peak, but then dismisses these impacts as insignificant via speculation that they will not be 'discernable' at these distances (although what this means with regards to light pollution or how it provides for assessment of significance is unclear),[95] that viewers will not be able to distinguish between lights from lakeshore communities versus other mountain communities,[96] and that these views encompass a wide angle[97] - although how this latter statement affects a viewer's ability to see night lighting is also not explained. For example, it is unclear how light pollution will be less visible because an area is viewed with a "wider angle."

However, not only does the FEIR fail to evaluate these impacts, but this conclusion also defies the experience of anyone who has ever looked across Lake Tahoe at night. Lake Tahoe is approximately 22 miles long and 12 miles wide and night time lighting can be seen across the Lake from any direction. In addition, contrary to the FEIR's conclusion, the source and type of lighting is 'distinctive;' it is easy to tell what lighting is near the shoreline, part way up the side of mountains, or even on the top of mountains (the view of Squaw Valley's "High Camp" from Spooner Summit is an obvious example of this latter impact).

2) Impacts to Recreation Areas:

Although, as noted throughout our DEIR and FEIR comments, we do not believe the EIR has adequately examined the impacts to daytime viewing from other locations (e.g. the Tahoe Rim Trail), we focus our comments here on the night time light pollution.

Lights from the project area will be viewable from numerous other high elevation areas in the Tahoe Basin, including portions of the Tahoe Rim Trail. As noted above, the FEIR acknowledges this impact. However, in addition to dismissing the impacts through speculative terms about distance and other factors, the FEIR also takes another odd approach in an attempt to seemingly minimize such impacts: the FEIR states that light pollution is less likely to harm the views of hikers or campers on the Tahoe Rim Trail and other recreational areas because they will be using headlamps, and this will presumably interfere with or reduce

[95] "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. At these distances, the proposed project would not be discernable." (FEIR, p. 3-13)

[96] "…at night, and at these distances, any lights visible from the project site would be difficult to differentiate from lights within the lakeshore and other mountain communities." (FEIR, p. 3.5-175).

[97] "In addition, views from these distances would encompass a wide angle, so that the lake and surrounding hillsides and forest would be within the viewer's sights." (FEIR, p. 3.5-175).

their ability to see light from the project area.[98] No evidence of this impact was presented.

In this case, logic again prevails. It is not difficult to be aware that when people are hiking or camping along the Tahoe Rim Trail, or on mountain peaks around the Basin in the dark, they are likely very interested in viewing the night sky. While someone may use a headlamp to set up a campsite, or retrieve something from a backpack, this is a short term use. It makes little sense to suggest that the impacts of night lighting are somehow reduced because a camper may use their headlamp for a few minutes. If the EIR wants to rely on such a claim to mitigate impacts, it must include evidence (e.g. surveys of TRT hikers and campers) showing that additional light pollution will not harm their recreation and scenic experience. As it stands, this claim appears to be yet another opinion included in an attempt to lessen the impact (and avoid mitigation for) what is anticipated to be a significant impact to nighttime views from other high-elevation locations.

Because night sky impacts (those that are actually acknowledged in the FEIR), are incorrectly written off as "less than significant" or "not substantial"[99] based on speculation or vague statements that are not supported by evidence or unclear, additional mitigation measures to reduce night sky impacts to viewpoints in the Tahoe Basin have not even been considered.[100]

3) Impacts from tree removal associated with the Brockway Campground:

As noted previously, the removal of trees offsite which may now provide screening for the MVWPSP project area is likely to reduce screening and thereby increase the visual impacts of the project on both night and daytime views. In addition, it is reasonable to assume that the USFS will at some point thin the federal land they manage in the project area, however the impacts of this have also not been addressed.

As stated in our DEIR comments,[101] and regardless of whether Brockway Campground is legally considered 'connected' to this project, the cumulative

[98] "Further, the Tahoe Rim Trail is a recreational facility that is used primarily during the day. Any recreation at night would require individual light sources, which would limit visibility of other external light sources." (FEIR, p. 3-12).;
"Regarding nighttime views, the Tahoe Rim Trail is used primarily in the daytime, as any nighttime use would require auxiliary lighting, e.g., headlamp or flashlight, which would limit a recreational users' sight to a single point of view. Additionally, at night, and at these distances, any lights visible from the project site would be difficult to differentiate from lights within the lakeshore and other mountain communities." (FEIR, p. 3.5-175).

[99] "For the above reasons, the EIR concluded that lighting from the project site would not result in a substantial amount of light that would adversely affect views in the area." (FEIR, p. 3.5-192).

[100] "Therefore, the mitigation measures proposed in the comment to reduce impacts on the Lake Tahoe Basin are not necessary or required." (FEIR, p. 3.5-193).

[101] "In addition, although the DEIR states the cumulative impacts from Brockway Campground cannot be assessed because it is still in the "planning stage," as discussed previously, the Campground's application includes a rather detailed project layout[101] that is quite similar to the conceptual plan of the MVWPSP represented by Exhibit 9-26. This certainly provides enough information for the EIR to evaluate the potential cumulative impacts with the Campground. Not only will the Campground remove additional trees

impacts of tree removal for the Campground are reasonably foreseeable. In fact, our DEIR comments included the pairing of the project layouts for both MVWPSP and the Campground. At a glance, when the project layouts are placed next to each other (as illustrated previously), it appears that tree removal for the Campground will open up views between Lake Tahoe and MVWPSP buildings (from both lower and higher elevation viewpoints in the Tahoe Basin). The EIR must evaluate these potential cumulative impacts.

4) Light from Headlights

Our DEIR comments noted the need to evaluate the impacts of headlights on night sky.[102] The FEIR's response asserts that headlights would be less visible because they'd be blocked by existing trees.[103] However, as noted above, those 'existing trees' may be removed to accommodate the Brockway Campground. In addition, the response also fails to address the impacts from sloped roadways. In sloped areas, light from vehicles driving uphill will shine much higher than on a flat roadway. Conversely, where roadways are higher than surrounding areas headlights from vehicles may also be viewable from lower elevations. The FEIR includes no assessment of roadway angles and design, and how this may impact the extent of light pollution caused by headlights. This same failure infects the analysis of sky glow impacts, where impacts of driving on sloped roadways are also not addressed.[104]

5) Light poles

In our DEIR comments, we suggested using light poles to help assess the potential night light impacts from the project.[105] The FEIR dismisses this recommendation, stating that it would not provide the most accurate light assessment.[106] However, as the FEIR has claimed 'conservative' analyses elsewhere (i.e. light from homes

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that may currently provide some screening, but it will also result in additional light sources on the ridgeline (including the project structures and headlights)." (Labeled as comment IO18-066, FEIR, p. 3.5-127).

[102] "Not only will the Campground remove additional trees that may currently provide some screening, but it will also result in additional light sources on the ridgeline (including the project structures and headlights)." (Labeled as comment IO18-066, FEIR, p. 3.5-127).

[103] "The comment addresses lighting effects from headlights. Due to their lower height, headlights would be less visible than residential lighting from the surrounding area, would be blocked by existing trees and the existing ridge, in relation to the Basin. Trees would also block headlights on the Martis Valley side, although headlights may be intermittently visible due to little topographic barrier..." (Labeled as comment IO18-069, FEIR, p. 3.5-128)

[104] "Also, existing tree cover, with many trees up to 70-feet tall, would absorb or block much of the light, preventing it from bouncing back to the sky…For the above reasons, the EIR concluded that lighting from the project site would not result in a substantial amount of light that would adversely affect views in the area". (FEIR, p. 3.5-192).

[105] Labeled as comment IO18-73, FEIR, p. 3.5-131.

[106] "IO18-73 The comment suggests story pole lights as an alternative method for determining night-time impact. Story pole lighting would mark the main boundaries of the project at points currently accessible by road but would not provide the most accurate and complete effect of the project. It would not depict the types of lighting used, nor would it represent the fact that the majority of light sources would be from the insides of houses. Nor, since not all areas of the project are currently accessible, could it replicate all placement of lights in all houses at the same level of completion as the computer-generated photosimulations." (FEIR, p. 3.5-193).

is simulated assuming lights are on in all faces of the buildings),[107] the use of light poles would notably represent a conservative method of evaluating where lights may be seen from. This approach could be used to assess which viewpoints require additional study. Instead, the FEIR provides no analysis to support its assertion that light impacts will not be significant from the Tahoe Basin (even as it recognizes that night lights will be viewable from several locations not analyzed in the DEIR, as noted previously).

6) Consultation with other organizations:

The FEIR frequently refers to consultation with other organizations as purported support for the viewpoints used in the visual simulation.[108] However, the three conservation-oriented organizations often noted in these statements (the League to Save Lake Tahoe, Sierra Watch, and Mountain Area Preservation Foundation) all critiqued the inadequate visual impact analysis in the DEIR, noting insufficient viewpoints from the Tahoe Basin as a failure in the analysis.[109] The responses in the FEIR generally refer to Master Response 4 and the additional viewpoints included in the FEIR (explained in response to IO18-52). As noted previously in our comments, the FEIR's responses still fail to address several technical inadequacies and the significance of the impact to night time views from numerous locations throughout the Tahoe Basin.

8. Mitigation Measures

As noted throughout our DEIR and FEIR comments, technical deficiencies in the EIR result in a failure to adequately analyze and disclose impacts, and/or failure to determine significant impacts, which prevents the FEIR from considering adequate mitigation. In some cases, impacts are not even considered (i.e. impacts to night sky from other Lake Tahoe viewing points); in others, the potential *maximum* impacts have not been analyzed (e.g. traffic). Where the EIR concludes no impacts, or less than significant impacts, the EIR proposes no additional mitigation.[110] As a result, the public and decision-makers are deprived of examining what additional mitigation options are available and the opportunity to mitigate many local and regional impacts will be lost. For example:

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[107] "To provide a conservative analysis, the photosimulations portray lighting from all faces of all floors of all proposed buildings. The photosimulations account for the types of lighting and the way it would be reflected in real life conditions. Thus, the photosimulations illustrate the most accurate and complete depiction of potential lighting conditions." (FEIR, p. 3.5-193).

[108] E.g. "The study evaluated 44 separate viewpoints that were selected by representatives of regulatory agencies including Placer County and the Tahoe Regional Planning Agency, and environmental advocacy organizations including Sierra Watch and Mountain Area Preservation." (FEIR, p. 3-13);
"Regarding the selection of observation points, organizations and individuals from the Tahoe Basin (Placer County, MAP, Sierra Watch, League to Save Lake Tahoe, and TRPA) were involved in the selection of viewpoints and discussion of visual impacts prior to publication of the Draft EIR." (FEIR, p. 3.5-174).

[109] See comments labeled as: IO26-12 and IO41- 21, -22, -26, and -28).

[110] "IO18-81 The comment recommends additional mitigation options regarding transportation and scenic resources. Please see responses to comments IO18-26, IO18-75, IO41-26, IO41-39, and Master Response 10 regarding alternatives. The Draft EIR provides all feasible mitigation measures necessary to reduce significant impacts to less-than-significant levels. Where impacts remain significant after imposing all feasible mitigation, the impacts are identified as significant and unavoidable in the Draft EIR." (FEIR, p. 3.5-195).

- An adequate analysis of the regional transit impacts would help determine what levels of frequency, convenience, cost, etc., will improve transit ridership (as noted previously, the FEIR's mitigation will reduce less than 1% of the anticipated trips generated by the project). With this information, sufficient mitigation measures can be developed to increase the level of mitigation provided by transit;
- Local and regional transportation impacts may also be lessened through other transit options for specific destinations, such as frequent shuttle service to Northstar Mountain Resort during the winter and Lake Tahoe during the summer months;
- As the FEIR fails to address the project's impacts on public health and safety (specifically, impacts to SR 267 as a designated evacuation route), no mitigation measures to address these impacts have been considered;
- Due to the inadequate analysis of scenic impacts (day and night time) to the Lake Tahoe Basin, mitigation options including setbacks and/or moving buildings from the highest points on the ridgeline are not considered;
- The failure to adequately examine the impacts of the project on night sky views from multiple locations throughout the Tahoe Basin, including the impacts of light pollution as viewed from both nearby and distant points (noted previously), results in little more than a cursory acknowledgement of the ability of a viewer to see the light pollution and dismissal of significance based on speculation and/or consultant opinion (e.g. see our comments above regarding headlamps and the Tahoe Rim Trail).

9. Greenhouse Gas emissions

The FEIR fails to correct the deficiencies noted in the DEIR by our comments as well as numerous other organizations. We herein incorporate the comments on the FEIR's responses regarding GHG emissions from Sierra Watch, Mountain Area Preservation, and the League to Save Lake Tahoe. We also reiterate that it is irresponsible and wasteful to develop a forest into new 2nd homes that will utilize more energy and create additional traffic, thereby causing significant increases in GHG emissions at a time when scientists, as well as the state of California, are calling for significant decreases in GHGs if we are to avoid the worst impacts of climate change.

10. Recirculation of DEIR

The County notes in the FEIR the conditions under which recirculation of the DEIR is required. While it concludes that recirculation of the DEIR is not required, this conclusion is based on a final EIR that does not address many of our DEIR comments and those of other commenters. If the County had adequately addressed these comments it is our position that it would have met the conditions under which recirculation of the DEIR was required. As the FEIR notes, recirculation is required by CEQA when the agency adds "significant new information" to the EIR after the close of public comment period. CEQA further explains that "'significant' new information includes information showing that "(1) [a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented[;] or (2) [a] substantial increase in the severity of an environmental impact would result unless mitigation

measures are adopted that reduce the impact to a level of insignificance." (*Ibid*., subds. (a)(1), (a)(2).)" (FEIR, p. 3-2)[111].

In this case, both situations apply. First, the EIR's analysis failed to adequately address several significant impacts, including traffic, scenic, public health and safety, and cumulative impacts. A corrected EIR with proper analysis would likely result in new significant impacts not identified in the DEIR (as explained above). Second, a proper analysis is likely to generate "a substantial increase in the severity of an environmental impact" with regards to the following:

- Vehicle Miles Traveled and Level of Service (congestion) – for example, impacts will increase when the EIR is corrected to reflect potential maximum occupancy levels;
- Scenic views from the Lake Tahoe Basin - especially when night sky impacts from light pollution are evaluated and properly considered;
- Public health and safety – the project will add 100's more vehicles to SR 267, which is already overloaded during peak periods, increasing threats to public health and safety by impeding a primary evacuation route from the Tahoe Basin; and
- Cumulative traffic impacts – this project, combined with the Brockway Campground project, will significantly impact SR 267, even more so when potential peak occupancy is considered.

None of these impact evaluations relied on information available after release of the DEIR. Further, the FEIR included a new alternative (5) which had not been assessed in the DEIR. The 'analysis' of this new alternative is minimal. In addition, as noted previously, the proposed Findings released on June 2nd refer to a new Economic Viability Report, dated May 2016, to dismiss the two action alternatives that reduce the significant and unavoidable impacts to the environment (Alternatives 3 and 5). This is new information directly impacts the selection of project alternatives, however it does not appear that Placer County performed any review to confirm the applicant's information that Alternatives 3 and 5 were not economically feasible. Placer County should conduct its own independent review of this information before dismissing environmentally superior alternatives,[112] and provide the public such information with adequate time to review. This assessment must clearly demonstrate "whether the marginal costs of the

[111] "The lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but prior to certification of the Final EIR. (Pub. Resources Code, § 21092.1; CEQA Guidelines, § 15088.5.) "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." (CEQA Guidelines, § 15088.5, subd. (a).) "Significant" new information includes information showing that "(1) [a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented[;] or (2) [a] substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance." (*Ibid*., subds. (a)(1), (a)(2).)" (FEIR, p. 3-2).

[112] http://www.cacities.org/UploadedFiles/LeagueInternet/ad/ad81db39-d6fa-45a4-b537-0765906147eb.pdf

alternative as compared to the cost of the proposed project are so great that a reasonably prudent property owner would not proceed with the [alternative]."[113]

The EIR should be corrected and recirculated so the public is afforded the opportunity to provide meaningful comments and recommendations on an adequate analysis and mitigation measures, including the economic information used to dismiss the two action alternatives that result in the least impact to the environment.

[113] http://www.jdsupra.com/legalnews/rejecting-ceqa-alternatives-for-economic-154791/