

RESPONSES TO COMMENTS ON THE FINAL EIR

MASTER RESPONSES

Project-generated Vehicle Miles Traveled in the Tahoe Basin

This response addresses comments pertaining to vehicle miles traveled (VMT) in the Tahoe Basin. This response is organized into the following three sections: Tahoe Regional Planning Agency VMT Threshold, Analysis of Project-Specific Impacts in the Tahoe Basin, and Analysis of Cumulative VMT in the Tahoe Basin.

Section 3.1 of the FEIR includes a section entitled “Added Vehicle Travel in the Tahoe Basin.” This section was added in response to comments on the DEIR. As a general note, VMT is not, in and of itself, an environmental issue. It can be related to environmental issues, notably air quality, traffic congestion, and water quality, subject to the following considerations:

Air Quality/Water Quality: VMT is used, in part, to determine overall air emissions from a project. Vehicle miles traveled per trip is used to calculate the vehicular emissions associated with a project. Notably, air emissions per VMT have decreased substantially over time as vehicle emissions standards have been promulgated and implemented. Air quality is typically evaluated based on effects to an air basin. The TRPA VMT threshold was established to “reduce the transport of nitrates into the Basin and reduce oxides of nitrogen (NOx) produced in the Basin consistent with the water quality thresholds.”¹

VMT can further be related to water quality effects associated with wintertime application of abrasives such as sand to the roadway, which can be crushed by tires and washed into the lake by stormwater runoff and, to a lesser degree, aerial dispersion. Water quality is also affected by atmospheric deposition of pollutants emitted by cars, primarily nitrogen and particulates.

Comments on the FEIR suggest that these effects of VMT on Lake Tahoe clarity should be more thoroughly addressed.

Traffic Congestion: While VMT can provide a gross overview of traffic congestion, other standards such as level of service (LOS) provide a more accurate indication of congestion along specific segments of roadway and at specific intersections. The relationship between VMT and traffic congestion is less clear; obviously, the more the VMT, the greater the likelihood of traffic congestion. However, congestion is also determined by distribution and timing of vehicle travel, roadway width; the presence of signals, stop signs and other controls; and a variety of other factors, all of which are evaluated by LOS. The FEIR used LOS as the measure of the project’s contribution to congestion.

None of the comments suggest that VMT provides a better metric for traffic congestion, or why the LOS analysis should not be used. Specific traffic-related comments on the FEIR are addressed briefly in this discussion and also in response to individual comments. The remainder of this response addresses VMT and water quality.

¹ Tahoe Regional Planning Agency. 2012. TRPA Regional Plan, Attachment 1: Resolution 82-11. Adopted December 12, 2012.

TAHOE REGIONAL PLANNING AGENCY VMT THRESHOLD

Rationale for TRPA VMT Threshold

TRPA is responsible for achieving and maintaining specific environmental standards known as environmental threshold carrying capacities, or “thresholds.” TRPA has developed a system that defines indicators of environmental health within each of nine threshold areas, and threshold standards for each indicator. One of TRPA’s air quality indicator categories is visibility, and one of the standards used to measure compliance with visibility objectives is VMT. In other words, TRPA’s VMT threshold was adopted as an air quality standard designed to maintain air visibility in the Tahoe Basin.

Despite the original purpose of the VMT threshold, it has come to represent a surrogate for traffic congestion, generally, and for water quality, as described above. Historically, TRPA has linked higher VMT to increased traffic congestion, increased nitrate loading into the atmosphere (and subsequent deposition into Lake Tahoe), and increased airborne concentrations of particulate matter that could affect regional and sub-regional visibility and human health.² In 1982, TRPA adopted a threshold standard that requires TRPA to not exceed total VMT in the Basin equivalent to 10 percent below the 1981 base year values, equivalent to 2,067,600 VMT, as indicated by a peak travel day, generally represented by a summer weekend.³ Although the project site is not within the Tahoe Basin and not subject to the environmental standards of TRPA, the project is near the Basin boundary, and project-generated trips would contribute to in-Basin VMT.

LAKE TAHOE TOTAL MAXIMUM DAILY LOAD

Section 303(d) of the Clean Water Act (CWA) requires states to compile a list of impaired water bodies that do not meet water quality standards. CWA also requires states to establish total maximum daily loads (TMDLs) for such waters, focused on the pollutants for which the water body is listed as impaired. For Lake Tahoe, the pollutants determined to be responsible for the decline in deep water transparency are fine sediment, nitrogen, and phosphorus. The Lake Tahoe TMDL is a science-based plan to better understand the causes of the loss in lake clarity, determine how much pollution—specifically, fine sediment, nitrogen, and phosphorus—needs to be reduced to reinstate historic clarity, and develop a workable, cost-effective implementation strategy. Now in the implementation and tracking phase, controls are being implemented to reduce pollutant loading to Lake Tahoe and the Lahontan Regional Water Quality Control Board (Lahontan Water Board) and Nevada Department of Environmental Protection are working closely with those implementing water quality improvement projects to track progress, report accomplishments, measure effectiveness, and adaptively manage implementation efforts.

Research and scientific study conducted in support of the Lake Tahoe TMDL indicates that a 65 percent reduction in fine sediment particles (from the 2008 baseline), accompanied by reductions in nitrogen and phosphorous of 10 percent and 35 percent respectively, are necessary to meet the TMDL numeric target of lake clarity of nearly 100 feet. Approximately half of these load reductions are needed to meet the Clarity Challenge, an interim milestone of 80 feet annual average Secchi disk depth to be realized by 2031. The Clarity Challenge is an important goal because, once attained, scientists can state with confidence that the trend in clarity loss has been reversed and the region is moving toward restoring Lake Tahoe's clarity.

Although the TMDL program includes required reductions for total nitrogen, total phosphorus, and fine sediment particles, initial implementation efforts are focused on particle reduction because fine sediment particles have a greater impact on clarity than the algae fed by elevated nutrient concentrations. Urban stormwater represents both the greatest source of these particles, as well as the greatest opportunity to achieve needed load reductions. So, while the restoration strategy includes efforts to reduce pollutants originating in forests, stream channels, and the atmosphere, attaining the load reduction goals hinges on

² Tahoe Regional Planning Agency. 2011. *Threshold Evaluation Report-Air Quality*.

³ *Ibid*.

reducing fine sediment particles originating in urban areas and transported to the lake through stormwater runoff⁴.

ADVANCES IN UNDERSTANDING THE RELATIONSHIP BETWEEN VMT AND LAKE CLARITY

TMDL-related research conducted as part of the Regional Plan Update indicates that improvements to road operations for water quality, including increased maintenance activities, could be the most cost-effective strategy in the near term to achieve notable pollutant load reductions of fine sediment particles. Consistent with this approach, the *County of Placer Lake Tahoe Pollutant Load Reduction Plan*⁵ intends to meet the TMDL requirements (in this permit term) through water quality improvement project catchments, implementing pollutant control measures in road maintenance operations, and quantifying clarity credits from completed private development and redevelopment projects located in registered catchments. The Lahontan Water Board has developed the Lake Clarity Crediting Program to support the Lake Tahoe TMDL. This crediting program specifies the process to connect implementation of water quality improvement actions to corresponding estimated pollutant load reductions. Through this program, “Lake Clarity Credits” have been defined as a mechanism to provide flexibility for regulated jurisdictions to achieve required load reductions. Lahontan intends to use the Lake Clarity Crediting Program as an accounting system for Lake Clarity Credits to track compliance with stormwater regulatory measures. Although Placer County anticipates that the majority of Lake Clarity Credits will be associated with water quality improvement projects, the County has identified the following control measures to meet sediment load reduction requirements:

- ▲ Use of an abrasive supply with negligible fine sediment particles and high hardness content in the source material.
- ▲ Improved sediment recovery through an increase in the frequency of road sweeping operations in targeted, registered catchment project areas.
- ▲ Purchasing a new, high-efficiency vacuum assist sweeper to improve the overall efficiency of road sweeping operations.

These in-Basin measures by Placer County address in-Basin sediment loading and are being implemented to achieve the required load reductions, to support the objectives of the TMDL, and ultimately, to restore Lake Tahoe's clarity.

The connection between VMT and Lake clarity is important, as vehicle emissions and roadway fines are known contributors to loss of clarity, but a direct link between a specific number of VMT and attainment of Lake clarity goals has not been established. Although TRPA established the 1982 goal of meeting a VMT target of 2,067,000 (10 percent below 1981 VMT levels), as measured on a peak summer day, the importance of this specific goal in light of other programs, new research and data, and regulatory requirements adopted since 1982 warrants consideration:

- ▲ TRPA released a Threshold Evaluation Report in 2011⁶. With regard to VMT, the “Data Evaluation and Interpretation” section of the Air Quality threshold included the following two conclusions (pages 3-49 and 3-50):
 - **“Relevance** – Vehicle Miles Traveled (VMT) is a proxy measure of traffic congestion, the production of nitrates, and entrainment of soil sediments from roads. Historically, TRPA posited that more VMT

⁴ Lahontan Water Quality Control Board and Nevada Division of Environmental Protection. 2016. Website. Lake Tahoe TMDL Program. Available: <https://www.enviroaccounting.com/TahoeTMDL/Program/Display/LakeTahoeTMDL>. Accessed August 2016.

⁵ Placer County Department of Public Works. 2013 (March). County of Placer Lake Tahoe Pollutant Load Reduction Plan. Prepared for Lahontan Regional Water Quality Control Board. Available: http://www.swrcb.ca.gov/lahontan/water_issues/programs/tmdl/lake_tahoe/docs/placer_plrp.pdf. Accessed August 2016.

⁶ Tahoe Regional Planning Agency. 2011. Threshold Evaluation Report, Air Quality. Available: http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf. Accessed August 2016.

would result in increased traffic congestion, increased nitrate loading into the atmosphere (and subsequent deposition into Lake Tahoe), and an increase in the airborne concentration of particulate matter known to impact regional and sub-regional visibility and human health.”

- **“Recommendations for Additional Actions** – The original supposition that there is a relationship between VMT and air and water pollutant loads needs to be further evaluated. For example, the question of what level of VMT needs to be maintained in order to avoid excessive loading of nitrate to Lake Tahoe, should be addressed by research. Alternatively, consider revising the VMT Threshold Standard to better measure the use alternative modes of transportation.”

The 1982 reference is to the TRPA Environmental Thresholds Carrying Capacity Study Report (May 1982. 29pp.).

The decreased reliance on the specific VMT standard of 2,067,600 as a Lake Tahoe water quality threshold is evident in the Tahoe Metropolitan Planning Organization (TMPO)/TRPA *Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy ER/EIS*. The adopted project (Alternative 3 in the plan) was projected to result in a VMT of 2,131,000 in 2035 (the no project alternative would result in a higher VMT of 2,141,000)⁷. As stated in the Draft EIR/EIS:

Impact 3.8-3 Lake Tahoe TMDL attainment and Lake clarity. All RTP/SCS alternatives would assist with attaining the Lake Tahoe TMDL program goals, because Transportation Strategy Packages A, B, and C include stormwater-control projects specifically designed to address TMDL requirements and help reach or maintain the threshold standard for water quality and Lake clarity. The benefits of reduced pollutant loads from stormwater-control projects would be substantial. All alternatives would result in a beneficial impact in helping support TMDL program attainment and Lake clarity.

While the adopted Alternative 3 would be mitigated to keep its VMT within the TRPA thresholds (see TRPA Regional Plan Update EIS [the land-use companion document to the RTP/SCS EIR/EIS] Mitigation Measure 3.3-3 on page 3.3-49), the TMPO EIR/EIS analysis appears to reflect the higher VMT. In the 30+ years since the VMT threshold was first established, substantial study of the contributing factors and controls needed to improve lake clarity has contributed to a better understanding of the relationship between vehicle travel and water quality. While VMT and its related effects—tailpipe emissions and crushed abrasives—have a direct role in lake clarity, these issues are continuing to be addressed with ongoing investments in stormwater control, as well as improvements in vehicle emissions controls. The EIR/EIS goes on to explain how, in addition to reductions as a result of stormwater control measures (which reduce particulates) nitrogen loading, from mobile sources is expected to be reduced substantially by 2035. In fact, this follows a dramatic trend in the reduction of tailpipe emissions of nitrogen oxides (NO_x) since the time the TRPA threshold was first established in 1982. In 1981, the U.S. Environmental Protection Agency (EPA) established a NO_x tailpipe emission standard of 1.0 gram per mile (gpm), a reduction from 2.0 gpm in 1977 and 3.1 gpm in 1975. The standard, as of 2009, was 0.07 gpm, which is 7 percent of the NO_x emissions standards in place in 1981 (the 2009 standard had already been promulgated when this was published).⁸ Standards are also in place to reduce NO_x emissions further in the future. In short, based on emissions standards, NO_x emissions from vehicles have dropped 14 fold (from 1.0 gpm to 0.07 gpm) since adoption of the threshold standard. It follows, then that the same level of VMT today would represent a commensurate reduction in NO_x emissions, reducing this specific source of pollution to the Tahoe Basin (resulting in improved air quality and visibility) and to Lake Tahoe.

Finally, VMT is an inherently cumulative metric based on regional conditions. TRPA has not adopted a project-specific VMT threshold. Section 3.1.2 of the FEIR discusses the extent to which other environmental documents (both located within and outside of the basin) analyzed project-added VMT within the basin.

⁷ TMPO and TRPA. 2012. Lake Tahoe RTP/SCS Draft EIR/EIS. Section 3.8: Hydrology and Water Quality. Prepared by Ascent Environmental.

⁸ U.S. Environmental Protection Agency. 1999. *Emission Facts, The History of Reducing Tailpipe Emissions*. Available: <https://www3.epa.gov/otaq/consumer/f99017.pdf>

While VMT was calculated and disclosed in the majority of those documents, only one study applied a numeric VMT threshold and that threshold was derived from a community plan versus being a standard published by TRPA. The approach taken in the VSVSP EIR is consistent with the methods of other environmental documents (for projects both within and outside of the Basin) for addressing project-added VMT within the Basin.

ANALYSIS OF PROJECT-SPECIFIC IMPACTS IN TAHOE BASIN

Several comments asserted that the EIR does not include an analysis of the impacts that will be associated with the project's increase in vehicular use within the Tahoe Basin, and is therefore, inadequate. The Draft EIR analyzed three roadway segments and one intersection located within the Tahoe Basin for three different time periods under existing and cumulative conditions, and then identified the significance of project impacts at each facility using TRPA thresholds (see pages 9-31 and 9-32 of DEIR). Impact Statements 9.3, 9.4, 18-21, and 18-23 present the impacts and mitigations for project impacts in the Tahoe Basin. Section 3.1 of the FEIR compared the project's VMT against the TRPA environmental carrying capacity threshold and determined that the threshold would not be exceeded by the addition of the project-generated VMT.

Importantly, the Basin-related VMT total for the project, 23,843, is a pre-mitigation total. Mitigation Measures 9-7a and 9-7b include fair-share payments to fund the project-generated incremental demand for transit service. Further, the Development Agreement that would accompany the project includes additional funding to expand TART transit services to implement Placer County's recently adopted Systems Plan Update for the Tahoe Area Regional Transit in Eastern Placer County. Implementation of the plan will further expand the existing TART transit system, which serves the Resort Triangle between Northstar, Truckee, and Squaw Valley, including the Tahoe Basin between Crystal Bay, Tahoe City, and Tahoma. Both of these measures would reduce VMT in the Basin, but a direct correlation to VMT cannot be easily quantified. Furthermore, as previously stated, a direct quantitative link to VMT and effects to the TMDL has not been established.

ANALYSIS OF CUMULATIVE VMT IN TAHOE BASIN

Several comments noted that the project's cumulative VMT impacts in the Tahoe Basin were not analyzed. As described above, the relationship between a specific VMT and lake clarity is not well understood, especially in light of substantial improvements in tailpipe emissions controls and the implementation of sediment control measures. The project-related increase in peak *summer* VMT, which is the surrogate for this issue, is estimated at 23,843. The Martis Valley West Parcel Specific Plan EIR⁹ reported an increase of 13,745 VMT associated with that project (see page 3-17 of the Martis FEIR). Another project raised in comment, the Brockway Campground project, was not part of the cumulative analysis because its application had not been filed at the time the NOP for the VSVSP EIR was released, and this is a triggering event for inclusion of a project on a cumulative list; moreover, the Brockway Campground project is no longer proposed, and the site is being sold to the US Forest Service and will remain in a forested condition.

The most recent EIR that addresses cumulative VMT in the Basin is the Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project Draft EIR/EIS¹⁰. The EIR/EIS for this project concluded the following (see pages 19-17 and 19-18 of the DEIR):

- ▲ Based on updated modeling (2014), the TRPA VMT peak summer day threshold was adjusted (downwards) to 2,030,938. (This is approximately 36,000 VMT lower than the 2,067,600 listed as the threshold on page 3-15 of the VSVSP FEIR.)

⁹ Placer County. 2016 (May). Martis Valley West Parcel Specific Plan Final EIR. State Clearinghouse No. 2014032087.

¹⁰ Placer County. 2016 (June). Tahoe Basin Area Plan and Tahoe City Lodge Project Draft EIR/EIS. Prepared by Placer County and Tahoe Regional Planning Agency. State Clearinghouse No. 2014072039.

- ▲ The 2014 baseline VMT is approximately 1,937,070. (This is approximately 47,530 VMT lower than the 1,984,600 VMT listed in the VSVSP FEIR.)
- ▲ Cumulative development, including the VSVSP project, the Tahoe Basin Area Plan and Tahoe City Lodge project, Martis Valley West, Truckee (general plan buildout), and other cumulative development in the Squaw Valley/Alpine Meadows area (same projects as considered in the VSVSP EIR), was dynamically modeled using the “TRPA TransCAD” model.
- ▲ The cumulative addition of VMT entering the Basin along SR 89, including the 23,843 from the VSVSP project, would total an estimated 29,871. Cumulative development along Highway 267 would add an estimated VMT of 12,616. The total VMT addition from out of the Basin is 42,477, per the subject EIR/EIS.
- ▲ Four alternatives are considered in the *Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project Draft EIR/EIS*, some of which add VMT and some of which would reduce VMT. Buildout of these alternatives would result in an existing-plus-project VMT of between 1,931,634 and 1,941,306. The addition of 2035 cumulative VMT, including from the VSVSP, would result in a cumulative VMT that ranges from an estimated 1,973,780 to 1,983,452.

It is noted that the cumulative VMT for Highway 267 in the subject EIR/EIS is less than the 13,745 shown in the Martis FEIR for the Martis West project alone. This may be due to a different model or other factors, but even if the 13,745 VMT is added on top of the results shown in the EIR/EIS, total VMT would be less than 2,000,000 and lower than the TRPA VMT threshold of 2,030,938 that was used in the Area Plan EIR/EIS.

The impact would not be cumulatively significant, and therefore the project’s contribution would not be cumulatively considerable.

CONCLUSION

This response comprehensively addresses these new comments on the FEIR with respect to Lake Tahoe water quality and its relationship to VMT. The evidence suggests:

- ▲ The relationship between a specific VMT and lake water quality is not clearly understood.
- ▲ The addition of the project’s VMT to existing Tahoe Basin VMT would not be significant even if the TRPA VMT threshold was used as a threshold of significance for project impacts.
- ▲ The addition of cumulative-plus-project development would result in a VMT that is below the TRPA VMT threshold; therefore, if that threshold was used as a threshold of significance for cumulative impacts, the impact would not be cumulatively significant.

Placer County therefore concludes that the FEIR conclusion is accurate and supported by evidence in the record.

Use of Parking Supply as part of Trip Generation Estimate

Several comments reiterated previous comments that the DEIR underestimated project-generated trips because it used the project’s proposed parking supply as part of the trip generation estimate. An extensive reply is contained in response to comment O8d-6 in the FEIR, which describes why this approach is reasonable and justified in this particular case. However, given the continued uncertainty expressed by commenters, the response has been further expanded below through presentation of additional literature review results showing a relationship between parking supply and trip generation:

1. *Trip Generation Manual, 9th Edition*¹¹ suggests that transportation demand management (TDM) programs can affect a specific project's trip generation. Page 122 states that "some site-driven measures can have a significant bearing on TDM program effectiveness (e.g., the provision of on-site services, the limitation of on-site parking supply) while others have merely minor effects (e.g., sidewalks to neighboring sites, bus stop shelters)." This sentence clearly suggests that limiting on-site parking supply, which is a form of TDM, can act to reduce trips.
2. *Quantifying Greenhouse Gas Mitigation Measures*¹² focuses on the quantification of project-level mitigation of greenhouse gas emissions associated with land use, transportation, energy uses, and other related areas. Page 207 of that report cites an expected reduction in vehicle trips and VMT of between 5 and 12.5 percent associated with limiting on-site parking supply. The report states that this is typically accomplished through elimination of minimum parking requirements, creation of maximum parking requirements, and/or provision of shared parking. The document specifically notes that reductions can only be counted if spillover parking is controlled. The report also notes that the degree of effectiveness of this measure will vary based on the level of transit service, pedestrian and bicycle network connectivity, and other factors. In the case of the proposed project, spillover parking is controlled by the remaining day-use skier spaces being fully occupied during the Saturday Peak Winter study period. Additionally, the project would help fund transit system improvements and construct enhanced pedestrian and bicycle facilities.
3. *The High Cost of Free Parking*¹³ (page 64) recommends five reforms to allow engineers and planners to develop more realistic estimates of parking and vehicle trips versus using standard parking demand and trip rates from ITE sources. As noted throughout the book, ITE data points are primarily collected at suburban sites that have free parking, no transit service, no pedestrian amenities, and no TDM programs. Reform #4 states: "Using these data to set off-street parking requirements will dictate a low-density automobile-dominated urban form with free parking everywhere." Page 93 states that: "Where cities reduce their parking requirements, individual developers may be willing to provide less parking if they know that all other developers will do likewise, they will save money on construction costs and also reduce the vehicle traffic generated by their projects."
4. *City of Calgary Transportation Impact Assessment (TIA) Guidelines*¹⁴ states the following on page 13: "When appropriate, the relationship between parking supply and trip generation is to be outlined in this section or in the Trip generation section (e.g., a centre city office development with restricted parking supply. Vehicular trip generation may be limited by the parking supply)."
5. *Trip Generation Data Collection in Urban Areas – Final Report*¹⁵ was a research report prepared for the District Department of Transportation (DDOT) and Federal Highway Administration (FHWA). The research team undertook a comprehensive literature review regarding trip generation models and best practices for estimating trip generation. According to page 4, "the literature review yielded three significant conclusions. The primary conclusion is that a good trip generation model should consider measures of density, transit availability and quality, parking availability, and walkability." Page 16 states: "A number of studies have focused on the impact of the built environment on trip generation and other travel behavior. The key indicators for travel

¹¹ Institute of Transportation Engineers. 2012. *Trip Generation Manual, 9th Edition*.

¹² California Air Pollution Control Officers Association. 2010 (August). *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions for Greenhouse Gas Mitigation Measures*. Available: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf?sfvrsn=2>. Accessed August 2016.

¹³ Shoup, Donald. 2005. *The High Cost of Free Parking*.

¹⁴ City of Calgary. 2011 (April). *Transportation Impact Assessment (TIA) Guidelines*. Available: [http://www.uhcacalgary.org/www/downloads/developments/CalgaryDocs/Final-Transportation-Impact-Assessment-\(TIA\)-Guidelines.pdf](http://www.uhcacalgary.org/www/downloads/developments/CalgaryDocs/Final-Transportation-Impact-Assessment-(TIA)-Guidelines.pdf). Accessed August 2016.

¹⁵ Nelson/Nygaard. 2014 (September). *Trip Generation Data Collection in Urban Areas, Final Report*. Available: http://nelsonnygaard.com/wp-content/uploads/2014/04/2014-01_Urban-Trip-Generation-Final-Report.pdf. Accessed August 2016.

behavior identified in this review are density, land-use mix, parking price and availability, and the quality of non-automobile modes.”

Commenters also asserted that the project’s winter trip generation is grossly underestimated. However, the comments offered no suggestions for an alternative methodology to estimate trip generation. Although the use of the Resort Hotel (ITE land use code 330) was deemed adequate for estimating the project’s summer Friday p.m. peak hour trip generation, this source was not considered adequate for estimating the project’s winter trip generation as the Resort Hotel category described studies of other facilities with summer recreational activities (e.g., tennis and golf) but no winter activities.

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VIA OVERNIGHT COURIER

Paul Thompson, Interim Agency Director
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RE: Squaw Valley Specific Plan Environmental Impact Report

Dear Mr. Thompson, Supervisors, and Commissioners,

Our office has reviewed the environmental impact report (EIR) for the Squaw Valley Specific Plan (the Project) and respectfully submits the following comments. We request that you consider our comments and address them prior to certifying the EIR. The California Attorney General has a longstanding interest in the protection of Lake Tahoe as a state and national treasure. The Attorney General's interest dates back over four decades (see, e.g., *California ex rel. Younger v. Tahoe Regional Planning Agency* (9th Cir. 1975) 516 F.2d 215) and is as recent as our involvement in the 2012 Tahoe Regional Planning Agency (TRPA) Regional Plan Update.

The Specific Plan sets forth a 25-year plan for expansion, development, and upgrades to the existing Squaw Valley Ski Resort. The Squaw Valley Ski Resort is located outside of the Lake Tahoe Basin but its entrance lies on State Highway 89, not far from the Tahoe Basin and Tahoe City on the north shore of Lake Tahoe. Because of the proximity of the proposed development to Lake Tahoe, we are concerned about the impacts the development will have within the Tahoe Basin. We are particularly concerned with the Project's resulting increases in vehicular use and traffic within the basin. The traffic issues have two components – (1) level of service impacts to specific roadway sections within the basin; and (2) increases in vehicle miles travelled and daily vehicle trips within the basin, which in turn have impacts on air and water quality and may limit the ability of environmentally beneficial redevelopment projects in the basin to go forward. The EIR has not adequately analyzed or mitigated these impacts. In addition, we are concerned with the EIR's inadequate analysis of greenhouse gas emissions – another issue of statewide importance.

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A. THE EIR INCLUDES AN ANALYSIS OF THE INCREASED VEHICLE USE IN THE BASIN THAT WILL RESULT FROM THE PROJECT, BUT FAILS TO DETERMINE WHETHER THE INCREASE IS A SIGNIFICANT IMPACT.

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In its response to comments, the Final EIR (FEIR) includes a discussion of the Project's impact on traffic within the basin. The FEIR anticipates that the Project's summer peak daily traffic will be 3,300 daily vehicle trips with 41 percent, or 1,353 trips, traveling into the basin. (FEIR 3-25.) The TRPA, the agency charged with regulating and protecting Lake Tahoe, considers the addition of more than 200 daily trips to be a significant impact. (TRPA Code, § 65.2.3.G.) The FEIR also projects that the Project will create an estimated 23,842 additional vehicle miles travelled (VMT) on a summer Friday, an estimated 1.2 percent increase in VMT within the basin. The addition of the Project's VMT would bring the total VMT in the basin to 2,008,442, which is below TRPA's threshold for basin-wide VMT, but only by a small margin (the VMT threshold is 2,067,600). (FEIR 3-25.) The EIR acknowledges TRPA's standards but asserts that it need not use them as the standards of significance for evaluating the Project's traffic impacts within the basin. (FEIR 3-25 to 3-26.) Rather than identify an alternative standard of significance against which to measure the increase in traffic within the basin, the document's discussion of whether the increase is significant ends there.

Lead agencies have the discretion to set standards of significance and are not required to accept significance standards adopted by agencies that will not have regulatory authority over the project. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) However, if evidence is submitted showing that the environmental impact might be significant despite the significance standard used in the EIR, the agency must address that evidence. (See, *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.) If the agency does not respond by changing the standard, it should respond by explaining the basis for the standard used. (*Id.*; see also, *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 898 [the substantial evidence standard applies to challenges to the scope of an EIR's analysis of a topic, the methodology used for studying an impact and the reliability or accuracy of the data upon which the EIR relied].) Because Placer County did not set a standard of significance for assessing traffic impacts to Lake Tahoe, it is impossible to know whether its rejection of TRPA's standard is appropriate and supported by substantial evidence.

In addition, while Placer County, as the lead agency, may not be required to use TRPA's standards, it must still determine whether the increase in VMT in the basin that will result from the Project is a significant impact. (See, *Protect the Historic Amador Waterways v. Amador Water Agency*, *supra*, 116 Cal.App.4th at p. 1109 [holding that even where a pertinent standard of significance exists, compliance with that standard does not relieve an agency of considering other evidence that suggests an impact may exist]; *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 654 [finding environmental document inadequate where discussion of impacts was included but without any information to enable the reader to evaluate the significance of the impacts discussed].) Because the EIR fails to identify whether the increased vehicular use within the basin is a significant impact, the EIR is inadequate.

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B. THE EIR FAILS TO ANALYZE THE IMPACTS ASSOCIATED WITH INCREASED VEHICULAR USE WITHIN THE TAHOE BASIN.

Although, as discussed above, Placer County did not determine the significance of the increased vehicular use in the Tahoe Basin, it does appear that this impact will be significant. The EIR anticipates that the Project will result in more than six times the number of daily trips to the basin that TRPA would determine to be significant. (FEIR 3-25.) The EIR also projects that the Project will create an estimated 1.2 percent increase in VMT, bringing the total VMT in the basin close to TRPA's threshold. (FEIR 3-25.) The FEIR did not consider the impacts associated with this increase in vehicular use in the Tahoe Basin. Placer County should analyze these impacts prior to certifying the EIR.

An EIR must identify all of the environmental impacts, direct and indirect, associated with a proposed project. (Cal. Code Regs., tit. 14, §§ 15123, 15126.2.) Indirect effects include secondary effects. (Cal. Code Regs., tit. 14, §§ 15358(a)(2); 15064(d)(2).) In addition, the impacts analysis must take into account the regional setting with "special emphasis" on environmental resources that are rare or unique to the region and would be impacted by the project. (Cal. Code Regs., tit. 14, § 15125(c).) The CEQA Guidelines are clear that "[t]he EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context." (Cal. Code Regs., tit. 14, § 15125(c).) Here, the EIR does not include an analysis of the impacts that will be associated with the Project's increase in vehicular use within the Tahoe Basin and is, therefore, inadequate.

1. The EIR does not include an analysis of the air and water quality impacts associated with the Project's increased traffic within the basin.

The significant increase in traffic within the basin will have a direct impact on the air and water quality of Lake Tahoe. Increased vehicular use generates significant amounts of dust and leads to nitrogen deposition in the lake, which in turn causes algae growth that threatens the clarity of the lake. See Final Lake Tahoe Total Maximum Daily Load Report, November 2010, 3-7, 7-8, and 11-11.¹ Vehicle trips also contribute to air pollution and global warming. The EIR does not include an analysis of these environmental impacts to Lake Tahoe that will result from the Project's increase in vehicular use.

The traffic analysis contained in the Draft EIR (DEIR) is limited to impacts to level of service on specific road sections. (See FEIR 3.2.4-128. ["To clarify, Chapter 9, 'Transportation and Circulation,' does not contain any discussion of VMT because an understanding of VMT is not critical to evaluating the transportation impacts analyzed in that chapter, which are based on

¹ The report is available at:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/tmdl/lake_tahoe/docs/tmdl_rpt_nov2010.pdf.

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[level of service] LOS and other systems criteria.”.) It was not until the FEIR, in response to comments, that the County considered VMT and daily vehicle trips to Lake Tahoe. (FEIR 3-25 to 26.) While Placer County was correct to include this analysis, the information it yielded also needed to be folded into the document’s analysis of air and water quality, with a particularized discussion of impacts to Lake Tahoe.

In its response to comments on this issue, Placer County insists that it did adequately consider impacts to Lake Tahoe, pointing to its analysis of roadway service impacts in Lake Tahoe and its analysis of air quality impacts in the Lake Tahoe Air Basin. (FEIR 3.2.4-99 and -116.) However, these analyses are inadequate. First, roadway service is just one piece of the equation and does not itself account for the broader environmental impacts associated with increased traffic in the basin. Second, the air quality analysis was done as part of the DEIR, prior to and without the benefit of the basin VMT and daily trip calculations. The air quality analysis was not revisited in the FEIR to include consideration of the VMT and in-basin daily trip information. Neither the air quality or traffic analyses contained in the DEIR can therefore be relied upon as accounting for the impacts associated with the increased vehicle use in the basin.

Placer County also asserts in its response to comments that the EIR did not need to analyze the air quality impacts associated with the increased VMT in the basin because the VMT will not exceed TRPA’s threshold. (See, e.g., FEIR 3.2.4-117 – 118.) The document reasons that because the VMT threshold is a proxy for air and water quality impacts, so long as the VMT threshold is not exceeded, air quality and other impacts are not a concern. (*Id.*) This reasoning is flawed. First, in discussing the traffic impacts, the document specifically indicates that it need not apply and is not applying TRPA standards in order to determine whether the in-basin impacts are significant. It is inconsistent, on the one hand, to decline to apply TRPA’s standards for purposes of the traffic analysis, but then, on the other hand, to rely on TRPA’s standard in order to conclude that there are no impacts and no analysis is necessary for purposes of the air quality analysis.

Second, compliance with the VMT threshold alone does not ensure there are no significant air quality impacts. TRPA’s threshold for VMT is an environmental carrying capacity for the basin. Because it is a basin-wide carrying capacity, no one project *should* exceed the threshold. In order to achieve the thresholds, TRPA is required to adopt a Regional Plan that sets forth standards for projects and activities within the basin. (See TRPA Compact, Art. V(c).) These standards apply in addition to the thresholds and are the primary mechanism by which TRPA ensures that new development contributes to, and does not thwart, threshold attainment. Thus, these standards provide additional criteria that apply to individual in-basin projects to ensure environmental impacts are adequately mitigated.

Of particular relevance here, TRPA’s standards characterize any proposed development that creates more than 200 daily vehicle trips as having a significant traffic impact and require an analysis of air quality impacts associated with the project prior to project approval. In addition, all new development projects are required to provide an air quality mitigation fee to offset regional and cumulative impacts. (TRPA Code of Ordinances § 65.2.) These standards apply

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regardless of whether or not the project will exceed the TRPA VMT threshold. As a result, it is inaccurate to suggest that the VMT threshold is a proxy for air quality and other environmental impacts associated with increases in VMT. Attempting to rely on the VMT threshold as a proxy for air quality impacts stretches the VMT threshold beyond its intended use and should not be condoned as a rationale for declining to analyze the air quality impacts associated with increased vehicular use in the basin. Rather than point solely to the VMT threshold, Placer County should analyze the air and water quality impacts to the Tahoe Basin that will be associated with the Project's increased VMT and daily vehicle trips within the basin.

2. The EIR must analyze the impacts of the Project's increased vehicle use within the basin on TRPA's Regional Plan and attainment of environmental goals.

In addition to considering the air and water quality impacts to Lake Tahoe that would result from the Project's increase in vehicular use in the basin, the EIR also needs to consider the impact this increased vehicle use will have on TRPA's ability to implement its Regional Plan and attain its environmental goals. CEQA expressly requires that the EIR discuss any inconsistencies between the proposed project and any applicable regional plans, including the regional land use plan for the protection of the Lake Tahoe Basin. (Cal. Code Regs., tit. 14, § 15125(d).)

57-4

After the Project is constructed there will only be 59,158 VMT remaining before TRPA's VMT threshold is met. With so little VMT remaining, in-basin projects may not be able to move forward. Further, if new out-of-basin projects are allowed to ignore the TRPA thresholds, they could easily exceed the basin's environmental carrying capacity without identifying this as a significant impact or providing adequate mitigation. This could preclude new development and redevelopment within the basin, which is a particular concern because the 2012 Regional Plan Update relied upon redevelopment as the means for environmental improvements that would allow TRPA to attain other thresholds (e.g., lake clarity). In the 2012 Regional Plan Update, TRPA recognized the critical need to redevelop aging infrastructure with new, environmentally beneficial development. Environmental redevelopment within the region results in substantial reduction of fine sediment and nutrient deposition, the pollutants degrading Lake Tahoe's famed clarity and blueness. As TRPA pointed out in its comment letter on the draft EIR, "[t]he environmentally beneficial redevelopment relied upon by TRPA may be threatened by unmitigated out-of-basin increases in trips and VMT. As a result of VMT capacity used elsewhere, efforts to protect Lake Tahoe may suffer without the ability to approve in-basin development." (FEIR 3.2.X-6.)

The EIR must disclose and consider the impact the Project will have on implementation of TRPA's Regional Plan and the attainment of environmental thresholds in Lake Tahoe. It is entirely inconsistent with the purposes of CEQA to allow a development project to move forward without consideration of the totality of the environmental impacts it will cause, especially where a unique resource, such as Lake Tahoe, will be affected. As the CEQA Guidelines make clear:

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Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to the region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

(See Cal. Code Regs., tit. 14, § 15125(c).) Because the EIR has not fully considered the regional impacts of the Project, it is inadequate and should not be certified.

3. The EIR needs to analyze the cumulative impacts associated with the increase in vehicle use within the basin.

S1-5

The information regarding daily vehicle trips to the Tahoe Basin and VMT also must be considered in the EIR's cumulative impacts analysis. In its response to comments on this issue, Placer County indicates that it did include a comprehensive traffic analysis and air quality analysis and that both analyses include consideration of impacts in the basin. (FEIR 3.2.X-8.) However, as discussed above, these analyses were done at the DEIR stage without the benefit of the VMT and daily trip information for the Tahoe Basin, which was only provided at the FEIR stage. Therefore, these sections do not provide an analysis of the cumulative air and water quality impacts associated with the increase in traffic in the Lake Tahoe Basin. The cumulative impacts analysis is also devoid of any discussion of these impacts. (See DEIR chapter 18.)

An EIR must discuss cumulative impacts when they are significant and the project's incremental contribution is "cumulatively considerable." (Cal. Code Regs., tit. 14, § 15130(a).) A project's incremental contribution is cumulatively considerable if "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Cal. Code Regs., tit. 14, § 15065(a)(3).) If the lead agency concludes that a cumulative impact is not significant, the EIR must include a brief explanation of the basis of the finding and identify the facts and analysis supporting it. (Cal. Code Regs., tit. 14, § 15130(a)(2).) Here, the EIR plainly does not discuss the cumulative impacts of the increase in vehicle use and the associated impacts on air and water quality or the impacts TRPA's ability to implement its regional plan and attain environmental goals within the Lake Tahoe Basin. The EIR must be revised to address these impacts.

C. THE EIR'S DISCUSSION OF ROADWAY SERVICE IMPACTS WITHIN THE BASIN IS INADEQUATE.

S1-6

As discussed above, the EIR does not adequately discuss the Project's impact on increased vehicular use or its associated environmental and regional effects within the Tahoe Basin. In addition, the EIR's analysis of roadway service impacts within the Basin as a result of the increased traffic is also inadequate because it does not fully disclose and mitigate the roadway service impacts of the project.

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1. The roadway service analysis underestimates the Project's trip generation.

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The EIR underestimates the Project's trip generation. The EIR uses parking spaces as a starting point for computation of trip generation. Parking is a poor indicator of trip generation because it is unrelated to the intensity of proposed uses and having too few parking spaces is a common feature of developments. In this case, it appears that the EIR has in fact underestimated the number of parking spaces needed for the Project. (See FEIR 3.3.4-323[MRO Engineer's report indicating that the Plan provides .75 parking spaces per unit even though survey data shows that 100% of all overnight winter visitors arrive by car]; FEIR 3.24-336 [Placer County's response referring only to its master response related to parking]; FEIR 3-23 [Placer County's master response related to parking does not explain why it is appropriate to provide less than one space per unit for overnight guests].) The EIR should be revised to adequately account for overnight guests in its trip generation calculations.

2. The EIR fails to provide an adequate discussion of potential mitigation measures for the significant service impacts in the Tahoe Basin.

SR-7

The EIR indicates that proposed project would add 160 vehicles during the summer peak hours to the segment of State Route (SR) 28 east of SR 89 in Tahoe City, which currently operates at an unacceptable level of service (LOS) E. (DEIR 9-16, 9-63.) LOS rankings range from A-F, with F being the worse. Placer County uses TRPA's standard of significance for LOS, which considers anything worse than LOS D to be unacceptable. The traffic impacts are considered significant. The EIR concludes that because there are no capacity-increasing improvements planned for this segment of SR 28, the impacts to LOS on this segment of SR 28 are significant and unavoidable. (DEIR 9-63.) The EIR fails to consider any other potential mitigation measures that could reduce the severity of this traffic impact.

CEQA requires that an EIR discuss mitigation measures that can minimize the project's significant environmental effects. (Pub. Resources Code, § 21002; Cal. Code Regs., tit. 14, § 15126.4.) Here, there are a number of measures that could be implemented to reduce the number of trips from the Project to the Lake Tahoe Basin, ranging from incentives for employees to take public transit, guest shuttles to Tahoe attractions, increasing transit services, or a reduced project density. Although several commenters on the DEIR requested consideration of additional measures, the FEIR declined to consider or adopt these additional measures. (See, e.g., FEIR 3.2.4-115; 3.2.4-389-3913.2.4-499-430, 3.3.X-5.)

TRPA's comments on the Draft EIR suggest at least two specific opportunities for mitigation of in-basin traffic impacts. First, the Project could contribute traffic mitigation fees to implement transportation and transit capital improvement programs (CIP). TRPA indicates that "there are opportunities to identify those CIP elements that would result in improvements in transit services needed to reduce the trips to the Tahoe Basin by individual automobiles." Second, TRPA suggests that opportunities exist to set up "ongoing operations funding streams in

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amounts necessary for added transit service to offset the increase in in-basin trips generated by the project.” Specifically, TPRA suggests funding increased transit runs on the resort triangle loop. TPRA also suggests measures to encourage guests to use public transit. (FEIR 3.2.X-5.)

In response to these comments, the FEIR does not discuss the feasibility or efficacy of the suggested measures, but instead points to mitigation measures 9-7a and 9-7b, which were included in the FEIR as mitigation for impacts to transit service. (FEIR 3.2.4-115; 3.2.X-8.) This response is inadequate. First, an FEIR must respond to comments making specific suggestions for mitigation of a significant impact unless the suggested measure is facially infeasible. (See, e.g., *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029; *Flanders Found. v. City of Carmel by the Sea* (2012) 202 Cal.App.4th 603, 616; *Masonite Corp v. County of Mendocino* (2013) 218 Cal.App.4th 230, 241.) The measures TRPA and others have suggested are not facially infeasible and should have been considered.

Second, the mitigation measures the FEIR points to are, as a factual matter, insufficient to address the traffic impacts in Tahoe City, let alone the transit impacts they purport to address. Mitigation measure 9-7a consists of a commitment to make funding contributions to the Tahoe Area Regional Transit service, or to form a community service area or a community facilities district to fund the costs of increased transit service. (FEIR 2-20.) The amount of the funding obligation is not specified, nor are target projects identified. In addition, the funding obligation will only be triggered when “ridership approaches capacity”; not when traffic impacts are seen in Tahoe City. While funding contributions to improve transit could be a valid mitigation measure, the funding obligation is too vague and too disconnected from traffic impacts in Tahoe City to serve as a valid mitigation measure for these impacts. (See *California Clean Energy Commission v. City of Woodland* (2014) 225 Cal.App.4th 173, 197 [fair share fee to fund studies to identify strategies to address urban decay too speculative where EIR did not estimate costs, define how strategies might be implemented, or commit city to undertake actual measures to address urban decay]; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 [requirement that project applicant pay funds to purchase replacement groundwater not adequate mitigation because it was not known whether groundwater was available].)

Mitigation measure 9-7b is likewise inadequate. Mitigation measure 9-7b consists of a requirement that the Project maintain membership in the Truckee North Lake Tahoe Transportation Management Association. (FEIR 2-21.) Membership in an association does not ensure that any on the ground improvements will be implemented to relieve traffic issues in the Lake Tahoe Basin, let alone the transit issues the mitigation measure is designed to address. (See Cal. Code Regs., tit. 14, § 15370 [defining mitigation as including activities that will avoid, minimize, rectify, reduce, or compensate for an impact].)

Rather than obliquely rely on inadequate mitigation measures adopted for transit impacts, Placer County should consider the reasonable mitigation measures that TRPA and other commenters have suggested for addressing the significant traffic impacts in Tahoe City and in the basin. While roadway improvements may not be feasible, several alternative mitigation measures have been suggested that appear to be feasible and merit consideration.

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3. The EIR's cumulative impacts analysis for roadway service impacts is inadequate.

The EIR's analysis of cumulative impacts is also inadequate with respect to the roadway service impacts within Tahoe City. The EIR finds that the cumulative roadway service impacts in Tahoe City will be significant and unavoidable. While we do not disagree with that conclusion, the EIR fails to include significant pending projects that will also impact roadway service in Tahoe City in its analysis.

The EIR purports to include an analysis of "probable future projects," which it defines as:

Probable future projects are those in the project vicinity that have the possibility of interacting with the proposed project to generate a cumulative impact and either: 1. Are partially occupied or under construction; 2. Have received final discretionary approvals; 3. Have applications accepted as complete by local agencies and are currently undergoing environmental review; or 4. Are otherwise considered likely to be developed, based on historic development patterns, including the rate of development, in the Olympic Valley. The other criterion used is timing. The cumulative list considers related projects likely to be constructed over the 25-year buildout of the proposed project.

(DEIR 18-1.)

The EIR, however, fails to consider at least two projects in the area that meet its own definition of "probable future projects" – (1) Brockway Campground, the application for which is pending with TRPA (see <http://brockwaycampground.com/>; <http://www.trpa.org/wp-content/uploads/APPLICATION.pdf>); and the Homewood Mountain Resort Ski Area Master Plan, which TRPA approved for redevelopment in 2011 (see <http://www.trpa.org/document/projects-plans/>). (See FEIR 18-4; and DEIR Table 18-1 and 18-2 [listing the projects considered in the cumulative impacts analysis].) Both of these projects constitute probable future projects that will have an impact on traffic in Tahoe City (e.g., Homewood's EIR estimated that it would have up to 1,466 external daily trips) and should have been considered when evaluating the Project's traffic impacts within the basin.

D. THE EIR'S GREENHOUSE GAS ANALYSIS IS FLAWED AND INADEQUATE.

The EIR properly determined that the Project's greenhouse gas (GHG) emissions would be a significant and unavoidable impact. (FEIR 3-104, 109.) Under CEQA, this determination gives rise to a legal obligation to impose all feasible measures to mitigate the impact. (Cal. Code Regs., tit. 14, § 15126.4.) The FEIR, however, fails to provide an adequate discussion of potential mitigation measures.

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1. Summary of the EIR's GHG Analysis.

The FEIR relies on the County's adopted numerical significance threshold of 1,100 MT CO₂e/year² – a threshold that applies regardless of the size of the project – to find that the Project's projected GHG emissions of 42,094 MT CO₂e/year would be “potentially significant.” (FEIR 3-102, 103.) Partly because the project “could not feasibly” reduce emissions to below this target, the FEIR concluded that the impact was “unavoidable.” (*Id.* at 3-109.)

To put a finer point on the actual “significance” of the Project's emissions, the EIR relied on the California Air Resources Board's (CARB) standard statewide reduction from a “no action taken” (NAT) scenario,³ to claim that the Project would be “relatively efficient.” (*Id.* at 3-105.) Specifically, Placer County determined that the Project would emit 28.6 percent fewer emissions than it would emit under a NAT scenario, and compared this to the statewide emissions reduction goal of 21.7 percent below NAT. (*Id.*) The FEIR declined to analyze the Project against the more stringent 2050 target (80 percent below 1990 levels), claiming that any post-2020 target was too “speculative.” (*Id.* at 3-107, 108.)

To mitigate the Project's GHG emissions, the FEIR proposed Mitigation Measure 16-2, an “ongoing operation greenhouse gas review and reduction program” (hereinafter, “mitigation program”). (*Id.* at 3-107.) The mitigation program does not propose measures to mitigate the GHG emissions of the Project as a whole; rather, it promises that “subsequent project subdivisions” (or sub-projects⁴) will be required to reduce emissions “to the extent needed and feasible” to operate within whatever targets are in place “at the time the project is submitted for approval.” (*Id.* at 3-107, 108.) The FEIR requires no mitigation if the sub-project applicant demonstrates, based on sub-project-specific adjustments to the statewide goal backed by

² The FEIR quantifies emissions in metric tons (MT) of carbon-dioxide equivalent (CO₂e).

³ In 2005, Governor Schwarzenegger issued Executive Order No. S-3-05, which established a goal of reducing the State's GHG emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050. The 2020 goal was codified into law by the Global Warming Solutions Act of 2006 (Assem. Bill No. 32 (2005-06 Reg. Sess.) Sep. 27, 2006) (AB 32.) As required by AB 32, the CARB prepared a scoping plan that outlined how the agency would achieve the 2020 target. In that plan, CARB concludes that California must reduce its GHG emissions by approximately 21.7 percent below projected 2020 “business-as-usual” (or “no action taken”) emissions.

⁴ It is not initially clear whether the mitigation program even applies to the Project. Rather, it expressly applies to future “projects processed by the County ... at the time the project is submitted for approval.” (FEIR at 3-103.) Only later does the FEIR clarify that the referenced “projects” are “subsequent project subdivisions” (*id.* at 3-109) suggesting that each individual component of the Project will individually be subject to subsequent environmental review and approval.

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substantial evidence, that the sub-project is in line with statewide reduction goals. (*Id.* at 3-107.) If the sub-project does not meet the applicable target, then the County will impose mitigation measures. (*Id.*)

The EIR lists a “menu” of mitigation measures that a sub-project could adopt. (*Id.* at 3-108.) The FEIR found that, if it were to adopt all of them here, the Project’s “mitigated GHG efficiency” would be 38 percent. (*Id.*) Although acknowledging that “it is not possible to link this project-specific reduction to the statewide goal of 21.7 percent,” the County nonetheless concluded that, assuming all mitigation measures are adopted, it is “difficult to argue that this project conflicts with the Scoping Plan targets.” (*Id.* at 3-108.)

In the alternative, the FEIR suggests there is no need to mitigate the vast majority of GHG emissions associated with the Project, because 99 percent of emissions attributable to it – vehicle emissions, propane use, and electricity consumption – are subject to the State’s Cap-and-Trade program and other GHG-reducing regulations. (*Id.* at 3-97.) As such, those emissions are accounted for in the statewide emissions cap, which the State will continue to lower in line with AB 32 goals. (*Id.*) The FEIR rationalized that emissions regulated under the program do not need to be mitigated under CEQA. (*Id.*)

2. The EIR’s GHG analysis is flawed and inadequate.

a. The County relied on a flawed NAT analysis to infer that the Project is satisfactorily “efficient.”

There is no doubt the Project’s GHG emissions will be significant as measured against the County’s adopted numerical threshold, given that projected emissions are almost *forty* times that value. This significance determination triggered the legal obligation for the County to impose all feasible mitigation measures. (Pub. Resources Code, §§ 21002, 21081; Cal. Code Regs., tit. 14, § 15126.4.) Rather than accepting this obligation to adopt all feasible mitigation measures, the FEIR instead conducted the NAT analysis, “to help characterize the nature of the [GHG] impact.” (FEIR 3-104.) The FEIR then relied on the results of the NAT analysis to infer that mitigation is not really necessary, because, for a project of its size and scope, the Project will actually be “relatively efficient.”

To the extent the FEIR relies on a NAT analysis for anything at all, the analysis must be done correctly, and here, it was not. The lead agency has the discretion to rely on CARB’s statewide goal in its GHG impact analysis (including to determine whether the Project’s GHG impact will be significant in the first place, which the County does not do here). In relying on the statewide goal, however, the agency must provide substantial evidence that connects the statewide goal to the reduction needed from the individual project to attain that goal based on local conditions. (*Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 226 [noting that greater reductions may be required from new projects, because designing new projects to increase energy efficiency and renewable energy use would be more cost-effective than retrofitting existing facilities].) Any analysis that compares a project’s GHG efficiency to the statewide goal without making such adjustments is impermissible under CEQA.

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(*Id.* at 221.) Here, the FEIR made no such adjustments, dismissively stating, “it is not possible to link this project-specific reduction to the statewide goal of 21.7 percent.” The County cannot have it both ways. If it really believes that it is not possible to derive an appropriate project-specific target from the statewide goal, then it cannot purport to use the statewide goal to show that the Project will be “efficient.”

Given the prolonged timeline of the Project, the FEIR further erred in relying on the 2020 target, rather than considering a more stringent 2050 GHG-reduction target. The FEIR claims it is self-evident that a 38 percent hypothetical reduction is in line with AB 32’s 21.7 percent reduction target. (See *id.* at 3-108 [stating, it is “difficult to argue that this project conflicts with the Scoping Plan targets”].) But by 2037, the year the Project is expected to be completed, the 2020 targets will long be obsolete. The EIR recognizes this, at one point describing the 2020 standard as “moot.” (FEIR 3.2.4-504.) Based on the more aggressive future reductions the State intends to implement, comparing the efficiency of a project in 2037 to the efficiency targets for 2020 is comparing apples to oranges. The EIR provides no analysis to show that a 38 percent reduction at full build-out in 2037 would be in line with targets that will likely be in place at that time. Whether a long-term project is legally required to be consistent with the 2050 GHG reduction target is currently before the California Supreme Court. (*Cleveland Nat. Forest Found’n v. San Diego Assn. of Gov’ts (SANDAG)*, Case No. S223603.) Regardless of the outcome of that case, it is plainly inconsistent for the EIR to conclude that the Project is “efficient” on the basis of a “moot” standard and then to essentially rely on that conclusion to ignore the legal requirement to adopt all feasible mitigation measures.

b. The EIR improperly defers mitigation.

It is generally inappropriate to defer formulation of mitigation measures to the future. (Cal. Code. Regs., tit. 14, § 15126.4(a)(1)(B).) A lead agency can defer mitigation only where, among other things, the EIR sets forth criteria governing future actions to implement mitigation, and the agency has assurances that future mitigation will be both “feasible and efficacious.” (*Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17.) Impermissible deferral occurs when an EIR calls for mitigation measures to be created based on future studies but the agency fails to commit itself to specific performance standards. (*Cal. Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App.4th 173, 195.)

Mitigation Measure 16-2 – the ongoing “mitigation program” – amounts to improper deferral of mitigation for several reasons. First, the mitigation program uses an undefined, currently nonexistent analytical framework to evaluate mitigation measures. (FEIR 3-107.) Specifically, the mitigation program requires the applicant to demonstrate the Project’s consistency with GHG statewide targets “based on a substantiated linkage” between the project and statewide goals. (*Id.*) But, as noted above, the County itself declined to conduct this analysis because it claims it is “not possible to link this project-specific reduction to the statewide goal” and “there are no current mechanisms available.” (*Id.* at 3-103, 108.) The FEIR thus imposes on the project proponent the burden to perform an analysis that the County itself finds is currently impossible to conduct. This is impermissible under CEQA. (See *Cal. Clean*

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Energy Comm., supra, 225 Cal.App.4th at p. 195 [mitigation measure violated CEQA for shifting the responsibility to the developer to produce the studies].)

Second, the FEIR also leaves open what criteria the County will use when evaluating whether the Project has adequately mitigated its GHG impacts. The FEIR provides no binding reduction targets or other performance criteria that the mitigation program must meet. The County’s numerical significance threshold is not an option; even if the entire “menu” of mitigation measures listed in Appendix G were adopted, the yearly greenhouse gas emissions would still be thirty times higher than the threshold. (FEIR at 3-108.) And the FEIR offers no alternative performance criteria, and there is no process in place – binding or recommended – for how the County should proceed when proposed mitigation measures fail to achieve their unspecified targets. The FEIR only commits the County to calculating emissions reductions from mitigation measures “to determine if targets can be achieved.” (*Id.*; emphasis added.) After making this determination, the County is not required to take any action, because again, the Project is not held to any performance standard.

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Lastly, the FEIR only requires the County to adopt measures “to the extent feasible” without providing any conditions or criteria under which a measure would be considered “feasible.” (*Id.*) It is unclear whether a mitigation measure would be rejected on the basis of lack of technical or economic feasibility, or both. (See *Sierra Club v. County of Fresno* (2014) 226 Cal.App.4th 704 [holding that an EIR violated the requirement in CEQA to provide measures that are “fully enforceable” in requiring that heating and venting units be fitted with a catalyst system if feasible, but then failing to determine whether a catalyst system was feasible].)

c. The EIR improperly rejects certain mitigation measures.

As previously discussed, a lead agency may not reject a mitigation measure recommended in an EIR unless it provides comparable mitigation through another measure or finds, on the basis of substantial evidence, that it would be infeasible to implement on the basis of specific economic, social, or other considerations. (Pub. Resources Code, §§ 21002; Cal. Code Regs., tit. 14, § 15126.4.)

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The FEIR claims there are no regulations in place that obligate it to achieve post-2020 targets. But it also acknowledges that the County is subject to the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (SCS), which obligates the County to meet 16 percent per capita vehicle emissions reductions by 2035. (FEIR 3-106.)

Whether SCS targets are binding in the CEQA context is pending before the Court in *SANDAG*, but, having referenced the SCS targets, the FEIR fails to meet its obligation to analyze the feasibility of meeting them or of imposing the mitigation measures contained in the SCS. Rather, the FEIR rejects the SCS out of hand, not because it is infeasible, but because it “only concerns GHG emissions from transportation.” (FEIR 3-106.) Transportation comprises over one-third of the projected GHG emissions from the Project; the County offers no reason why the SCS does not apply to these emissions. The County also argues that, because the Project site is

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shown in the SCS as “Lands Not Identified for Development,” the SCS does not apply. (*Id.*) This is illogical. The SCS set growth predictions and reduction targets for all of the SACOG Planning Area, not just for areas projected for development. Thus, the reduction targets apply to any lands within that Planning Area and subject to the jurisdiction of the SCS.

d. The EIR improperly conflates regulatory compliance with adequate mitigation.

Underscoring that its mitigation plan is insufficient, the County argues there is really no need to mitigate the vast majority of GHG emissions associated with the Project at all, because 99 percent of the Project’s emissions are subject to the State’s Cap-and-Trade program and other GHG-reducing regulations. (*Id.*) There are several problems with this assertion.

As a fundamental matter, by attempting to rely on Cap-and-Trade to mitigate the Project’s emissions, the County misses the point of CEQA: the task is not to compare Project emissions to the maximum possible emissions scenario, but to the *current physical conditions*. (Cal. Code. Regs., tit. 14, § 15125(a).) Once it is clear that an impact is significant and that mitigation is necessary – and here, it is – the County must impose all feasible mitigation measures. It is not enough that, because California is committed to reducing GHG emissions generally, emissions attributable to the Project will be less than what they otherwise might be or that the County can ignore mitigating the impacts.

Second, as noted above, where the EIR relies on a statewide goal, it must provide substantial evidence connecting that goal to project-specific reductions, based on local conditions and the characteristics of the project. (*Center for Biological Diversity, supra*, 62 Cal.4th at p. 226.) Applied in the mitigation context, this means that the EIR must show how the Advanced Clean Cars regulations or the Low Carbon Fuel Standard results in meaningful mitigation of the specific impacts caused by the Project. The FEIR cannot presume – and it provides no evidence to show – that no adverse impacts would occur from the Project’s GHG emissions when regulated under these programs. Even if the additional emissions are less than they would be if they were not regulated by fuel efficiency standards (i.e., relative to a “maximum possible” emissions scenario), they are still absolute, *additional* GHG emissions. For example, while fuel efficiency is regulated under the Low Carbon Fuel Standard, vehicle miles traveled (VMT) is not. Even if all the vehicles associated with the Project were energy efficient, the additional trips created by the Project would generate substantial GHG emissions. VMTs alone account for 15,382 MT CO₂e/year in the full build-out scenario. The EIR cannot assume that those emissions are simply being displaced from elsewhere; it is more likely that those emissions – regulated or otherwise – would not exist *but for* the Project, the stated intent of which is to draw visitors from around the world for short-term visits. This is a significant impact that must be mitigated.

Finally, the assertion that the California Cap-and-Trade or other GHG-reducing regulations cover all projected vehicle emissions ignores the location of the Project. Squaw Valley is on the California-Nevada border, and 43 minutes from the Reno airport. By assuming

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that Cap-and-Trade will cover all transportation emissions, the FEIR ignores the substantial emissions that will be generated from sources beyond California's regulatory reach.

In conclusion, the FEIR should be revised and recirculated to adequately address the Project's GHG impacts and potential impacts to Lake Tahoe. Climate change is a critical issue for California and Lake Tahoe is a national, state, and local treasure and the County should not disregard impacts in these areas in reviewing the Project. More information is needed to fully understand what the Project's impacts will be on greenhouse gas emissions and on Lake Tahoe. We appreciate your consideration of our comments and hope that the County will undertake a full consideration of the Project's impacts to Lake Tahoe and GHG emissions prior to certifying the environmental document and reviewing the Project for approval.

Sincerely,

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S1 State of California, Department of Justice
Nicole U. Rinke and Elizabeth B. Rumsey, Deputy Attorneys General
August 9, 2016

S1-1 The comment is an introductory statement that lists and summarizes issues addressed in greater detail later in the comment letter. See responses below.

S1-2 The comment correctly summarizes information included in the FEIR Master Response related to Added Vehicle Travel in the Tahoe Basin, but makes the incorrect conclusion that this Master Response results in the EIR not using TRPA's standards of significance for evaluating the Project's traffic impacts within the Basin and does not identify an alternative standard of significance against which to measure the increase in traffic within the Basin. While the EIR does not use the 200 daily vehicle trips in the Basin as a standard of significance, the FEIR does acknowledge the 2,067,600 threshold and, as identified in the comment, makes a conclusion that the project would not result in an exceedance of this threshold. In addition, in the Section 9.3.1, "Significance Criteria," on page 9-31 of the DEIR the following TRPA traffic thresholds are identified as thresholds of significance:

- ▲ For the signalized SR 28/SR 89 intersection, the TRPA standard of a minimum LOS D or no more than 4 hours of LOS E applies.
- ▲ For the study segment of SR 28 east of SR 89, the TRPA standard of LOS D or better for acceptable operations is applicable.

These thresholds are then applied to the impact analysis for applicable intersections and roadway segments in the Lake Tahoe Basin, as reflected in Table 9-21 (see LOS Standard [LOS D] for the SR 89/SR 28 intersection) and Table 9-23 (see LOS Standard [LOS D] for SR 28 east of SR 89). Note, also, that the commenter identifies the use of these TRPA standards of significance in Comment S1-7.

Therefore, where the comment asserts that the EIR did not use a TRPA standard as a significance threshold for assessing traffic impacts in the Lake Tahoe Basin, the DEIR does use TRPA LOS standards for applicable intersections and roadway segments in the Basin. This analysis, in and of itself, is an adequate assessment of traffic impacts, but is supplemented by the evaluation of the TRPA VMT threshold in the FEIR and the conclusion that the project's contribution to VMT in the Basin does not result in an exceedance of this threshold. The County has no obligation to go further and apply yet another threshold, the 200 daily trip threshold, which is acknowledged in the FEIR Master Response related to Added Vehicle Travel in the Tahoe Basin. For further discussion, see the Master Response in this document related to project-generated VMT in the Tahoe Basin.

S1-3 See the Master Response in this document related to project-generated VMT in the Tahoe Basin. Also see Response S1-2 above. Most of the issues raised in this comment are addressed in these responses. The comment asserts that the air quality analysis in the DEIR did not consider VMT and the analysis was not revisited in the FEIR to consider VMT. However, as indicated in the description of the air quality impact analysis methodology beginning on page 10-12 of the DEIR, VMT was incorporated in the air quality modelling. This is supported by the materials provided in Appendix H to the DEIR (for example, see the 70th page of the electronic file).

For the DEIR, a summer ADT was calculated specifically for the air quality and GHG analysis so that a VMT value could be calculated and entered into the modelling. As described in

Response O8d-2 in the FEIR, a subsequent, more accurate calculation of summer ADT was undertaken after publication of the DEIR that identifies a reduced number of summer daily trips. As identified in Response O8d-2, the initial estimate of summer ADT included in the DEIR was 8,410 trips, but based on further study of a resort facility similar to the proposed project, a Friday summer ADT of 3,300 was identified. Because it was not accurately known at the time the DEIR was prepared what the project's daily summer trip generation might be, a purposefully conservative value was provided in the DEIR to ensure that air quality analysis was conservative. The FEIR acknowledges that the DEIR summer daily trip generation estimate was substantially overstated, and documents that the proposed project's summer Friday daily trip generation is 3,300 trips. This reduction in summer ADT would then result in reduced VMT, and therefore reduced emissions of criteria pollutants and GHGs. However, the air quality and GHG emissions models were not re-run as part of the FEIR with the reduced summer ADT number. Therefore, the vehicle generated criteria pollutant and GHG emissions in the EIR overstate the impact that would be expected to occur. If the FEIR VMT analysis were "folded into the document's analysis" as requested by the commenter, it would have resulted in a reduction in environmental effects.

The comment asserts that the EIR should evaluate impacts to air and water quality in the Basin that could directly result from increased traffic and associated increases in dust and nitrogen. As explained in Section 3.1.15 of the FEIR, the VSVSP EIR evaluated traffic and air quality impacts, including in the Basin (see Chapters 9 and 10 of the DEIR, as modified by the FEIR). Extensive mitigation for both traffic and air quality impacts, including expansion of transit service that would reduce traffic impacts to the Basin, are included in the DEIR, as supplemented by the FEIR (see, particularly, pages 3-27 and 3-28 of the FEIR).

- S1-4 Please refer to the Master Response in this document related to project-generated VMT in the Tahoe Basin.
- S1-5 Please refer to the Master Response in this document related to project-generated VMT in the Tahoe Basin. Also, see response to comment S1-3, above, regarding the use of VMT and daily trip information in the DEIR analysis.
- S1-6 This comment states that the EIR's discussion of roadway impacts within the Tahoe Basin is inadequate because it does not fully disclose and mitigate the roadway impacts of the project. The comment offers no technical support for its conclusion. It does not cite any roadway impacts that were inappropriately excluded from the analysis and it does not describe why roadway service mitigations were inadequate.

This comment also states that the project's trip generation has been underestimated because it uses parking spaces as a starting point for computation of trip generation. This comment raises issues relating to the presumption of providing 0.75 parking spaces per unit when 100 percent of overnight winter visitors arrive by car. The unit parking supply of 0.75 spaces only applies to one-bedroom units, with greater supplies being provided for two and three bedroom units. In addition, the project would also provide additional "per unit" parking demand for employees that is not included in the commenter's assumed 0.75 parking spaces per unit. The commenter is also incorrect that 100 percent of overnight winter visitors (or summer visitors) arrive by car. As detailed in Table 9-13 of the DEIR, 85 percent of winter visitors (which includes overnight guests, day skiers, and other resort users) and 82 percent of project employees travel by private automobile while the remainder arrives by alternative modes of transportation including public transit, resort shuttle or private transit service, walking, biking, or ski lift. It is not uncommon for resort properties to limit parking supply for on-mountain lodging, such as what exists for overnight guest parking during winter at the Village at Northstar. Most importantly, parking supply, in and of itself, is not considered an impact under CEQA.

This assertion was previously made as part of comment O8d-6 on the DEIR. The FEIR contains an extensive response to this comment that describes why this approach is reasonable and justified in this particular case. Refer to the Master Response in this document titled "Use of Parking Supply as part of Trip Generation Estimate" for additional response detail.

S1-7

The comment states that the DEIR fails to consider any other potential mitigation measures for traffic impacts on SR 28 east of Tahoe City, and asserts that the funding contributions resulting from Mitigation Measure 9-7a in the FEIR to TART are too vague and disconnected from the traffic impacts in Tahoe City to serve as a valid mitigation measure. This comment also suggests that mitigation ranging from incentives for employees to take public transit, guest shuttles to Tahoe attractions, increasing transit services, or a reduced project density should be considered. See the portion of the Traffic Master Response in the FEIR titled "Transit Service Expansion." The commenter identifies various comments on the DEIR that request additional mitigation measures, but does not provide any basis to support the opinion that the responses to these comments were inadequate. The comment references comments on DEIR that were provided by TRPA. See responses to Letter R1 in FEIR section 3.2.X for responses to the TRPA comments.

At the request of Placer County, LSC Transportation Consultants prepared an analysis to quantify the project's annual funding requirement for enhanced transit service. Refer to attached technical memorandum dated April 4, 2016. In simple terms, the memo estimates that expanded transit service (in terms of headways and duration of service) between the project site, Truckee, and the Tahoe Basin would have an unfunded operating cost of approximately \$2 million per year. The project's fair share (based on its proportion of traffic added to the Tahoe Basin gateway on SR 89) would be 4.7 percent, which corresponds to an annual payment of \$97,500. The recurring \$97,500 payment to upgrade transit service is contained in the Development Agreement between Placer County and the applicant. Therefore, further details on funding requested by the commenter are provided.

S1-8

The comment states that the DEIR fails to include in its cumulative analysis significant pending projects that will also impact roadway service in Tahoe City. The comment specifically mentions the Brockway Campground and Homewood Mountain Resort Ski Area Master Plan as being omitted as probable future projects. The Homewood Mountain project, which is located on SR 89 south of Tahoe City, was considered in the cumulative analysis by virtue of being included in the TRPA regional travel demand model and is specifically listed in the Cumulative Project List in Table 18-2 of the DEIR. The Brockway Campground project was not included in the cumulative conditions analysis because it was not a known cumulative project at the time of the issuance of the Notice of Preparation for the DEIR, which establishes the baseline condition for project-specific impacts and the cumulative setting. Further, recent news stories (e.g., Sacramento Business Journal article dated September 7, 2016) indicate that the property proposed for the campground is set to be sold to the U.S. Forest Service in 2017 for conservation purposes. In summary, the cumulative analysis did not omit any probable future projects that should have been included in the cumulative project list.

S1-9

The comment largely summarizes the conclusions of the FEIR pertaining to greenhouse gas (GHG) impacts, which are found on pages 3-90 through 3-108 of that document. However, some clarification based on certain comments is warranted.

One comment suggests that the mitigation program (Mitigation Measure 16-2) is not intended to mitigate GHG emissions from the project as a whole. The VSVSP already includes a variety of measures that would reduce GHGs from the project as a whole, including design considerations and other measures (see page 16-18 of the DEIR). Additional mechanisms to reduce GHG emissions are provided in Mitigation Measure 16-2. As explained in the DEIR

(Section 16.2.2) and the FEIR (see pages 3-105 and 3-106, in particular), future official targets must be established, along with regulations that control emissions, to understand the overall ability and needs of the project to mitigate its impacts to climate change. Therefore, mitigation is applied to the project in a manner that allows it to adapt to future targets that are built around the State's fair share in reducing its contribution to dangerous effects of climate change.

Nothing illustrates the uncertainty in trying to predict future GHG emission targets and the need to maintain an ability to adapt to future targets more clearly than the recent legislative battle to extend and provide new targets for the Global Warming Solutions Act of 2006 (Act). A new bill (Senate Bill [SB] 32) recently passed the legislature and was approved by the Governor in September 2016, after a two-year legislative effort (the bill was first introduced in 2015 legislative session, but did not have the votes to pass that year), to establish post-2020 GHG emissions targets for the State. The bill was hotly contested and many proposed provisions (e.g., extension of Cap-and-Trade past 2020) were stripped. This bill essentially extends the Act to establish a statewide target of reducing statewide GHG emissions to 40 percent below 1990 levels by 2030. This is the same target as Executive Order B-30-15 (see page 3-106 of the FEIR). A new Scoping Plan will need to be drafted to determine a regulatory path forward to meeting this goal, and the California Air Resources Board (ARB) will need to pass new regulations, creating a level of uncertainty in the details of how the legislation will ultimately be implemented. This updated Scoping Plan is currently in process, but no drafts have been released to the public.

A key current GHG regulatory program, Cap-and-Trade (see pages 3-96 through 3-98), is set to expire in 2020 and its extension was not included in SB 32. Renewing and extending this program, which is a key to GHG reduction, is a priority of the Brown Administration, but will require legislation, a voter initiative, or some other mechanism for approval; thus, creating uncertainty. Because of the uncertainty surrounding Cap-and-Trade, and because of the need to further reduce statewide GHG emissions to meet SB 32 goals, other new regulations to implement SB 32 are expected to be established. The effectiveness of these programs in reducing future GHG emissions that would be attributed to this project cannot possibly be known; thus, mitigation beyond what is required by regulations in order to meet future GHG emissions targets for the project cannot feasibly be determined at this time.

It is simply not reasonable, and would be speculative, for an EIR to conclude what is and is not needed to meet GHG targets 20-years years into the future, when the regulatory fabric of GHG reduction is currently in flux and must first be crafted by the State. Thus, the project mitigation clearly spells out an adaptive approach, but also lists specific measures that would be implemented (see list on page 3-108, for example).

The comment also states that the FEIR provides an alternative approach to concluding that GHG emission targets would be met, and that mitigation would not be needed, if the reductions in GHG emissions associated with Cap-and-Trade that apply to GHG sources associated with the project are considered. This is an inaccurate summation of the FEIR. The FEIR simply explains that Cap-and-Trade already regulates the sources of 99 percent of the GHG emissions associated with the project (e.g., gasoline, propane, and electricity). Therefore, any emission reductions in these categories of emission sources resulting from Cap-and-Trade would also translate to some level of emissions reduction for the proposed project. This is an accurate representation of the Cap-and-Trade program, which is an essential program for reducing GHG emissions in California. However, the FEIR does not in any way suggest that this program fully mitigates project emissions or should be a substitute for project mitigation. In fact, the FEIR clearly states that the California Air resources Board has not linked Cap-and-Trade to CEQA and that it has not established post 2020 targets (see FEIR page 3-98). See response to Comment S1-12.

This comment mischaracterizes other statements in the FEIR, as follows:

- ▲ Contrary to the comment, the FEIR does not imply that its GHG efficiency means that mitigation is not needed; as stated in the FEIR, “...the project appears to be relatively GHG-efficient, although the emissions substantially exceed...the threshold of significance.” (FEIR page 3-105)
- ▲ The comment states that the FEIR relied on a GHG efficiency analysis (based on the concept of “business as usual,” BAU), but it was not done correctly. The comment states that an EIR cannot rely on comparison to a statewide goal as substantial evidence (implying this is needed for an impact determination) unless it is adjusted to local conditions. As clearly stated on page 3-95 of the FEIR:

The (Supreme) Court stated that the BAU approach is permissible in concept, but would need to be based on a substantial evidence-supported link between data in the Scoping Plan and the project, at its proposed location, to demonstrate consistency of a project’s reductions with statewide goals. The Scoping Plan is a general, overarching document that describes the statewide approach California needs to take to achieve emissions reduction goals consistent with AB 32; that is, reducing GHG emissions to 1990 levels by 2020. The Scoping Plan addresses actions in various sectors of the economy, such as energy, transportation, agriculture, water, waste management, natural/working lands (forestry), and buildings. It is not directed at reducing GHG emissions for specific land uses in specific locations. Therefore, it is unclear how, within the structure of the Scoping Plan sectors, to develop the evidence to reliably relate a specific land use development project’s reductions to the Scoping Plan’s statewide goal, as envisioned by the Court.

Relying on this guidance, the FEIR used a GHG efficiency analysis simply to provide some perspective as to the project’s relative production of GHG emissions. This calculation was not used to determine the significance of project impacts.

- ▲ The comment also suggests the FEIR was deficient (after criticizing its use of BAU to describe GHG-efficiency) for not comparing the project’s 38 percent reduction in GHG emissions relative to the BAU to “...targets that will likely be in place...” in 2037, when the project is expected to be built out.

At the time the DEIR was drafted, the State had a legislatively-directed target of attaining 1990 GHG levels by the year 2020. An executive order also established a 2050 target of attaining GHG levels of 80 percent below year 1990 levels of year 2050. (See pages 16-17 and 16-18.) Near the time the DEIR was released, a new executive order was established to attain the target of 40 percent below 1990 GHG levels by the year 2030; and legislation (SB 32) has just been passed to affirm this target (see discussion above). Because the project is not expected to be built out until 2037, the County is left with the question of whether legislation will be passed in the future to guide post-2030 targets, and the question before the Supreme Court regarding whether the executive order for 2050 is the same as a CEQA significance threshold (see prior discussion of this issue on page 3-100 of the FEIR). In effect, the commenter is asking this EIR to speculate on statewide goals, laws, and regulations for GHG emissions some 20 plus years in the future (and which have not been established), that can then be compared against current estimates of VSVSP project emissions that are based on current technology and conditions. If one were to predict the future, it is reasonable to guess that the current GHG emissions reduction target trajectory will likely continue into the future, in which case the target would fall somewhere between the legislated 2030 goal of 40 percent below 1990 GHG level and 80 percent below 1990 GHG levels by 2050, on a statewide

basis. However, this estimated future target would then need to be translated to a target that can be linked to this project, in Placer County. The FEIR acknowledges that “...it is unlikely that the project could meet long-term GHG efficiency aspirations, such as those expressed in EO-3-05 (80 percent below 1990 GHG levels in 2050) without substantial statewide regulations, such as those that may result in more electric vehicles in the fleet mix, more stringent energy efficiency standards for buildings, higher Cap-and-Trade reduction requirements, and an increase in the generation of renewable electricity” (page 2-81). This statement informs the conclusion that the project impacts on GHG emissions would be significant.

The acknowledgement of the unknown future is important in considering project impacts, which in large part are based on compliance with California GHG reduction policy. There are no guarantees with respect to future California GHG reduction policies (past 2030) given that this is not only an environmental issue, but one that requires political agreement. This is an important concept. The State produces roughly one percent of global GHG emissions (441.5 million metric tons in 2014 in California compared to 35.7 billion tons globally). The project, at roughly 42,000 metric tons of carbon dioxide equivalent (CO₂e) emissions per year at buildout in 2037 (see FEIR, Table 16-3), represents approximately 0.01 (one one-hundredth of one) percent of current California emissions, which is obviously more diminutive when compared to global quantities (the project would produce one ten-thousandth of one percent of global GHG emissions), a pertinent fact given that GHG emissions are global in nature and impacts occur on a cumulative basis. Thus, if the project were considered in isolation—what would this individual project’s effect be on global climate change—it would be immeasurable and inconsequential. However, the project becomes meaningful as one of a multitude of emitters in the state and the world, and within the context of State policy limiting GHG emissions. The State has established its “fair-share” limitations—through legislative policy and executive orders—to its contribution to GHG emissions, and in that context, individual projects play a role in the State meeting its goals, and the State’s policies, laws, goals, and regulations play a key role in GHG emissions of individual projects via regulated sources such as energy production and vehicles.

Placer County recognizes this, and that the goal is a moving target, with uncertainties, and; therefore, crafted a mitigation measure that is intended to adapt to the targets in place at the time subdivision applications consistent with the VSVSP are submitted. Given the nature of comments received to date on this EIR, questioning each conclusion, any attempts to select a future target would no doubt be criticized as speculation in trying to predict the unknown future. The County does not know the exact GHG targets that will be in place in 2037 (see the discussion above), the regulations that will be adopted that (outside of the project) will help to meet them, GHG emission reductions achieved by broad emission sectors such as energy generation and transportation, or new methods or technologies that may be available to reduce GHG emissions; but will use these targets, programs, and new information to require mitigation, to the degree feasible and consistent with the list of measures in the FEIR, to reduce the project’s GHG emissions. The mitigation also requires purchase of offsets to the point where the GHG targets will be met. But, because of these unknowns, and because the project’s emissions are so far above the threshold of significance, the impact is considered potentially significant and unavoidable.

Perhaps most notable among the comments are those regarding the Sustainable Community Strategy (SCS). The 2035 SCS for the Sacramento Area Council of Governments (SACOG) was adopted in 2012 and, as noted on page 3-106 of the FEIR, did not forecast any growth in Squaw Valley. Because the project was not included in the SCS, the FEIR properly concluded that emissions associated with project-generated vehicle traffic would be in addition to the

SCS forecast. This was one of the reasons that the FEIR concluded that the project would result in a significant impact related to GHG emissions. As the comment correctly noted, transportation is estimated to comprise over one-third of GHG emissions from the project in 2037 (estimated at 14,241 MT CO₂e for transportation of the total 42,000 MT CO₂e in 2037, see Table 16-3 on page 3-104 of the FEIR).

However, a recent change has occurred regarding the SACOG SCS. SACOG updated its SCS and adopted it in February 2016. (This was during the time the FEIR was being prepared; the FEIR was released in April 2016, but the update to the SCS was not referenced in responses to comments.) SACOG updated the SCS's land use forecast, and it now includes an accurate description of the project in the category of "Developing Communities":

The Developing Community, Squaw Village, is located west of River Road in the Sierra Nevada Mountains near Lake Tahoe. At build out, this plan includes 850 housing units at a density of 22 units per acre and 574 commercial employees.¹

Although there are changes in the land use forecast, the SCS concludes:

The per capita GHG pounds per day emissions from light-duty cars and trucks for the region were 22.7 in 2005, which sets the benchmark for SB 375 reduction. Based on the development in the MTP/SCS, GHG per capita emissions reduce to 20.6 pounds per day in 2020. This is an 8 percent reduction from 2005 to 2020, below the 7 percent reduction set by ARB. The results for 2035 meet the mark as well, with per capita GHG pounds per day dropping by 16 percent to 19.5 in 2035.²

With regard to GHG impacts of the SCS, the certified EIR for the MTP/SCS states:

(T)he land use and transportation changes in proposed MTP/SCS in Developing Communities do not conflict with the achievement of AB 32 goals. This impact is considered less than significant (LS) for Impact ENE-5. No mitigation is required.³

The SCS forecasts that less than half of the project would be completed by 2037, projecting that 345 of the 850 units would be completed. Forecasting for the SCS is based on several tools, including the SACOG regional travel demand model (SACSIM) and four sub-models to predict travel demand. None of these models evaluate individual projects, per se, but instead evaluate growth trends, demand, and other factors including likelihood that proposed projects would be approved, then apply development rates to the regions/subregions/project category under consideration. The SCS's projection that less than half of the project would be constructed is not based on a strict evaluation of the proposed project, but rather on groups of project types that meet evaluation criteria and the outputs of the models.

In considering this and the proposed project, which the applicant proposes to construct over a 20-year period (proposed 100 percent buildout by 2037), one needs to consider that this buildout period is also a projection. However, the project applicant has only so much control over demand for the resort lodging provided by the project. Thus, whether the applicant's

¹ Sacramento Area Council of Governments. 2016 (February). 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy: Building a Sustainable System. Appendix E-3: Land Use Forecast Background Documentation. Page 131. Available: http://www.sacog.org/sites/main/files/file-attachments/appendix_e-3_land_use_forecast_background_documentation.pdf

² Sacramento Area Council of Governments. 2016 (February). 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy: Building a Sustainable System. Page 173. Available: http://www.sacog.org/sites/main/files/file-attachments/mtpscscs_complete.pdf

³ Sacramento Area Council of Governments. 2016 Metropolitan Transportation Plan/Sustainable Communities EIR (SCH 20104062060). Available: http://www.sacog.org/sites/main/files/file-attachments/8_energy_and_global_climate_change.pdf

proposal or the SCS is “right” with respect to this single project is impossible to determine; moreover, given the project is located in a region with major growth potential, including a forecast for nearly 16,000 new dwellings in Placer County alone, the precision of the prediction for a single project loses its importance in terms of overall regional GHG generation. If the SCS model is correct in terms of overall growth, more rapid (than forecasted) growth at one project would likely mean less rapid than forecasted growth at other development sites. The important point; however, is that the proposed project is now included in the SCS, with the only question being the pace at which it would be built.

Given this uncertainty, it can only be concluded that the proposed project, as part of a regional development scenario, is not in conflict with the land uses assumed in the 2016 SCS, and that the GHG emissions from project-related vehicle traffic would not conflict with the SCS.

S1-10

The comment suggests that the EIR defers mitigation because the GHG mitigation program is based on adaptation to GHG reduction goals, as they are changed and new goals are established in the future, following a path that echoes past progress on this issue. First, see response to Comment S1-9 with regard to the relevance of statewide GHG policies and their importance in setting and meeting GHG reduction targets. As described, these policies establish a link between California and its role in GHG reduction on a global basis and individual projects in California, and, as such, are important in determining a project emission’s significance. Further, GHG reduction targets are subject to change in response to legislation or governor executive action in the future. The State is also in the process of updating its Scoping Plan. The last version of the Scoping Plan was approved in 2014 and was based on attaining AB 32 targets (achieving 1990 levels of GHG emissions by 2020). The ongoing update to the Scoping Plan is intended to achieve Executive Order B-30-15 targets (which are consistent with newly-approved SB 32) of 40 percent below 1990 GHG emissions levels by 2030. The Scoping Plan “...defines ARB’s climate change priorities for the next five years and lay the groundwork to reach long-term goals”⁴. Regulatory programs that limit GHG emissions from the energy, transportation/land use/fuels/infrastructure, agriculture, water, waste, natural lands, short-lived pollutants, and green building sectors are developed based on the Scoping Plan.

Mitigation Measure 16-2 recognizes that both GHG emission targets and regulatory programs that limit GHGs are apt to change over the 20-year (estimate) project construction timeframe. Consequently, Placer County concluded that using a static target to assess the significance of project impacts and the type and extent of mitigation would not recognize the nature of progressing GHG programs and regulatory actions, and the degree to which they can succeed in reducing GHG emissions. Mitigation Measure 16-2 requires that GHG emissions associated with the project are reduced to the point that they meet GHG reduction targets, calculated with the future targets and regulatory programs that reduce GHG emissions in place at the time subdivision maps for project phases are submitted. The targets would be based on a substantiated linkage between the State goals or a local (Placer County) GHG reduction plan. Please note that, as explained further below, Placer County is planning to initiate preparation of a GHG reduction plan.

The comment concludes that, because the exact nature of these goals has not been established, the mitigation is deferred. This is not the case. The FEIR lays out a list of GHG reduction measures that are considered feasible (see page 3-108), including solar panels, Energy Star appliances, and exceeding Title 24 energy efficiency standards, and determined that these measures would reduce GHG emissions by 5,097 MT CO₂e/year in 2037 (assuming full buildout by that year), which is 38 percent more efficient than BAU. However,

⁴ California Air Resource Board. 2016. Website-Timeline of AB 32 Scoping Plan Activities. Available: <https://www.arb.ca.gov/cc/scopingplan/timeline.htm>.

the project would still emit nearly 37,000 MT CO₂e/year, substantially higher than the threshold used in the FEIR: 1,100 MT CO₂e/year.

The degree to which these programs would be implemented would be based on a Placer County GHG reduction program or some other substantiated link to AB 32 targets. The County's 2016 approved budget includes the preparation of a Climate Action Plan (GHG reduction plan), to be applied countywide, that would provide the requisite program to reduce GHG emissions; the plan is scheduled for completion in 2018⁵. If the GHG reduction plan is not completed, the project can be linked to AB 32/SB 32 targets through compliance with Scoping Plan programs applicable to the project. The AB 32 Scoping Plan programs currently applicable to the project are outlined in Appendix G of the FEIR and are listed on page 3-108 (and summarized above).

Therefore, the mitigation measure provides a performance standard to be met by project development, a suite of feasible actions to meet the performance standard, an assessment of the mitigation potential of those actions, and a mechanism for the lead agency to track and enforce compliance with the performance standard.

The comment also criticizes the EIR for only mitigating impacts to the extent shown in the FEIR. The purpose of an EIR is not to support or oppose a project, but to inform decision makers of the environmental impacts associated with a project. Here, in the case of GHG emissions, the EIR has properly concluded that the impact is potentially significant and unavoidable. GHG emissions may be less than shown in the FEIR, based on new (and currently unknown) regulatory programs (e.g., possible requirements for a higher percent of electric vehicles in the fleet mix and more reliance of renewable energy) and emission reduction technologies. Additionally, mitigation is included that requires the project applicant to pay GHG offset fees. This supports the conclusion that, far from deferral, Mitigation Measure 16-2 is designed to flexibly respond to the uncertain future of GHG policies and programs. See Response to Comment S1-9 regarding the SCS.

S1-11

The comment states that the EIR “may not reject a mitigation measure recommended in an EIR unless it provides comparable mitigation through another measure or...that it would be infeasible” to implement. The comment suggests that the overall goal of the 2013 SCS, a 16 percent reduction in per capita GHG emissions by 2035 for the entire six-county SACOG region, was a recommended mitigation measure rejected in the VSVSP EIR. No such mitigation was proposed by any commenter and this is not an accurate representation of the discussion in the FEIR.

- ▲ First, the FEIR states that because the project site was not included in the SCS, its GHG emissions would be additional to GHG emissions projected in the SACOG region in 2035; this is one of the factors that resulted in the conclusion that GHG emissions from the project would be significant. See Responses to Comments 09-151 and 09-152 of the FEIR.
- ▲ Second, the FEIR did not reject any suggested mitigation pertaining to the SCS. There are no comments in the FEIR record that requested application of mitigation from the SCS and this comment does not identify any measures that were suggested and rejected.
- ▲ Third, the comment states that the County is obligated to meet the 16 percent per capita GHG vehicle emissions reduction in 2035 in order to meet SCS targets from the 2013 plan, but does not cite where the plan requires this. Further, the comment suggests that this per capita reduction should apply to the project. This is an inaccurate portrayal of the

⁵ Fisch, Alexander. Supervising Planner. Placer County, Planning Services Division, Auburn, CA. August 31, 2016—Telephone conversation with Gary Jakobs of Ascent Environmental regarding the County's Climate Action Plan.

SCS. The SCS covers the entire SACOG region, which includes the counties of Sacramento, Yolo, Yuba, Sutter, Placer and El Dorado (including 22 cities), but excluding the Tahoe Basin. The 16 percent per capita reduction in vehicle related GHG is a target of the entire SACOG region and it is based on the mix of land uses applied to the entire SACOG region covered by the SCS. If the 16 percent goal is achieved region wide, the region will have met its goal, linked to statewide GHG emission targets, for automobile/light truck-related GHG emissions for 2035. Keeping in mind that this reduction is a cumulative reduction for the entire SACOG region, some land uses and locations would exceed the target, some would be under the target, but the requirement is that the mix of land uses, taken together, would reduce overall GHG emissions by 16 percent per capita. Isolating one project, as suggested by the comment, and stating that it must achieve this target is an inappropriate and inapplicable approach toward consideration of the project in the overall regional mix of land uses. Otherwise, land use agencies would require GHG reduction in some projects, such as rural development, where it would be difficult to achieve, but could (by this same token) relax standards in urban areas where greater than 16 percent reductions are achievable. By analogy, a cake is made by a combination of ingredients: eggs, flour, sugar, baking powder, etc. It is no more feasible—or applicable—to apply this 16 percent per capita reduction to a single project than to represent the eggs as the entire cake. Like a cake that requires all the requisite ingredients, mixed together and baked at the appropriate temperature, the SCS only works by combining residential, commercial, recreational, office, and other land uses together, in a variety of locations and combinations.

- ▲ Finally, as mentioned above, the project is now included in the SCS (2016) and as such, is a part of the milieu of land use varieties and locations that, together, are projected to attain the 16 percent per capita reduction for the SACOG region in 2035.

Regarding mitigation strategies included in the SCS, the EIR for the 2016 SCS lists two mitigation measures aimed at reducing GHG emissions in land uses associated with the SCS and components of these measures are already included in the VSVSP EIR.

- ▲ Mitigation Measure ENE-1 requires new development to provide infrastructure to charge electric vehicles. This is consistent with the VSVSP FEIR mitigation measure on page 3-108 (install electric vehicle charging stations for visitors)
- ▲ Mitigation Measure ENE-2 requires new development to comply with local GHG reduction plans that contain measures identified in the Scoping Plan. Placer County has not adopted a GHG reduction plan; nevertheless, the FEIR mitigation is consistent with the Scoping Plan recommendations for land use developments, as applied to the project (solar panels on rooftops, Energy Star appliances, LED lighting, exceeding Title 24 building energy efficiency requirements, etc.; see page 3-108 and Appendix G of the FEIR).

There are no other GHG-related mitigation measures in the SCS EIR, so no other measures from that program would apply to the project; the comment does not raise any specific measures that should have been included but were not.

S1-12

The comment asserts that the “County argues there is really no need to mitigate the vast majority of GHG emissions” from the project because 99 percent of project emissions are subject to Cap-and-Trade and other GHG-reducing regulations. A variety of criticisms are provided in this comment, built around this assertion. However, this comment appears to conflate the discussion of Cap-and-Trade in the FEIR with mitigation. This is not accurate. The FEIR, in no place, relies on Cap-and-Trade as mitigation and the comment does not identify the location of this purported discussion.

The DEIR did not address Cap-and-Trade, but the FEIR did. As discussed on page 3-95 of the FEIR, the Cap-and-Trade program is a key element of California's climate plan. According to ARB (which, as a matter of record, is in the same Administration as the commenter), Cap-and-Trade caps emissions for fuel used for vehicle trips, propane used to heat buildings, and emissions from power plants. The program has been established to meet the gap in emissions reductions needed for the State to meet AB 32 GHG targets for the year 2020. The Brown Administration has underscored the importance of Cap-and-Trade in meeting AB 32 standards by pushing to extend Cap-and-Trade in the recently passed legislation (SB 32, discussed above; although Cap-and-Trade was ultimately not included by the legislature as requested by the governor). It is therefore confusing that this program is considered both important to reduce statewide emissions and, as implied by the comment, that there is no benefit to GHG emissions reductions from individual projects who generate emissions from sources regulated by Cap-and-Trade. Automobiles that drive to the site would be fueled with gasoline whose emissions are capped. This same principle applies to the propane that would heat project buildings and the electricity that would power project facilities. In fact, Cap-and-Trade restrictions directly affect the GHG emissions that would occur at this project, at this location, because the restrictions apply to the fuels used at the site.

As stated in the FEIR (page 3-97):

Therefore, as it relates to 99 percent of the GHG emissions associated with the project, applicable GHG-reducing regulations are followed, but the project has virtually no role in this. That GHG reductions from these regulations are not attributed to this (or any) project is neither "good nor bad"; rather, it is a recognition that the State believes GHG emissions reductions are very important, and has established programs that will dramatically reduce GHG emissions statewide and independent of local land use actions and decisions on specific projects.

In spite of this consideration, the FEIR concludes as follows (emphasis added, see page 3-98):

The relevant point is that the project would comply with all applicable regulations promulgated to reduce GHG emissions, including building standards. However, outside of the Cap-and-Trade Regulations, no regulations or performance standards are available to directly control VMT from cars, emissions from propane use, and emissions related to generating electricity that would supply the project. Because ARB has not established a direct link between how GHG emissions are capped/reduced through the Cap-and-Trade program and CEQA, this EIR does not rely on Cap-and-Trade as a regulatory program that already accounts for the same emissions from this specific project. Further, because Cap-and-Trade currently only addresses 2020 emissions targets and the project would be built out mostly after this time, this EIR cannot currently rely on Cap-and-Trade to address post 2020 targets. The program will, however, undoubtedly continue to be implemented into the future in California. The next update to the Scoping Plan, currently in preparation by ARB, is expected to address future targets, but because the update is not yet available, it cannot be relied upon at this time.

As clearly stated, the FEIR does not rely on Cap-and-Trade to mitigate impacts. This comment inaccurately reflects the EIR.

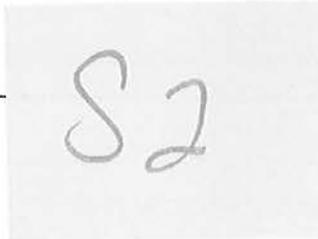
S1-13

The comment suggests the FEIR should be recirculated. The comment does not raise any new significant impacts, nor alter conclusions with respect to the severity of any identified significant effects. Recirculation is not warranted for the same reasons detailed in Section 3.1.18 of the FEIR.

Kathi Heckert

From: Alexander Fisch
Sent: Sunday, August 07, 2016 2:36 PM
To: Kathi Heckert
Subject: FW: 03-PLA-2016-00011 - Village at Squaw Valley Specific Plan - SCH#2012102023
Attachments: Comment Letter -Village at Squaw Valley SP - 032015PLA0103.pdf

For the correspondence file. Thank you



From: YOUNT, KEVIN J@DOT [mailto:KEVIN.YOUNT@dot.ca.gov]
Sent: Wednesday, August 03, 2016 1:13 PM
To: Alexander Fisch
Cc: scott.morgan@opr.ca.gov
Subject: 03-PLA-2016-00011 - Village at Squaw Valley Specific Plan - SCH#2012102023

Dear Mr. Alex Fisch:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Village at Squaw Valley Specific Plan Project. The Specific Plan proposes to amend the existing Squaw Valley General Plan and Land Use Ordinance (adopted in 1983) to comprehensively plan development of a recreation-based, all-season, resort community consisting of up to 750 fractional ownership resort residential and guest accommodation units. Other proposed land uses would include commercial, retail, and recreational uses similar to uses currently allowed as well as parking and other visitor amenities. The project would be developed over approximately 20-25 years with construction proposed to begin in 2016. The project is located in the 4,700-acre Squaw Valley (also known as Olympic Valley). These comments are based on the Final Environmental Impact Report (EIR) and Public Hearing Notice received.

S2-1

Attached is a copy of the comments sent on July 16, 2015. These previous comments still apply to this project. Please pay special attention to the Hydraulics comments.

Please provide our office with copies of any further actions or changes to this project.

Please reply to this email to confirm receipt of the attached comments.

If you should have any questions concerning these comments or require additional information, please feel free to contact me.

Thank you,

KEVIN YOUNT
 (ACTING) BRANCH CHIEF, TRANSPORTATION PLANNING - NORTH

CALTRANS - DISTRICT 3
 DIVISION OF PLANNING & LOCAL ASSISTANCE
 703 B STREET
 MARYSVILLE, CA 95901

PHONE: (530)741-4286
EMAIL: KEVIN.YOJNT@DOT.CA.GOV

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
 703 B STREET
 MARYSVILLE, CA 95901
 PHONE (530) 741-4199
 FAX (530) 741-5346
 TTY 711



*Flex your power!
 Be energy efficient!*

July 16, 2015

FMP # 032015PLA0103
 03-PLA-89/PM 13.388
 SCH# 2012102023

Mr. Alex Fisch
 Placer County, Planning Services Division
 3091 County Center Drive
 Auburn, CA 95603

Village at Squaw Valley Specific Plan

Dear Mr. Alex Fisch:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Village at Squaw Valley Specific Plan Project. The Specific Plan proposes to amend the existing Squaw Valley General Plan and Land Use Ordinance (adopted in 1983) to comprehensively plan development of a recreation-based, all-season, resort community consisting of up to 750 fractional ownership resort residential and guest accommodation units. Other proposed land uses would include commercial, retail, and recreational uses similar to uses currently allowed as well as parking and other visitor amenities. The project would be developed over approximately 20-25 years with construction proposed to begin in 2016. The project is located in the 4,700-acre Squaw Valley (also known as Olympic Valley). These comments are based on the Draft Environmental Impact Report (EIR).

Traffic Operations

This traffic analysis provides good information about traffic volumes at three peak times in this area. However, it should be noted, that not all peak hours have been evaluated. For example, congestion from Squaw Valley to Tahoe City was not analyzed for winter weekend impacts. Some discussion of this peak hour, along with discussion of any other peak hours that have not been analyzed for our review and comment, as well as, some discussion of the Tahoe City Fanny Bridge Revitalization project should also be provided.

The SIMTraffic analysis of the Squaw Valley Road intersection with SR 89, showed that queue lengths for some movements exceed the lengths of the turn lanes. This type of analysis appears to be necessary for the West River Street intersection as well, since the analysis for this intersection did not show the existing congestion that occurs for North Bound (NB) traffic on Sunday afternoons. The second through lane on this approach is too short to get drivers to use it effectively. The Town of Truckee has used cones to lengthen this lane, through the encroachment permit process, which can eliminate this congestion. A permanent lane-extension may be necessary, and may be appropriate as a condition of approval of this development. A roundabout should be considered as another alternative.

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Mr. Alex Fisch/County of Placer
July 16, 2015
Page 2

At the Squaw Valley intersection, the congestion is described, but no improvements are recommended to mitigate the increase in congestion. The signal timing for the NB left turn lane has already been extended by Caltrans' signal operations staff, but this may cause longer queues on the other legs. At a minimum, the south bound (SB) right turn lane delineation should be revised to increase the length of this lane and add a dashed edge line across the commercial driveway in this area, which would require a permit. To reduce queues and delay at peak times, and to reduce delays at all times, replacing the traffic signal with a roundabout should be considered.

On Page 9-13, the analysis of two-lane highway segments is discussed. For SR 89 and 28 in this area, the "Percent Time Spent Following" is not the best method, due to the relatively short segments. Estimating the average speeds is more appropriate, but it should be modified to compare speeds to the existing posted speed for each segment. A 15 mph reduction in speed, from the posted speed, should be avoided. It is understood that this is not specifically how this analysis is described in the Highway Capacity Manual (HCM), but it is more useful for an area with reduced speed limits.

In summary, the increase in traffic volumes in this area due to this development will increase congestion at peak times. It appears to be feasible to reduce these congestion effects at the Squaw Valley and West River Street intersection, so these locations should be improved as mitigation measures, or as conditions of approval.

Hydraulics

On Page 13-76 of the Specific Plan, Impact 13-7: Long-term management of runoff volumes, peak flows, and snow storage, and risks of potential degradation to water quality. In the second to last paragraph on this page, a summary discussion of the potential impacts of increasing the impervious area on peak runoff rates of discharge and on water quality is provided. The last sentence in this paragraph states, "This impact in the main Village area would be less than significant and the impact to the East Parcel [located closer to Pla-89] would be potentially significant." Subsequent text in this section indicates that the impervious area in the East Parcel will be increased by over 4 acres, while the main Village impervious area increases by only 0.25 acres. Yet most of the discussion regarding potential increases/decreases in the rate of runoff discharge is dedicated to changes proposed within the main Village area. No information is provided regarding the potential adverse impacts of development of the East Parcel was provided. Please provide the information for our review and comment.

On Page 13-77 of the Specific Plan, first paragraph, discusses how changes in the developed areas will "... result in a mix of slight increases and reductions in peak and total storm volumes generated in the main Village area for the 2-, 5-, 10- and 100-year events." The last two sentences in this paragraph state, "These changes to runoff peak flows and volumes indicates that the existing drainage pattern of the site [main Village area] would not be substantially altered and the proposed project would not contribute runoff which would exceed the capacity of the existing or planned stormwater drainage systems. Therefore, for the main village area, this impact would be less than significant." However, no mention is made regarding the anticipated discharge rate and flow changes from the East Parcel area. The anticipated discharge rate modifications within the main Village area are not quantified. Please

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Mr. Alex Fisch/County of Placer
July 16, 2015
Page 3

provide data for the anticipated discharge rate and flow changes noted above for our review and comment.

A brief discussion of the impacts of development of the East Parcel on water quality for runoff from this area that flows into Squaw Creek is provided on page 13-79. No discussion is provided that indicates what the impacts will be on the anticipated increase in the rate of runoff discharge from this parcel, once developed, and how that increase in runoff discharge may affect flows in Squaw Creek, the State's highway right of way and the Squaw Creek Bridge downstream of the proposed development, even though the summary statement referenced in item 4 above indicated these impacts "would be potentially significant." Please provide information regarding the impacts and how these impacts will be mitigated.

Over the years the hydrologic/hydraulic impacts to the area resulting from ongoing development of the Squaw Valley Resort facilities since the late 1950s, have not always been considered. The impacts may or may not have been significant. It is now appropriate to perform a detailed hydrologic/hydraulic assessment of the entire Squaw Creek tributary watershed (both pre- and post-improvement) to determine whether the anticipated discharge rates for the watershed are within the design discharge rates at the Squaw Creek Bridge on Pla-89, as stated in paragraph 2 above for the 50-year, 100-year and 500-year return storm events. This is important to determine to insure these impacts of development will not have an adverse impact on the Squaw Creek Bridge or other highway drainage facilities within the State's highway right of way. Please provide this assessment for our review and comment.

The anticipated runoff discharge rates, volumes and distribution of flows within the Village at Squaw Creek resulting from the proposed improvements under this project must be quantified to determine the potential impacts on the discharges that cross beneath Pla-89 through the existing Squaw Creek Bridge and the other 3 highway drainage facilities (Pla-89 highway cross drainage facilities; an existing 18 inch corrugated steel pipe (CSP) located at PM 13.5, a 48 inch structural steel plate pipe (SSPP) located at PM 13.84, and a 24 inch CSP located at PM 14.1). Even minor increases to the rates of discharge through the existing CSP and SSPP drainage facilities could cause flows overwhelming these smaller facilities and could cause damage to the highway, increased flooding or potential hazardous conditions for the traveling public. Please quantify the discharge rates, volume and distribution of flows and please provide this information for our review. There should be no net increase in the anticipated rates of runoff discharge from the Village at Squaw Valley that reach the State's highway right of way.

Adverse impacts upon the East Parcel of this Specific Plan area are not addressed. Please provide additional documentation for Caltrans to determine the hydrological impacts upon the area and the State Highway System.

Based on the purpose of the proposed project as stated in the text of the Hydrology and Water Quality section of the EIR (Chapter 13), water quality aspects of the development have been well addressed. However, all runoff discharged from the Village at Squaw Valley must meet water quality standards as established by the Lahontan Regional Water Quality Control Board prior to being discharged to any creek or drainage pathway that enters the State's highway right of way.

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Mr. Alex Fisch/County of Placer
July 16, 2015
Page 4

No actual design plans or hydrologic/hydraulic calculations or analysis were provided with IGR-CEQA documents for review. Concurrence with the documents provided with this current EIR submittal does not constitute concurrence with any future plans for development. Please provide copies of all proposed plans and drainage plans, hydrologic/hydraulic calculations and analysis that pertain to the development of the Village at Squaw Creek to the State (Caltrans District 3 Marysville - Attention Hydraulics Branch) for review and comment.

Encroachment Permit

Please be advised that any work or traffic control that would encroach onto the State right of way (ROW) requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans indicating State ROW must be submitted to the address below:

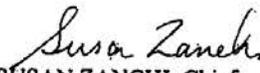
Office of Permits
Caltrans - District 3
703 B Street
Marysville, CA 95901

Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. Please visit the following URL for more information:
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Kevin Yount, Intergovernmental Review Coordinator for Placer County at (530) 741-4286 or by email at kevin.yount@dot.ca.gov.

Sincerely,


SUSAN ZANCHI, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse

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S2 State of California, Department of Transportation
Kevin Yount, (Acting) Branch Chief, Office of Transportation Planning – North
August 3, 2016

S2-1 The comment consists of a re-submission of the comment letter provided on the DEIR. Responses to these comments, identified as S2-1 through S2-13, are included in the FEIR (pages 3.2.2-9 through 3.2.2-12).

Town Council

Joan deRyk Jones, Mayor
Morgan Goodwin, Vice Mayor
Carolyn Wallace Dee, Council Member
Patrick Flora, Council Member
Alicia Barr, Council Member



Department Heads

Tony Lashbrook, Town Manager
Andy Morris, Town Attorney
Adam McGill, Chief of Police
John McLaughlin, Community Development Director
Kim Szczurek, Administrative Services Director
Judy Price, Town Clerk
Daniel Wilkins, Public Works Director/Town Engineer

August 10, 2016

Placer County Planning Commission
Community Development Resource Center
3091 County Center Drive
Auburn, CA 95603



Dear Commissioners,

Thank you for the opportunity to comment on the proposed Village at Squaw Valley Specific Plan (Specific Plan). While the Town does not have an opinion on the merits of the project, the Town is concerned about the adequacy of workforce housing which would be provided under the Specific Plan. As noted in our July 2015 comment letter on the Draft EIR, the Town is concerned over the project's approach to providing much-needed workforce housing. While the Town applauds the County's policy requiring projects to provide fifty percent of their full-time employee (FTEE) workforce housing demand, the Town believes that greater efforts to accommodate a higher number of the total seasonal workforce must be made before this project should be supported by Placer County's decision makers. As indicated in the Draft EIR, the project is anticipated to generate an additional 574 new full-time employees annually, with a peak of 751 new winter employees. According to recent correspondence from Placer County planning staff, it appears the project will achieve the required 50 percent threshold for providing workforce housing for the FTEE which are generated by the project. However, the Town encourages Placer County to require more housing for seasonal workers and to use this as an opportunity to turn this policy into the floor rather than the ceiling for the required workforce housing.

The Town is also concerned that by focusing solely on FTEE's, the project underestimates the amount of employee housing which will be needed. According to the Draft EIR, up to 751 employees will be generated during the winter season; yet housing is only being provided for up to 386 employees (including the 99 employee units being demolished as part of the Plan's buildout). This leaves a shortfall of housing for 365 employees who would presumably seek housing outside of Olympic Valley and likely into a market with increasingly fewer options.

Though challenging for many, the Truckee-Tahoe region can generally support housing for full-time, local employees; however, the region is becoming increasingly less suited toward meeting the housing demand generated by lower-wage, seasonal employees. The just completed Truckee/North Lake Tahoe Regional Housing Study which was funded in the main by Placer

Tahoe/Truckee



10183 Truckee Airport Road, Truckee, CA 96161-3306

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Community Development: 530-582-7820 / Fax: 530-582-7889 / email: cdd@townoftruckee.com
Animal Services 530-582-7830 / Fax: 530-582-1103 / email: animalservices@townoftruckee.com
Police Department: 530-550-2323 / Fax: 530-582-7771 / email: policedepartment@townoftruckee.com

Printed on recycled paper.

Page 2

County and the Town of Truckee contains information relevant to this topic. Employers and employees from the region identified the lack of available and affordable housing as one of the primary threats to the local economy and their personal wellbeing. This Study confirms what we already know, essentially there is no housing available in the region to house newly generated employees and further that this shortage is most acute in the service worker sector of our economy. The Town recognizes that not all future Squaw Valley employees will look for housing in Truckee; however we expect a significant number will do so based on past demographic trends. Truckee simply cannot accommodate this demand. It is evident that the region outside of Truckee provides even fewer options for housing these new employees. Therefore hundreds of future Squaw employees seeking housing will create further pressure on a region already in a crisis. Regardless of where Squaw Valley's future employees choose to live within the region, they will undoubtedly be met with extremely limited and unattainable housing options and under the current proposal, will exacerbate our collective transportation and housing challenges. Two other factors add to this concern:

The trend toward short term rental of our collective housing stock will continue to erode the existing housing supply available for employees to live in.

The ability to transport employees from Reno will be challenged by the aggressive job creation efforts of EDAWN who anticipates creating over 50,000 new jobs in the greater Reno area over the next 5 years. These efforts are driving the Reno unemployment rate down and the cost of housing up. These factors will make it increasingly difficult for resorts in our area to compete for Reno based workers.

The Village at Squaw Valley developers are requesting approval of a Development Agreement. As you know, approval of a Development Agreement is a legislative act and the request gives the County significantly greater latitude and leverage in seeking public benefits which result from approval of the project. Even though a project nexus is not required to seek public benefits through approval of a Development Agreement, there is clearly a nexus in requiring greater workforce housing for the Village at Squaw Valley project. The Town believes it is appropriate to require the developer to construct housing to meet the entire demand generated by the highest volume of 751 winter peak employees. This housing should either be constructed within Olympic Valley or in close proximity to the Valley. We also encourage the County to require a broader range of housing types (additional 1- and 2-bedroom apartments to supplement the proposed dormitory and studio units) to meet a wider range of housing needs for employees. We are not suggesting that this project be required to address the failure of previous projects to provide sufficient workforce housing, we are simply asking that this project not exacerbate the housing crisis in our region.

As you read this letter, you may be wondering what the Town is doing to meet the workforce and affordable housing demand generated from Town-approved projects. Since the Town's incorporation in 1993, the Town has consistently prioritized the provision of affordable housing for local residents and has taken a multi-prong approach at providing this housing, including the following:

- Adoption of an inclusionary housing ordinance which requires a minimum of 15% of the market rate housing units be made available to affordable households for all new development;
- Adoption of a workforce housing ordinance which requires the provision of workforce housing commensurate with the number of jobs created by the project. While the percent of housing required has shifted in response to the economic climate, projects

Page 3

which generate a large volume of employees are held to a higher expectation than smaller projects;

- Construction of 380 new affordable housing units through a variety of regulatory mechanisms and funding sources, including Truckee Pines Apartments, Truckee-Donner Senior Citizen, Truckee Riverview, Sierra Village Apartments, Frishman Hollow and Henness Flats;
- Recent allocation of \$1.3 million of Town General Funds for 77 units of affordable housing within the Truckee Artist Lofts project in our historic Downtown; and
- Recent commitment of \$1 million of Town General Funds for 138 units of market-rate, permanently-restricted rental housing for full-time residents in our historic Downtown.

L1-1
(Cover)

The Town has chosen to focus our comments solely on the employee housing issue. While the Town continues to have concerns regarding the conclusions, mitigation measures and responses within the Transportation and Circulation section of the Draft and Final EIR - in particular the conclusions related to impacts during peak winter weekend times - the Town has decided to underscore the inadequacy of housing proposed within the Specific Plan. We recognize that the employee housing strategy is tied closely to transportation impacts due to employee vehicle trips for those not housed in Olympic Valley and that improvements in the employee housing strategy will reduce the traffic impacts associated with the project.

In closing, the Town strongly urges Placer County's decision makers to commit to making positive steps toward improving the region's housing needs rather than approving a project which will clearly exacerbate the problem. Without a substantial increase in the amount of housing provided for both FTEE and seasonal workers, the Town cannot support the County's approval of this project. The Village at Squaw Valley developers should treat employee housing as an integral piece of resort infrastructure rather than relying on communities already pressed to provide affordable housing. Doing so will be equally important to their financial success and the economic and social health of our region. Thank you again for the opportunity to comment on this important regional project.

Sincerely,



Joan deRyk Jones, Mayor

L1

Town of Truckee
Joan DeRyk Jones, Mayor
August 10, 2016

L1-1

The comment expresses a concern about the adequacy of workforce housing proposed as part of the Specific Plan. This issue was thoroughly addressed in the DEIR and in the FEIR (see, in particular, responses to comments L6-6 and L6-10 through L6-13 submitted by the Town of Truckee; also see response to comment L1-2 submitted by Nevada County, response to comment O5-2 submitted by Mountain Area Preservation [MAP], response to comment O9-266 submitted on behalf of Sierra Watch, and responses to comment letter O12b submitted on behalf of Tahoe Residents United for Sustainable Squaw Tourism).

Specifically, the comment states that the project developer(s) should be required to construct housing to meet 100 percent of the employee housing demand generated by the project, rather than the proposed 50 percent of the full-time equivalent employee workforce, as required by the Placer County General Plan (Policy C-2). Further, the comment states that the employee housing should be constructed within Olympic Valley or in close proximity to the Valley. As described in responses to comments on the FEIR (in particular, response to comment O5-2), requiring the project to provide for 100 percent of employee housing would require the project to provide double the amount of employee housing mandated by General Plan policy. The request conveyed in the comment letter will be reviewed by the County Planning Commission and Board of Supervisors in their deliberations over the project.

Regarding the comment that the County should require a broader range of housing types to meet a wider range of housing needs for employees, this suggestion is addressed in Mitigation Measure 5-3, which requires an employee/workforce housing plan. While this mitigation measure does not require that employee housing needs are accommodated within Olympic Valley, it meets Placer County General Plan Housing Element Policy C-2.

The following text from Response L1-2 in the FEIR is repeated as it remains relevant to this comment letter. Placer County appreciates the important points raised by the Town of Truckee with respect to employee housing, housing costs, and the resultant dilemma associated with where employees would live.

Under CEQA, the availability of affordable housing is a social issue. Generally, social issues are not considered environmental impacts as defined in Section 15131 of the CEQA Guidelines. But the EIR here acknowledges that, to the extent that employees would commute to their housing locations, the lack of affordable housing near the project may result in secondary impacts related to traffic, air quality, and transportation-related noise. These secondary impacts have been addressed in the DEIR (for example, see page 9-35).

Housing prices in the region are relatively high and transient tourist-related employment does not typically provide sufficient wages or reliable year-round employment at a scale that would generate demand to construct new housing. Affordable housing projects are, themselves, infrequently constructed because of several factors. For example, development costs (building costs, infrastructure, development fees) and land costs are relatively high in Lake Tahoe and the greater Lake Tahoe area, including surrounding communities such as Truckee. This combination of factors contributes to economic challenges of constructing dwelling units that are affordable but provide sufficient investment return to warrant the risk to a developer. In addition, affordable housing projects can be difficult to entitle. Members of the public typically agree on the need for affordable housing, but when it is proposed “next door,” these projects are frequently legally challenged (typically, using CEQA) by neighbors

who fear the housing project will erode property values or will introduce an unsavory element to the neighborhood.

Placer County recognizes that the potential undersupply of affordable housing units creates housing challenges for seasonal and low-wage employees. The County has responded to this challenge with the requirement that projects such as the VSVSP provide housing for half their employees (FTE), which the County believes provides a balance between project costs and this important issue. As explained above, with the implementation of Mitigation Measure 5-3, the County ensures that the project here will comply with Policy C-2. However, the County also recognizes that compliance with Policy C-2 by development projects in the County will not by itself completely solve this social challenge, and that employees will still need to commute, share accommodations, etc., as it is not economic to require development of all housing units needed for a project, especially in markets where employment and housing demand fluctuate seasonally. With this as a backdrop, the Placer County Planning Commission and Board of Supervisors will consider this issue during project deliberations.



SQUAW VALLEY PUBLIC SERVICE DISTRICT



May 6, 2016

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

L2

RE: Comments on Final EIR - Village at Squaw Valley Specific Plan

To Whom It May Concern,

The Squaw Valley Fire Department received the *Notice of Availability of a Final EIR for Public Review* on April 7, 2016 and reviewed the *Final Environmental Impact Report for the Proposed Village at Squaw Valley Specific Plan* (State Clearinghouse #2012102023). Thank you for the opportunity to comment on the proposed project's environmental impacts.

Section 3.1.2 Master Response: Traffic

These comments relate to Emergency Vehicle Access/Wildland Fire Evacuation Plan on pages 3-20 through 3-23 of this section.

L2-1

"Several comments expressed concerns regarding the ability to provide and maintain emergency vehicle access during project implementation. Mitigation Measure 9-8 on page 9-67 of the DEIR addresses this issue as it relates to project construction. The mitigation measure requires that a Construction Traffic Management Plan (CTMP) be prepared and implemented, and it must address, among other topics the preservation of emergency vehicle access during construction and the removal of any traffic obstructions during emergency evacuation events."

This sounds like a responsive, even pro-active solution, but as with current traffic mitigation measures it is virtually unenforceable and meaningless. Squaw Valley Resort is unwilling to accept responsibility for towing illegally parked vehicles blocking roadways and fire lanes on their private property, Placer County provides enforcement of parking regulations by citing

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L2-1
(cont)

illegally parked vehicles on a limited, infrequent basis (and only on public roadways) and it is unreasonable to expect that Squaw Valley Fire Department can monitor and somehow assure emergency vehicle access at all times. There is no reason to believe that the current situation will be improved by adoption of a CTMP and many reasons to believe that the project will adversely affect emergency access to the project area and surrounding properties.

"Regarding the potential for traffic generated by project operations to impede emergency vehicle access; emergency vehicle access is currently maintained during peak winter and summer traffic periods. Visitors are also airlifted by helicopter to receive treatment, typically at hospitals in Reno or Sacramento, depending on the severity of their injuries. The project would not change this practice. Roadway emergency access would also continue to be ensured through various methods, such as emergency vehicles driving on the road shoulder as needed, or traffic control personnel (typically present during peak traffic periods) moving cars to the edge of the roadway ahead of the emergency vehicle."

L2-2

Emergency vehicle access is regularly impeded by traffic on Squaw Valley Road during peak traffic periods and especially during three-lane operations when there are no shoulders for motorists to move to in order to allow an emergency vehicle to pass. Emergency vehicles must regularly drive into oncoming traffic, risking both the safety of the emergency responders and approaching motorists.

The decision to use a helicopter to transport an injured person to a hospital is determined solely by the nature of the person's injuries and distance to the destination facility most capable of rendering an appropriate level of care - it is unrelated to the presence or absence of traffic. The statement would seem to imply that because helicopters are sometimes used to transport patients to the hospital, the urgency of providing unimpeded emergency vehicle access at all times is reduced. This is certainly not the case.

As noted above, the ability of emergency vehicles to drive "on the road shoulder" is virtually nonexistent during three-lane operations and the notion that SVR traffic control personnel could somehow go ahead of a fire engine driving with lights and siren, "moving cars to the edge of the roadway" is unrealistic - the emergency vehicle would then proceed at walking pace? Motorists are more likely to yield to a ski area employee in a traffic vest than a fire engine?

L2-3

"Finally, Squaw Valley is currently working with the Squaw Valley Fire Department (SVFD) to support locating a fire truck at the west end of the Valley on peak days; this truck would be parked on location before peak traffic begins and would remain there throughout the peak day to further enhance existing emergency vehicle access."

This statement comes as a complete surprise to the Squaw Valley Fire Chief. No such proposal has ever been made and the statement that this is something that anyone is "working" on is simply not true.

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"In addition, since publication of the DEIR, further analysis of traffic conditions during an evacuation scenario has been conducted (LSC 2016). The analysis evaluated an example evacuation scenario where:

- *emergency responders provide traffic control at key intersections, but no special roadway lane configurations are used (e.g. coning to create an additional lane direction);"*

This scenario was proposed by the consultant, but they were advised by Squaw Valley Fire Department that during a wildland fire it would be highly unrealistic to expect there to be sufficient public safety personnel in the region to perform traffic control as described. Any available public safety personnel would be tasked with much higher priority tasks and even then, the numbers of public safety personnel would likely be inadequate.

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"For events like wildfires, the fires are tracked from the moment of discovery, and risk to nearby development is assessed on a regular basis. Days of lead time are often available to assess risk and make evacuation determinations. During these periods, peak occupancy conditions typically do not occur as drifting smoke, awareness of the risk, or other factors result in people avoiding the area. The cancellation of the 2014 Iron Man event at Squaw Valley in response to poor air quality from the King Fire is an example of this phenomenon."

This paragraph is rife with generalization and inaccuracy. Certainly, wildland fires are tracked from the 'moment of discovery' and risk to natural resources and development is assessed on an ongoing basis, but the prediction of fire behavior is a highly inexact science and predictive models are driven by climatic conditions which are dynamic during a wildland fire. Fire managers try to err on the side of caution, particularly when there is significant value at risk, but people tend to want to deny risk and resist early suggestion to evacuate. As a result, while it might be semantically accurate to say that there are "days of lead time" available to assess risk and model potential fire behavior and evacuation scenarios, evacuation of a community is rarely the calm, orderly picture that this statement paints. People are reluctant to leave and tend to do so at the last minute when emotions are high and conditions are terrible - visibility is obscured by smoke and exiting residents encounter emergency apparatus attempting to access affected areas. It is a chaotic and dangerous situation for everyone involved.

The King Fire - because it was the largest wildland fire close to the project area - is an interesting study. Although the King Fire had, indeed, been tracked from the 'moment of discovery', it made a startling 10 mile northward run during the course of a few hours one night, an event that was completely unexpected and one that has caused reevaluation of fire behavior modeling. Fire behavior is highly dynamic and the predictive models available to fire managers adapt constantly as a result of observation and experience on the ground, but even with early discovery, constant tracking and lead time (when it IS available) to establish the correct trigger-point(s) and appropriate time to call for evacuation, to assume that such an order will be followed in a timely, orderly manner is foolish.

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L2-4
(cont)

The idea that people will avoid a geographic area, change or cancel plans due to the threat of a wildland fire - and the use of the King Fire and the Ironman event in 2014 as an exemplar - is, in our opinion, mistaken. The King Fire started in the afternoon of September 13, 2014 and had burned over 18,000 acres by late on the 16th. Although it nearly tripled in size during the next 24 hour period and almost doubled in size again during the next 24 hour period, the Ironman event - scheduled to run on September 21st - was cancelled literally several minutes prior to the planned start time due to miserable air quality. Save for the air quality, the fact that a 152 square mile wildland fire was burning within a few miles of the event was of little to no concern to the thousands of participants, event staff, family members and spectators: virtually no one was deterred from their participation in the event as a result of the fire.

We disagree that - especially in the case of special events during the summer - peak occupancy is likely to be adversely affected by a wildland fire even in relatively close proximity.

Thanks again for the opportunity to provide comment on the Final EIR for the project. If you have any questions or require additional information, please contact me at (530) 583-4692.

Sincerely,

Pete Bansen

Pete Bansen
Fire Chief

cc: Squaw Valley Public Service District Board of Directors
Mike Geary, General Manager; Squaw Valley Fire Department
Jesse McGraw, Operations Manager; Squaw Valley PSD
Chevis Hosea, Vice-President of Development; Squaw Valley Real Estate

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L2

Squaw Valley Public Service District
Pete Bansen, Fire Chief
May 6, 2016

L2-1

This introductory comment states that the commenter has reviewed the FEIR responses, with particular attention to the portion of the traffic Master Response regarding emergency vehicle access/wildland fire evacuation plan on pages 3-20 through 3-23 of the FEIR. The comment letter was provided in May 2016. Since then, the project applicant has completed an *Emergency Preparedness and Evacuation Plan* (EPEP) (available on the County's website at <https://www.placer.ca.gov/departments/communitydevelopment/planning/pchearings>) for the project to evaluate the risks, hazards, and response mechanisms for various emergency events, including wildland fire, avalanche, seismic events, and flooding in the project area. The EPEP was prepared under the supervision of Placer County and was submitted to the Placer County Planning Commission in advance of the August 11, 2016 public hearing for the project. At the public hearing, testimony was provided by various County staff, including John McEldowney of the Placer County Office of Emergency Services and Lieutenant Jason Lockhart of the Placer County Sheriff's Office, regarding the EPEP. Chief Bansen of the Squaw Valley Fire Department also made a portion of the presentation to describe the role of the Squaw Valley Fire Department in responding to emergency events and coordination with other EMS providers. In particular, Chief Bansen provided the following testimony,

So to kind of sum up, I think the evacuation and emergency preparedness plan that has been developed for the project is very good. I think it is very appropriate. We're in a very favorable situation in Squaw Valley. No thanks to me really. Thanks to nature and the configuration of the mountains and the prevailing wind and the evacuation plan that we – that we have to work with works well with the plan that we have already developed, the Squaw Valley fire plan that the Placer Office of Emergency Services has developed for the east side of the county. I think it is safe to say we're confident of our ability to effectually communicate the nature of the threat. And we think we will be even more capable of doing that in the future and to direct the responder in an appropriate and timely manner.

As noted above, the EPEP addresses the risks and response mechanisms for various emergency events, including wildland fire, in the project area. Although the comment letter expresses concerns related to wildland fire risks if the project was implemented, the commenter's testimony at the public hearing demonstrates that the EPEP and the County's existing Squaw Valley fire plan adequately address these concerns.

The comment states that the County currently provides citations to illegally parked vehicles in the Olympic Valley "on a limited, infrequent basis (and only on public roadways)." The comment uses this stated lack of enforcement as reason to question whether mitigation measures, such as the Construction Traffic Management Plan (CTMP) will be adequately enforced. The implementation and enforcement of all mitigation measures in the EIR that are adopted by the County is guided by and recorded in a Mitigation Monitoring and Reporting Program (MMRP). Entities responsible for implementing and enforcing mitigation measures are identified in the MMRP. The County, as the CEQA lead agency, has a legal responsibility to ensure that adopted mitigation measures are implemented by the responsible entities.

L2-2

See response to comment L2-1. Also see the following excerpt from the portion of the traffic Master Response related to Emergency Vehicle Access/Wildland Fire Evacuation Plan:

As far as the regular presence of lines of vehicles on local roadways during peak traffic periods and the potential for these vehicles to slow emergency vehicle travel, the proposed project causes little change from the existing condition; peak days and associated lining up of cars on local roadways will continue to occur with or without the proposed project. It should be noted that Squaw Valley Resort and Placer County have for many years been signatories to an agreement to meter afternoon departing skier traffic to address eastbound traffic queues on Squaw Valley Road. In some circumstances, the proposed project may make the presence of lines of cars last slightly longer, or slightly extend the length of lines of cars. Finally, Squaw Valley is currently working with the Squaw Valley Fire Department (SVFD) to support locating a fire truck at the west end of the Valley on peak days; this truck would be parked on location before peak traffic begins and would remain there throughout the peak day to further enhance existing emergency vehicle access.

L2-3 The applicant has corrected this issue and has since worked with the Squaw Valley Fire Department to develop a draft agreement to locate a staffed fire engine at the west end of the Valley on peak days.

L2-4 See response to comment L2-1.



SQUAW VALLEY PUBLIC SERVICE DISTRICT



May 6, 2016

Placer County Board of Supervisors
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Environmental Coordination Services
3091 County Center Drive, Suite 190
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RE: Specific Comments on Final EIR - Village at Squaw Valley Specific Plan

Dear Placer County Board of Supervisors,

The Squaw Valley Public Service District (PSD or District) received the *Notice of Availability of a Final EIR for Public Review* on April 7, 2016 and reviewed the *Final Environmental Impact Report for the Proposed Village at Squaw Valley Specific Plan* (State Clearinghouse #2012102023). Thank you for the opportunity to comment on the proposed project's environmental impacts.

Mitigation Measure 6-1c

Mitigation Measure 6-1c requires the applicant to implement Mitigation Measure 13-4 and monitor and respond to groundwater effects. Substantial modifications the Mitigation Measure 6-1c were made in the FEIR and address comments received on the impacts of groundwater pumping on biological resources and the viability of vegetation in proximity to the creek. It reads:

Mitigation Measure 6-1c – Implement Mitigation Measure 13-4 and monitor and respond to groundwater effects (FEIR page 2-15 and 4-7):

If monitoring and surveys indicate that riparian and/or wet meadow vegetation is being lost and/or degraded at levels that could impair the viability and value of the wet meadow and/or riparian habitat, and that change is correlated with lowered groundwater levels as indicated by monitoring wells and pumping data, one or more of the following steps shall be undertaken to ensure that there is no net loss of acreage and/or value of wet meadow habitat:

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L3-1
(cont.)

- Work with the SVPSD to adjust the pumping regime in a manner that minimizes draw down in the portion of the overall study area that is being affected;
- Irrigate the affected area during the critical period using water from a source other than the aquifer, such as fractured wells used for snowmaking at Squaw Valley;
- Provide improvements to the water system in Squaw Valley (e.g., replacement of old, leaking pipelines, replacement of high-water use fixtures) to reduce demand from other sources by an amount commensurate with the amount of irrigation water required for riparian and/or meadow vegetation. In this case, water from the aquifer could be used for irrigation of sensitive habitats; and/or
-

This relies on the District’s management of the wellfield as the primary mitigation measure, effectively placing the responsibility of the viability of the vegetation along Squaw Creek on the District.

The responsibility to successfully implement mitigation must be the duty assigned to the project proponent and not the Squaw Valley PSD.

Appendix B of the FEIR includes a memorandum by MacKay & Somps, *Squaw Creek Restoration Irrigation Demands*, September 24, 2015 which presents refined irrigation demands for VSVSP resort landscape, Squaw Creek Restoration Landscape, and irrigation of existing riparian vegetation required when groundwater levels are too low to sustain this vegetation. The evaluation showed an annual irrigation demand less than the irrigation demand initially presented in the WSA, but irrigation demands during the critical dry months (July-October) had a higher demand by 1.6 AFA. The conclusion was that irrigation during the critical four month period in a dry year can be met from the potable water system and supplemented from water supply from the SVR snowmaking mountain wells. If supplemental irrigation water supply is not available from the SVR snowmaking mountain wells, then the mitigation measure should require the project proponent to reduce its demands by an appropriate amount to provide irrigation water to the existing riparian vegetation (i.e. reduction in Mountain Adventure Center demands, pool demands, etc.).

L3-2

Section 3.1.1 Master Response: Water Supply

The footnote to Table 3-1 on page 3-7 is incorrect. The increase in historic water demand between the 2014 and 2015 WSA’s is *not* the result of higher SVPSD and SVMWC water use in 2012-2014. In fact, water use for both the SVPSD and SVMWC decreased in 2012-2014 compared to 2000-2012. The increase in historic water demand was due to increased snowmaking demand.

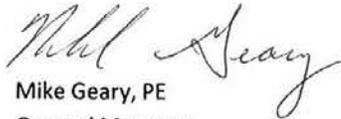
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p. 2 of 3

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(530) 583-4692

Thanks for the opportunity to provide comment on the Final EIR for the project. If you have any questions or require additional information, please contact me at (530) 583-4692.

Sincerely,



Mike Geary, PE
General Manager

cc: Squaw Valley Public Service District Board of Directors
Pete Bansen, Fire Chief; Squaw Valley Fire Department
Dave Hunt, District Engineer; Squaw Valley PSD
Chevis Hosea, Vice-President of Development; Squaw Valley Real Estate

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L3

Squaw Valley Public Service District
Michael Geary, PE, General Manager
May 6, 2016

L3-1

The comment requests text changes and modifications that have been incorporated into the DEIR and FEIR Errata Sheet (Revised August 5, 2016) since publication of the FEIR. This errata sheet has been provided to the Planning Commission and Board of Supervisors, and is part of the project record. The comment is addressed through the proposed text changes.

L3-2

The comment requests text changes and modifications that have been incorporated into the DEIR and FEIR Errata Sheet (Revised August 5, 2016) since publication of the FEIR. This errata sheet has been provided to the Planning Commission and Board of Supervisors, and is part of the project record. The comment is addressed through the proposed text changes.

TAHOE-TRUCKEE SANITATION AGENCY



A Public Agency
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Directors
 O.R. Butterfield
 Dale Cox
 Erik Henrikson
 S. Lane Lewis
 Jon Northrop
General Manager
 LaRue Griffin

VIA U.S. MAIL AND E-MAIL

18 April 2016

Ms. Maywan Krach
 Placer County Community Development Resource Agency
 Environmental Coordination Services
 3091 County Center Drive, Suite 190
 Auburn, CA 95603
cdraecs@placer.ca.gov



RE: Village at Squaw Valley Specific Plan Project FEIR Comments

Dear Ms. Krach:

The Tahoe-Truckee Sanitation Agency (T-TSA) has received the Final Environmental Impact Report (FEIR) for the Village at Squaw Valley Specific Plan (VSVSP) Project (Project). T-TSA staff has reviewed these materials and offers the following comments:

- Response L5-6, TRI Capacity:** The response still contains data obtained from an old survey that was later determined to be incorrect. In regards to TRI capacity, there is no single simplified capacity figure we can cite for the TRI. Each segment of the pipeline has its own carrying capacity under a variety of operating scenarios and hydrological conditions.

As accurately portrayed in the Project environmental documentation, it has been determined that there currently is inadequate capacity in the TRI to serve the both existing customers and expected flows generated by the proposed Project during peak wet weather flow events. T-TSA is currently studying, as a separate action, the possibility of upsizing and replacing certain sections of the TRI to address some of the system's existing hydraulic bottlenecks.

We also do not agree with the figures cited in this revised text for remaining capacity at the water reclamation plant. T-TSA's Waste Discharge Requirements limit plant capacity to 9.6 million gallons per day (mgd) on a maximum 7-day average flow basis during the summer months. To date, the maximum recorded 7-day average flow over the summer months was 6.4 mgd in July of 2011.

As such, in your revised text, we respectfully request that the following language be deleted. Please remove "and the capacity at the upstream end of the TRI is 6.0 MGD." Also, please delete the sentences that read "In 2012, the remaining available capacities at

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L4-1

the treatment plant and in the TRI were estimated to be 1.92 MGD and 1.20 MGD, respectively (MacKay & Somps 2012b). Therefore, the treatment plant is operating at approximately 80 percent of capacity.”

- 2. **Response L5-7, TRI Capacity WRP Capacity:** The response still contains inaccurate, outdated information on remaining capacities at the WRP. Although there currently appears to be sufficient capacity at the WRP to serve projects as large as the VSVSP Project, all capacity allocations are made in accordance with T-TSA’s rules and regulations. In light of the above, please delete the sentence that reads “In 2012, the remaining capacity at the treatment plant was estimated to be 1.92 MGD”. Also, in your response, please replace “in the order that applications are received” with “in accordance with T-TSA’s rules and regulations”.

L4-1
(comms)

T-TSA would like to thank Placer County for the opportunity to provide these comments. If you have any questions or concerns, please do not hesitate to contact me at (530) 587-2525.

Sincerely,

LaRue Griffin
General Manager/Treasurer

- c: Jay Parker, T-TSA
Tom Rinne, T-TSA
Mike Geary, SVPSD

L4

Tahoe-Truckee Sanitation Agency
LaRue Griffin, General Manager/Treasurer
April 18, 2016

L4-1

The comment requests text changes and modifications that have been incorporated into the DEIR and FEIR Errata Sheet (Revised August 5, 2016) since publication of the FEIR (see pages 7 through 8). This errata sheet has been provided to the Planning Commission and Board of Supervisors, and is part of the project record. The comment is addressed through the proposed text changes.



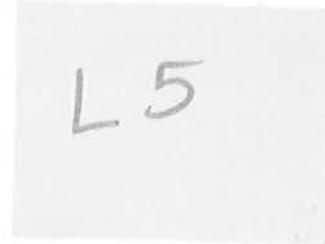
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PUBLIC SERVICE DISTRICT**



May 6, 2016

Placer County Board of Supervisors
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Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
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RE: General Comments on Final EIR - Village at Squaw Valley Specific Plan

Dear Placer County Board of Supervisors,

The Squaw Valley Public Service District (PSD or District) received the *Notice of Availability of a Final EIR for Public Review* on April 7, 2016 and reviewed the *Final Environmental Impact Report for the Proposed Village at Squaw Valley Specific Plan* (State Clearinghouse #201210223). Thank you for the opportunity to comment on the proposed project's environmental impacts.

L5-1

As you know, the District provides fire protection and emergency medical services (EMS), water, sewer collection, and garbage collection services for the community in Olympic Valley and along the Truckee River corridor. We also perform snow removal on the County's bike trails in the valley. The PSD has been requested by the project applicant to provide services to the proposed project.

In addition to the reports to analyze impacts of the proposed project listed in the District's comments to the Draft EIR, we since prepared the Water Supply Assessment 2015 Update in July 2015.

The District would like to thank Placer County for providing thoughtful responses to our comments on the Draft EIR. However, many comments were dismissed as speculative, opinion, and / or not addressing environmental impacts of the project. Many responses stated that the Placer County Planning Commission and the Board of Supervisors will take our comments into consideration when making decisions about the project.

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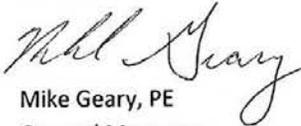
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With that pledge, the District respectfully requests the County Planning Commission and Board of Supervisors to consider the following comments when making decisions about the project due to their potential impacts to the environment and / or levels of municipal services currently provided to our common constituents in Squaw Valley:

1. **Prohibit formation of a new Mutual Water Company as a Condition of Approval.**
2. **Require dedication of a portion of Transfer Fees to the implementation the Olympic Valley Groundwater Management Plan and its Aquifer Monitoring Program as a Condition of Approval.**
3. **Establish a permanent, secured and dedicated source of funding for snow removal services on the County bike trail between Hwy 89 and the Village to protect the safety of pedestrians and bicyclists and acquire snow storage easements along Squaw Valley Road in support of the Bike Trail Snow Removal Program.**
4. **Read the District's comment letter in response to the Draft EIR (July 17, 2015).**

Thanks again for the opportunity to provide comment on the Final EIR for the project. If you have any questions or require additional information, please contact me at (530) 583-4692.

Sincerely,



Mike Geary, PE
General Manager

cc: Squaw Valley Public Service District Board of Directors
Pete Bansen, Fire Chief; Squaw Valley Fire Department
Dave Hunt, District Engineer; Squaw Valley PSD
Chevis Hosea, Vice-President of Development; Squaw Valley Real Estate

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L5

Squaw Valley Public Service District
 Michael Geary, PE, General Manager
 May 6, 2016

L5-1

The comment provides introductory statements acknowledging the District's receipt of the Notice of Availability of the Final EIR for public review and goes on to provide a general description of services provided by the District. The comments also state the District's role in preparing the Water Supply Assessment for the project. No response is provided for this portion of the comment letter as it does not raise any issues pertaining to the EIR.

The commenter goes on to thank the County for the responses to District comments on the Draft EIR provided in the Final EIR and states that many of the District's comments were dismissed as speculative, opinion, not addressing environmental impacts of the project, or that the issues raised will be considered by the Planning Commission and the Board of Supervisors. However, no specific examples are provided so the County cannot ascertain which specific responses are referenced. The commenter goes on to state that the District requests that the Planning Commission and the Board of Supervisors consider the following comments when making decisions about the project:

1. Prohibit formation of a new Mutual Water Company as a Condition of Approval.
2. Require dedication of a portion of Transfer Fees to the implementation [of] the Olympic Valley Groundwater Management Plan and its Aquifer Monitoring Program as a Condition of Approval.
3. Establish a permanent, secured source of funding for snow removal services on the County bike trail between Hwy 89 and the Village to protect the safety of pedestrians and bicyclists and acquire snow storage easements along Squaw Valley Road in support of the Bike Trail Snow Removal Program.
4. Read the District's comment letter in response to the DEIR (July 17, 2015).

Responses to these comments are provided as follows:

1. At the request of the District the project applicant modified Table 6.1 of the specific plan, which details anticipated service providers to the plan area, to remove reference to formation of a new mutual water company. In addition, Specific Plan Policy PU-3 has also been modified to remove reference to a new mutual water company. No other references to formation of a mutual water company are contained in the specific plan. The table and policy continue to list the Squaw Valley Public Service District as the anticipated water service provider as described in the Draft EIR. In addition, County staff have been involved in ongoing coordination efforts for service agreements that are anticipated to be approved by Development Agreement between the District and the applicant if the specific plan is approved. However, it is possible that the District and the applicant are ultimately unable to reach agreement or that the District may not approve a Development Agreement for water and other services. In the unlikely circumstance that this should occur, the County does not have a legal mechanism to prohibit the overlying land owner from accessing groundwater water or to prohibit the owner to exercise their legal right in accordance with State law to petition the Local Agency Formation Commission (LAFCO) to form a new mutual water company. These and related issues were raised by the District in its July 17, 2015 comment letter on the Draft EIR (comments L4-3 through L4-8) and the County provided detailed responses to each of the issues in the FEIR.

2. The project applicant proposes to establish a 1.25 percent real estate transfer fee that would be collected at the sale of all project units in perpetuity. The transfer fee is a private fee program and is not included in the project entitlements, conditions of approval, or the Development Agreement and no portion of any County required project improvements or mitigation measures rely upon the transfer fee for funding. Should the District desire to receive any portion of the transfer fee to fund aquifer monitoring or other programs the District should engage directly with the project applicant.
3. Beginning in the winter of 2013/2014, Placer County funded a winter snow removal pilot program for the Squaw Valley Class I trail and contracted with the District for the snow removal service. The program has continued each year with funding provided by the County, but no permanent funding source has been identified. In the future, the County may consider establishment of a CSA or CFD to generate funds for the equitable collection of fees for this program, but no such funding mechanism has been identified by the Board of Supervisors.

The comment that snow storage easements along Squaw Valley Road should be acquired in support of the snow removal program is noted and will be considered during review of Small Lot Tentative Maps to implement the specific plan. However, there is no mechanism through this project entitlement or future project entitlements, such as Small Lot Tentative Maps, to require dedication of snow storage easements for offsite properties located outside of the specific plan boundary, which comprise the vast majority of the linear frontage of this Class I trail.

4. County staff and the County's EIR consultant read the District's comment letter prepared in response to the DEIR dated July 17, 2015 in order to prepare responses for the FEIR. County staff and the consultant have reviewed the letter contents again during preparation of these responses. All comment letters and responses related to the EIR have been provided to the Planning Commission and the Board of Supervisors.



CENTER for BIOLOGICAL DIVERSITY

01

August 10, 2010

Submitted via email to planning@placer.ca.gov

Planning Services Division
3091 County Center Drive
Auburn, CA 95603

Re: Comments on Village at Squaw Specific Plan and Final Environmental Impact Report

01-1

The Center for Biological Diversity ("Center") submits these comments on the Final Environmental Impact Report ("FEIR") for the Village at Squaw Specific Plan. The Center is a national, nonprofit conservation organization dedicated to the protection of endangered species and wild places. The Center has 1.1 million members and online activists throughout the country. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people throughout California.

01-2

The FEIR fails to address the insufficiencies of the DEIR discussed in our comments. The Center continues to have concerns about water supply, water quality, and greenhouse gas impacts of this project, and the DEIR and FEIR's failure to properly address these impacts. The Center also remains concerned about impacts to the federally endangered Sierra-Nevada yellow-legged frog ("SNYLF") and its proposed critical habitat. The responses to the Center's DEIR comments on the SNYLF only serve to confuse the matter by changing their findings, described as "further clarification," from potential take caused by restoration activities if SNYLF use these areas to a determination that there will be no take because they now find SNYLF are "highly unlikely to use these areas." FEIR at 3.24-309. Input from the U.S. Fish and Wildlife Service, the expert agency for this species, should be sought on potential impacts to SNYLF and its habitat, and for recommendations of appropriate alternatives and/or mitigation measures.

01-3

Given the insufficiencies of the DEIR and FEIR, the Planning Commission should recommend that the Board of Supervisors deny certification of the FEIR and send it back for substantial revisions to the DEIR and re-circulation for comment.

Sincerely,

Jennifer Loda, Staff Attorney
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA 94612

Alaska · Arizona · California · Florida · Minnesota · Nevada · New Mexico · New York · Oregon · Vermont · Washington, DC

Jenny Loda, Reptile and Amphibian Staff Attorney · 1212 Broadway, Suite 800 · Oakland, CA 94612
Phone: 510-844-7100 x 336 · Fax: 510-844-7150 · jloda@biologicaldiversity.org

01 Center for Biological Diversity
Jennifer Loda, Staff Attorney
August 10, 2016

- 01-1 This comment provides introductory text and information about the organization submitting the comment and expresses disagreement with the responses provided in the FEIR to the comments submitted by this organization. However, the comment does not provide any new information regarding the content or analysis in the EIR, or identify specific deficiencies in the responses in the FEIR. Therefore, no further response is provided here.
- 01-2 The conclusions of the EIR with respect to the potential for significant impact to Sierra Nevada yellow-legged frog did not change in the FEIR; the impact remains significant, requiring the implementation of Mitigation Measure 6-2. Page 2-49 of the FEIR provides text modifications to the impact discussion, including additional discussion of the types of activities that could result in take and the relative potential for take to occur.
- The comment suggests that input from the U.S. Fish and Wildlife Service (USFWS) should be sought regarding potential mitigation measures and project alternatives. Note that notice of the availability of the DEIR for review and comment was provided to USFWS. No comments were received from this agency.
- The analysis was completed by a biologist qualified to evaluate impacts to Sierra Nevada yellow-legged frog (SNYLF). Within the broadly-mapped boundaries of designated critical habitat, only areas that contain the primary constituent elements (PCEs) of critical habitat required by the species are considered critical habitat and regulated as such by USFWS. Although a portion of the Specific Plan area overlaps the proposed critical habitat boundary for SNYLF, the portion of Squaw Creek and a small part of the meadow around the Olympic channel in both the Specific Plan area and the proposed critical habitat boundary do not support the PCEs of critical habitat for adult breeding or non-breeding habitat. Mitigation Measure 6-2 (Avoid and minimize effects on Sierra Nevada yellow-legged frog and its habitat) provides survey parameters and stipulates that the preconstruction survey “shall be conducted by a qualified biologist approved by USFWS, and survey methods and timing would need to be approved by USFWS” (DEIR page 6-53). See also response to comment O8c-2 in the FEIR (pages 3.2.4-305 through 3.2.4-308).
- 01-3 The comment suggests that the Board of Supervisors should deny certification of the EIR, and instead recommend revision and recirculation of the DEIR. As explained above, no specific deficiencies in the analysis have been identified that would warrant this approach. There is no evidence that the EIR is “fundamentally and basically inadequate” such that meaningful public comment was precluded (State CEQA Guidelines Section 15088.5(a)). See also the Master Response regarding recirculation in the FEIR (pages 3-109 to 3-111).



Placer County
Planning Services Division
2091 County Center Drive
Auburn, CA 95603
Afisch@placer.ca.gov



Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814
Sean.Bechta@ascentenvironmental.com

Date: August 9, 2016
To: Mr. Alex Fisch, Mr. Sean Bechta, members of Placer County Planning Commission
From: The League to Save Lake Tahoe
Re: **Comments on Village at Squaw Valley Specific Plan Final Environmental Impact Report**

Dear Mr. Fisch, Mr. Bechta, and members of the Planning Commission,

The League to Save Lake Tahoe (the League) appreciates the opportunity to provide comments on the Village at Squaw Valley Specific Plan Final Environmental Impact Statement (FEIR). Due to the numerous insufficiencies and inadequacies of this FEIR, we feel strongly that it cannot be certified as presented today. The League's comment letter details specifics as to why the FEIR is flawed. The League hereby incorporates and references the comment letter submitted on August 2, 2016 by Sierra Watch and comments NAT: the No Additional Traffic Policy for Squaw Valley submitted June 2016 by Greg Riessen. Outlined below are the most egregious reasons as to why the FEIR must be denied certification under the California Environmental Quality Act (CEQA).

02-1

Included in the Placer County Planning Commission Staff Report for August 11, 2016 is a discussion of a development agreement. While the League is encouraged to see actual funding mechanisms and details for traffic mitigation within this agreement, this was not included in the FEIR. An actual analysis on how mitigation measures will truly mitigate environmental impacts was ignored. The League looks forward to working with the project proponents on traffic impact solutions and would be happy to be included in discussions. However, the FEIR today is deficient in an actual vehicle miles traveled (VMT) analysis and cannot be approved as presented today. The associated comment letter contextualizes these and other issues related to the review:

02-2

- **The FEIR is Inadequate Because It Does Not Account for the Negative Traffic Impacts the Specific Plan Will Generate in the Lake Tahoe Basin.**

02-2
02-3
02-4
02-5
02-6

- Impacts Associated with an Increase to VMT to Lake Tahoe Basin are Ignored. The Specific Plan will close the *overall* Lake Tahoe Region VMT Threshold gap to nearly .97% before Hitting Regional Attainment. This was Ignored in the FEIR and Should Be Considered Significant.
- The FEIR Ignores Current Placer County and TRPA Planning Efforts. Placer County is also the Lead Agency for the Martis Valley Project and Lake Tahoe Basin Area Plan Which Have Been Ignored in this FEIR. This Makes the FEIR Inadequate.
- The FEIR is Inadequate Because Placer County Failed to Meet CEQA Requirements by Coordinating with TRPA.
- The Reduced Density Alternative Must Be Considered as a Viable Alternative.
- This FEIR Should Not Be Approved or Certified under CEQA. There Are Not Enough Appropriate Overriding Considerations to Approve FEIR Over Detrimental Environmental Impacts.

As the oldest running environmental organization for Lake Tahoe the League cannot support this project as proposed today due to the detrimental impacts to the region. For these reasons and the others discussed in the comment letter, the League requests that the FEIR be revised to address all of the League, Sierra Watch, and Mountain Area Preservation concerns.

Sincerely,
Darcie Collins, PhD
Executive Director
League to Save Lake Tahoe

Enclosures

2016.8.9 League to Save Lake Tahoe Comments on Final Environmental Impact Report for the Village at Squaw Valley Specific Plan



Placer County
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Ascent Environmental, Inc.
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Sacramento, CA 95814
Sean.Bechta@ascentenvironmental.com

Date: August 9, 2016
To: Mr. Alex Fisch and Mr. Sean Bechta
From: The League to Save Lake Tahoe

Re: Comments on Final Environmental Impact Report (FEIR) for the Village at Squaw Valley Specific Plan

Dear Mr. Fisch and Mr. Bechta,

The League to Save Lake Tahoe (the League) has taken the opportunity to review the Final Environmental Impact Report (FEIR) for the Village at Squaw Valley Specific Plan (Specific Plan). The League is disappointed with both the adequacy of the review and dismissal of traffic impacts to Lake Tahoe associated with the Specific Plan. The Specific Plan lies outside of the Lake Tahoe Basin and the jurisdiction of the Tahoe Regional Planning Agency (TRPA), but would still have environmental consequences to the Basin. Because of the importance of Lake Tahoe as an Outstanding National Resource Water, as well as the unique and comprehensive environmental standards governing the Lake Tahoe Basin, it is essential that the project is denied as it is proposed today. There must be a genuine analysis that looks at real impacts associated with traffic to the Basin. Cumulative impacts as they relate to other projects with Placer County have also been ignored. The League urges the Placer County Planning Commission and Placer County Board of Supervisors (BOS) to not certify the FEIR as it is presented today. The FEIR does not meet California Environmental Quality Act (CEQA) requirements for certification as described in these comments. The following comments on the FEIR address the concerns of the League as they relate to impacts to the Lake Tahoe Basin:

02-7

- I. **The FEIR is Inadequate Because It Does Not Account for the Negative Traffic Impacts the Specific Plan Will Generate in the Lake Tahoe Basin.**
 - a. *Impacts Associated with an Increase to VMT to Lake Tahoe Basin are Ignored.*

- b. *Cumulative VMT Impacts Associated with Martis Valley and Brockway Campground are Ignored. Area Plan Analysis Raises More VMT Concerns.*
- c. *The Changes Made to the Traffic and Circulation Mitigation Measures Are Meaningless. These Weak Mitigation Measures Do Not Hold Project Proponents Accountable nor Mitigate Impacts to the Lake Tahoe Basin.*

- II. The FEIR is Inadequate because Placer County Failed to Meet CEQA Requirements by Coordinating with TRPA.
- III. The Reduced Density Alternative Must Be Considered as a Viable Alternative.
- IV. This FEIR Should Not Be Approved or Certified Under CEQA. There Are Not Enough Appropriate Overriding Considerations to Approve FEIR Over Detrimental Environmental Impacts.

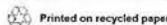
02-17
(cont.)

Background

The Specific Plan has been brought forth by Squaw Valley Real Estate, LLC. (project proponents) to Placer County for approvals to entitlements. The proposed Specific Plan is massive and will come with several significant and unavoidable environmental impacts. The Specific Plan would remake the existing Squaw Valley Ski Resort by adding 1,493 bedrooms associated with hotel and resort residential uses provided in up to 850 units, up to a maximum of almost 300,000 square feet of commercial uses, a Village Core, changes to Squaw Creek, forest recreation uses, conservation preserve uses, an indoor water park (Mountain Adventure Camp), and a transit center with parking facilities.¹ The Specific Plan is located outside of the Lake Tahoe Basin, but is close enough in proximity that consequences relating to the substantial development will occur in the region. A true assessment of consequences to the Lake Tahoe Basin were omitted from both the draft and final EIRs.

The FEIR has been released with minor changes to the Specific Plan and without any coordination of current planning efforts occurring in the Lake Tahoe Basin. Placer County has been developing a Lake Tahoe Basin Area Plan (Area Plan) for their jurisdiction under the guidelines of the TRPA Regional Plan Update (RPU). These endeavors have spanned the course of over four years in an effort to condense redevelopment within urbanized areas and to incentivize environmental restoration. The Specific Plan and associated environmental reviews not only ignore the Area Plan efforts, but would negatively impact its process. The Area Plan's intent is to improve *existing conditions*. The planning document is meant to improve traffic problems that already exist while fostering environmental improvements. The Specific Plan will only exacerbate traffic congestion that the Area Plan and stakeholders have been working diligently at trying to improve. The Specific Plan would not bring any environmental gains or deliverables to Lake Tahoe. The Area Plan draft environmental review

¹ Draft Environmental Impact Report Village at Squaw Valley Specific Plan. May 2015. Prepared for Placer County by Ascent Environmental. Introduction p.1-1.



report/statement (DEIR/S) has been released for public review. The comment period ends August 15, 2016. There are specific excerpts from the Area Plan DEIR/S analysis included later in these comments that are critical for understanding the true impacts of the Specific Plan to increased traffic within the Basin.

The League is the longest running advocacy organization for Lake Tahoe. The League is responsible for watchdogging any plans or projects that could negatively impact the environment of Lake Tahoe. Lake Tahoe is a nationally protected natural resource governed by the TRPA. The Specific Plan falls under the general jurisdiction of Placer County. However, TRPA requirements cannot be overlooked when the Specific Plan will be impacting its jurisdiction. The TRPA regulates through its RPU and associated Code of Ordinances (the Code). The TRPA is mandated through the federal Bi-State Compact (the Compact) which details specific environmental thresholds (thresholds) for the Lake Tahoe Basin. The FEIR cannot be certified as there are remaining issues relating to the Lake Tahoe Basin that must be resolved including the need of appropriate mitigation measures.

*08-17
(comment)*

The League, Sierra Watch, and Mountain Area Preservation (MAP) met with Placer County staff on March 2, 2016 and April 13, 2016 to discuss concerns relating to both the draft environmental impact report (DEIR) and FEIR for the Specific Plan. All of the organizations explained that the comments made not only by all three organizations, but by the public on the DEIR had essentially been ignored in responses in the FEIR. It appears the environmental review process has been driven by the project proponents as no significant changes had been made to the Specific Plan. Minimal efforts had been made in updating mitigation measures. The DEIR and FEIR cannot be proof of a public process as the public concerns have been ignored. The Placer County Planning Director stated that there was still time to influence the project before it is approved through a staff discretionary review. It was made clear by him to all of the organizations that our issues would be addressed. The League repeated this commitment to the BOS at their April 19, 2016 meeting so that this could be part of public record.² It is the responsibility of Placer County as the lead agency of the DEIR and FEIR to influence the approval process for the Specific Plan and not simply process the paperwork. On May 14, 2016 the Squaw Valley Municipal Advisory Council (MAC) voted against the Specific Plan as it is proposed today after hundreds of community members came to speak out against the project.³ On July 7, 2016 the Placer County Planning Commission held a hearing on a different project called Martis Valley West Specific Plan (Martis Valley) and voted against that project as proposed.⁴ They found that there were not enough overriding considerations to approve the project and associated CEQA document because of the unanswered impacts to traffic, Lake Tahoe, and fire safety. The Specific Plan and CEQA document contain the same deficiencies as Martis Valley, if not more. There has been no true cumulative assessment of impacts to the Specific Plan, Martis Valley, and a potential Brockway campground project. All of these things must be considered by the BOS when making their overriding considerations and should deny certification of this FEIR. The League highlights specific concerns relating to the FEIR below.

² Placer County BOS Meeting. April 19, 2016. Squaw Valley Resort. Squaw Valley Creek, CA. Video: http://placer.granicus.com/ViewPublisher.php?view_id=6.

³ Placer County Squaw MAC meeting. May 14, 2016. Plumpjack Inn, Squaw Valley Creek, CA. Minutes unavailable at the time these comments were submitted.

⁴ Placer County Planning Commission Meeting. July 7, 2016. Kings Beach, CA. North Tahoe Event Center. <http://www.placer.ca.gov/~media/cdr/planning/pc/2016/july%207/jul7actions.pdf?la=en>

I. The FEIR is Inadequate Because It Does Not Account for the Negative Traffic Impacts the Specific Plan Will Generate in the Lake Tahoe Basin.

The FEIR essentially concludes that the Specific Plan will increase vehicle miles traveled (VMT) to the Lake Tahoe Basin, but to a point where the project proponents do not have to be held accountable for their actions. The project proponents are being "let off the hook" with conclusions drawn in the FEIR stating a traffic increase does not matter along with meaningless mitigation measures. Traffic impacts and concerns must be addressed before the Specific Plan is approved.

a. Impacts Associated with an Increase to VMT to Lake Tahoe Basin are Ignored.

The DEIR for the Specific Plan ignored a general assessment of VMT increase and associated impacts to the Lake Tahoe Basin. The FEIR does what should have been done in the DEIR by doing a VMT assessment to the Lake Tahoe Basin. However, it ignores an impact assessment associated with the VMT increase. The FEIR states several times the analysis does not fall under TRPA jurisdiction so is not required to meet the Compact requirements. Comments relating specifically to the Compact will come later in this letter, but a specific portion relating to VMT requires immediate attention. The FEIR points out,

"The project's summer Friday VMT estimate within the TRPA boundary is 23,842. Total VMT in the TRPA boundary was estimated in the Regional Plan (at Table 3.3-5) to be 1,984,600 for summer 2010 conditions. The project would result in an estimated 1.2 percent increase in VMT within the TRPA boundary. The TRPA environmental carrying capacity thresholds calls for the Tahoe Region's VMT to be at least 10 percent below its 1981 level, which establishes a VMT threshold of 2,067,600. The addition of the project's VMT to the 2010 summer value would result in 2,008,442, which would remain below this VMT threshold."⁵

The FEIR goes into a more detailed discussion later as to why the Compact thresholds are inapplicable and states as they relate to VMT, "With regard to VMT, the exact VMT from the project to the Basin was not directly evaluated, except as it pertains to traffic effects on roadways. This issue is discussed further in the portion of the traffic Master Response that addresses VMT."⁶ The "portion of the traffic Master Response" is what is cited above. These two conclusions seem to inherently conflict. The VMT discussion states the threshold will not be exceeded, while the threshold discussion states the exact VMT from the project to the Basin was not directly evaluated. This inconsistency alone invalidates the VMT analysis and impacts evaluation associated with traffic to the Lake Tahoe Basin. The inconsistency and confusion make the VMT assessment inadequate and arbitrary.

The broad VMT Master Response alone does not detail impacts associated with VMT increase to the Lake Tahoe Basin. It states that there will be a 1.2 percent increase to the region. It then concludes that this is below the 10 percent allowable increase of the TRPA environmental carrying capacity

⁵ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-25.

⁶ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-87.

threshold for VMT. There are brief discussions of other in-Basin projects and relationship to VMT increase in the Basin and what constitutes a significant increase. It then however concludes there is not a standard to use when determining what is "significant."⁷ To simplify, this FEIR concludes there will be an increase to VMT in the Basin, it is unsure if this is significant, but because the increase is less than what exceeds the ultimate TRPA carrying capacity, an overall impact assessment does not need to be done. This is an arbitrary analysis. A rational deduction can be made that a 1.2 percent increase to VMT within the Lake Tahoe Basin is significant because this means thousands of more trips which directly relate to increased air quality and water quality impacts. Specifically, increased traffic will result in impacts as they relate to greenhouse gas emissions and increases to fine sediment particles from roadways into Lake Tahoe.

To understand the impacts relating to increased traffic the League pulls information from the Area Plan and the Lake Tahoe Total Maximum Daily Load (TMDL) report that have been completely ignored in this FEIR. The TMDL is described as follows from the Area Plan,

100-8
(copy)

"In 2011 and after years of study, a Total Maximum Daily Load (TMDL) water quality improvement program was established for Lake Tahoe in accordance with the U.S. Clean Water Act. More than any prior work, the TMDL identified Lake Tahoe's pollutants of concern and their primary sources. Fine sediment, phosphorous and nitrogen are the primary pollutants. The largest source categories are the urban uplands (developed areas and roads) and atmospheric deposition, largely from private vehicle emissions."⁸

The actual TMDL report itself explains impacts to atmospheric deposition by concluding,

"Atmospheric deposition refers to the deposition of pollutants that land directly on the lake surface. This can occur as dry deposition or as part of a precipitation event (wet deposition). Because the surface area of the lake is 501 km² in comparison to its drainage area of 812 km², airborne input of nutrients and fine sediment particles to Lake Tahoe's surface is significant. The California Air Resources Board (CARB) conducted the Lake Tahoe Atmospheric Deposition Study (LTADS) to estimate the contribution of dry atmospheric deposition to Lake Tahoe. These estimates were paired with long term monitoring data collected by UC Davis - TERC to provide detailed pollutant loading numbers to use for lake clarity modeling purposes. Gertler et al. (2006) and CARB (2006) found that airborne pollutants are generated mostly from within the Lake Tahoe basin and come from motor vehicles, wood burning, and road dust. Motor vehicles, including cars, buses, trucks, boats, and airplanes are primary sources of atmospheric nitrogen. Swift et al. (2006) determined that inorganic particles

⁷ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-26.

⁸ Placer County Tahoe Basin Area Plan, Public Review Draft June 2016. Prepared by Placer County Planning Services Division, TRPA, Dyett & Bhatia Urban and Regional Planning, Stockham Consulting. Introduction. p.2.

are the dominant factor in clarity loss since those particles contribute greater than 55 to 60 percent of the clarity loss while organic particles contribute up to 25 percent of the clarity loss."⁹

Simply put, motor vehicles contribute substantially as a pollutant (specifically phosphorus and nitrogen) to the Lake through fine sediment along with tailpipe emissions. The TMDL report goes on further in describing impacts of nitrogen to the Lake,

"Long-term Nitrogen and Phosphorus trends in the mid-1980s Lake Tahoe began to experience an increase in nitrogen from atmospheric deposition directly onto the lake surface (Jassby et al. 1994). Atmospheric deposition provides most of the dissolved inorganic nitrogen and total nitrogen in the annual nutrient load. Increased amounts of atmospheric nitrogen have caused an observed shift from co-limitation by nitrogen and phosphorus to persistent phosphorus limitation in the phytoplankton community (Jassby et al. 1994, 1995, and 2001). Algal growth studies also support the finding of increased nitrogen in Lake Tahoe; these long-term bioassay experiments show a shift from co-limitation by both nitrogen and phosphorus, to predominant phosphorus limitation (Goldman et al. 1993)."¹⁰

02-8
(comment)

Again more simply put, more nitrogen and phosphorus put into the Lake creates more algae which drops clarity in the Lake. It can be deduced that more traffic creates more fine sediment and tailpipe emissions which directly contribute to algae increase in the Lake. The overall VMT analysis in relationship to the Lake Tahoe Basin is confusing through its contradictions, arbitrary in its conclusions, and ignores impacts to the Lake Tahoe environment. The VMT analysis does not have an inclusive baseline for a true assessment as discussed below.

b. Cumulative VMT Impacts Associated with Martis Valley and Brockway Campground are Ignored. Area Plan Analysis Raises More VMT Concerns.

The League has been diligently reviewing the Specific Plan FEIR, the Martis Valley FEIR, and the Area Plan DEIR/S. The League will be submitting detailed comments relating specifically to the Area Plan DEIR/S by the end of the public comment period on August 15, 2016. The Area Plan EIR/S cumulative impact analysis (or lack thereof) is directly relevant to this Specific Plan. It is unclear what baseline numbers have been used for VMT analysis for this project, Martis Valley, and the Area Plan. Below is an excerpt from the League's comment letter to be submitted on the Area Plan DEIR/S that refers to the Specific Plan FEIR and Martis Valley FEIR as well. The inclusive comment letter will be submitted on August 15, 2016 to be included as part of the public record before the BOS hears the Specific Plan.

02-9

"The Squaw FEIR states:

"The project's summer Friday VMT estimate within the TRPA boundary is 23,842. Total VMT in the TRPA boundary was estimated in the Regional Plan (at Table 3.3-5) to be 1,984,600 for

⁹ Final Tahoe Total Maximum Daily Load Report. November 2010. Prepared by California Regional Water Quality Control Board, Lahontan Region and Nevada Division of Environmental Protection. Source Analysis. p.7-8.

¹⁰ Final Tahoe Total Maximum Daily Load Report. November 2010. Prepared by California Regional Water Quality Control Board, Lahontan Region and Nevada Division of Environmental Protection. Optical Properties of Lake Tahoe. p.3-7.

summer 2010 conditions. The project would result in an estimated 1.2 percent increase in VMT within the TRPA boundary. The TRPA environmental carrying capacity thresholds calls for the Tahoe Region's VMT to be at least 10 percent below its 1981 level, which establishes a VMT threshold of 2,067,600. The addition of the project's VMT to the 2010 summer value would result in 2,008,442, which would remain below this VMT threshold.¹¹

It clearly concludes that this project alone would substantially increase the amount of VMT to the Lake Tahoe Basin. The Martis Valley FEIR states:

02-9
(cont.)

'On a peak travel day, the project would generate approximately 13,745 VMT within the Tahoe Basin. Total VMT in the TRPA boundary was estimated in the Regional Transportation Plan (TMPO and TRPA 2012) to be 1,984,600 for summer 2010 conditions. Based on this benchmark, which is considered the best available data, the project would result in an estimated 0.7 percent increase in VMT within the TRPA boundary. The TRPA environmental threshold carrying capacity threshold calls for the Tahoe Region's VMT to be at least 10 percent below its 1981 level, or 2,067,600 VMT. The addition of the project's VMT to the 2010 summer value would result in 1,998,345 VMT, which would remain below this VMT threshold.'¹²

This summary concludes that this project will also bring a substantial increase to VMT within Lake Tahoe. The amount of increase to VMT to the region from the Brockway campground is unknown at this time because that information has not been provided to the public. Cumulatively the Squaw and Martis Valley projects impacts are discussed below (actual number increase will be 37,582 cumulatively) within Lake Tahoe. The Area Plan DEIR/S lacks an adequate analysis of what this truly means in terms of environmental impacts to not only North Lake Tahoe, but to the whole region. The DEIR/S states in Cumulative Impact 10-4: Cumulative vehicle miles traveled:

'The analysis of region-wide VMT resulting from build-out of the alternatives is presented in Chapter 10. That analysis also accounted for growth that could occur throughout the rest of the Lake Tahoe region consistent with the TRPA Regional Plan, to allow for comparison of regional VMT under the alternatives to TRPA's regional VMT threshold standard. The TRPA TransCAD model scenarios analyzed in Chapter 10 reflect some, but not all, of the cumulative growth that occurred outside of the Tahoe Basin. This cumulative analysis adds traffic growth that could occur as the result of growth outside of Tahoe Basin, including Martis Valley, the Squaw/Alpine Meadows area, and Truckee. Table 19-5 shows summary daily VMT in the Tahoe Basin under baseline 2015 conditions and in cumulative 2035 conditions for each alternative, assuming full build-out of the Tahoe Basin and surrounding areas near the Plan area (including Martis Valley, Truckee, and Squaw/Alpine). The VMT threshold is periodically updated whenever the TRPA updates its transportation model. The most recent VMT threshold was calculated at 2,030,938 for a peak summer day, based on the 2014 model update. Existing summer daily regional VMT is estimated to be 1,937,070 or 93,868 below the

¹¹ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-25.

¹² Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p.3-17.

TRPA threshold standard based on the most recent modeling completed to support the Tahoe Regional Transportation Plan (TRPA 2016). Additional detail on the cumulative VMT methodology is provided in Appendix G. In future cumulative conditions with all alternatives daily summer VMT in the Tahoe region would increase by various amounts. However, under cumulative conditions with all alternatives VMT would remain below the TRPA regional VMT threshold standard of 2,030,938. Because cumulative VMT would remain below adopted standard under all alternatives, the cumulative impact would be less-than-significant. Thus, the Area Plan or Lodge Alternatives **would not make a considerable contribution** to a significant cumulative impact.¹³

602-9
(cont.)

The information relating to the VMT threshold is inconsistent throughout the 2011 Threshold Report, 2014 Transportation Monitoring report, Squaw, Martis Valley FEIRs, and the Area Plan DEIR/S. If the current VMT Threshold (from Area Plan DEIR/S) is at 2,030,938 VMT per day (on the peak day) and the current status is 1,937,070 VMT the addition of 37,582 VMT from Squaw and Martis Valley projects will bring the status to 1,974,652 VMT. **Which would mean the entire Lake Tahoe Region would be within 0.97% of attainment, meaning there is only 3% before the region is out of attainment.** This does not include the Brockway campground project which could very well bring the region out of attainment. Concluding that Squaw and Martis Valley 'would not make a considerable contribution to a significant cumulative impact,' without any adequate explanation is not only not legally defensible, a conclusion that could put the Lake at risk and cause failure to prepare for a threshold nonattainment. There is no discussion as to what is considered 'significant' in either the transportation section of the Area Plan DEIR/S nor the cumulative impact discussion. While the Area Plan DEIR/S shows that VMT will decrease by 2035, again there is still no discussion of the projects' impacts to existing conditions or future Area Plan build-out. Even with the projected beneficial improvement of a reduction to 1,931,634 VMT in 2035 the additional VMT from Squaw and Martis Valley would still bring the threshold to **within 0.967% of complete attainment.** The work and efforts put forth through this Area Plan to improve existing traffic conditions could be negated by these projects. Concluding that there is not a considerable contribution to a significant cumulative impact is arbitrary because there is no standard of significance. These inaccuracies must be resolved in the FEIR/S. The Squaw and Martis Valley FEIR/S should also be amended to reflect the most current data and all of this information should be made public."

Again, this excerpt will be part of an extensive comment letter to be submitted on August 15, 2016. However, the conclusions directly apply to this Specific Plan FEIR. The standard of what is deemed significant in terms of VMT increase was not addressed in this Specific Plan FEIR. Even if the Martis Valley VMT impacts are disregarded, as stated above, the Specific Plan will increase VMT by 23,842. This will increase the current standard (numbers taken from the Area Plan DEIR/S) to 1,960,912. This will close the gap for the **entire Lake Tahoe Region to being within 0.965% of attainment.** The League disagrees with the Specific Plan that this is not significant without any legal justifications. The amount of inconsistencies within this FEIR and the Area Plan DEIR/S must be resolved before this project is approved as presented today. Increased traffic directly increases fine sediment, increased

¹³ Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Cumulative Impacts. p.19-18 & 19.

02-9
(cont)

greenhouse gas emissions, and increased algae as discussed above. The impacts relating to traffic are ignored through the inadequate VMT analysis. An actual impact analysis as it relates to VMT increase must be done. Because of these inadequacies, certification of the FEIR must be denied.

c. The Changes Made to the Traffic and Circulation Mitigation Measures Are Meaningless. These Weak Mitigation Measures Do Not Hold Project Proponents Accountable nor Mitigate Impacts to the Lake Tahoe Basin.

Minimal changes were made to mitigation measures under the "Traffic and Circulation" section of the DEIR and the League's recommendations were ignored. The below mitigation measures shifted impacts related to transit in Impact 9-7: Impacts to Transit from Significant (S) to Less than Significant (LTS).¹⁴ As explained below, this shift should not have been made. The mitigation measures state:

02-10

"Mitigation Measure 9-7a: Contribute fair share or create a Community Service Area (CSA) or Community Facilities District (CFD) to cover increased transit service. The project applicant shall commit to providing fair share funding to the Department of Public Works and Facilities (DPW & F) or create a CSA or a CFD to fund the costs of increased transit services. An Engineer's Report shall be complete prior to recordation of any Small Lot Final Map to the satisfaction of DPW & F to define the fair share or used for the creation of the CSA or CFD. If and when a CSA or CFD is formed, the project applicant shall no longer be responsible for making fair share payments to DPW & F for the increased transit service for the portion of the project covered by the CSA or CFD.

Mitigation Measure 9-7b: Maintain Membership in the Truckee North Tahoe Transportation Management Association (TNT/TMA). The following mitigation measure, while not required to achieve or maintain a less-than-significant impact conclusion, would further reduce the projects impact to transit.

Prior to approval of improvement plans/final maps, the project applicant shall maintain membership in perpetuity in the Truckee North Tahoe Transportation Management Association (TNT/TMA). Once commercial and homeownership groups have been formed, the project applicant shall shift the TNT/TMA membership to the associations and the associations shall maintain membership in perpetuity. It is not anticipated membership will need to be cancelled; however, if for a reason unknown at this time cancellation of the membership is required, it shall be mutually agreed to by the County and the entity responsible for paying the annual dues."¹⁵

These updated mitigation measures lack detail on how they could truly be considered mitigation. *Mitigation Measure 9-7a* requires that the project proponents contribute funding to either a CSA/CFD or make fair share payments to DPW & F without any description as to what this means. There is no discussion as to an actual amount, where directly this funding will go to, how the funding will be traced,

¹⁴ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Project Modifications. p. 2-20.

¹⁵ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Project Modifications. p.2-54&55.



if it is a continual or one-time contribution, or if any of this will improve transit to the Lake Tahoe Basin. The mitigation measure is a lot of words describing a contribution that could happen, at some point, and go somewhere. This is another example of an arbitrary and capricious assessment in this FEIR. The purpose of mitigation measures is to detail how impacts will be mitigated, which is not the case here. This mitigation measure does not and will not hold the project proponents accountable for transit impacts to the Lake Tahoe Basin. The League provided detail comments on the DEIR recommending that the project proponents should be responsible for providing transit services to the Lake Tahoe Basin.¹⁶ Not only were these recommendations ignored, but the FEIR response was to refer to the Master response for the mitigation measures stated above.¹⁷ *Mitigation Measure 9-7a* is inadequate because of its lack of details.

Mitigation Measure 9-7b is also arbitrary and capricious as to what it means and how it will mitigate impacts. It states that the project proponent will be a part of an association without any description as to what the TNT/TMA is or what a "membership" entails. It later goes on to state the project proponent will be a member in perpetuity until a homeowner association becomes a member. How the project proponents will be able to hold the homeowner association accountable for attending and participating in the association is not discussed. The concept of perpetuity is eliminated with the last sentence stating, "if for some reason unknown at this time cancellation is required, it shall be agreed to by the County and the entity paying membership dues." In short this mitigation measure states, the project proponents will be a member of an association that the FEIR explains nothing about, until it and the County decide at a later date it no longer has to for some future reason. Again, this mitigation measure is meaningless and arbitrary.

While there will be a development agreement that should detail funding mechanisms, the actual impact assessment is incomplete. The development agreement also suggests coordinating with Caltrans on widening Highway 89. There needs to be much more information on all of these things to see if they can be a reality (if Caltrans has been brought to the table for discussion) and if they actually mitigate impacts. Having two mitigation measures without any detail that shift a critical impact from Significant (S) to Less Than Significant (LTS) is not only inadequate in terms of an appropriate environmental review, but is a blatant disregard of solutions to transit impacts to the Lake Tahoe Basin. It is the responsibility of Placer County to influence the project approval process through the FEIR. It would be irresponsible for the BOS to certify the FEIR as it is presented today because of the overall disregard of VMT impacts to Lake Tahoe and lack of meaningful mitigation measures. The League recommends that the certification of the FEIR be denied. An actual environmental analysis should include more details to the above mitigation measures and consideration of requiring the project proponents to increase transit opportunities from the project area to the Basin. An analysis of how mitigation measures *actually* mitigate environmental impacts must be conducted in a new FEIR for it to be adequate.

¹⁶ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3.2.4-125.

¹⁷ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3.2.4-129.

02-11

II. The FEIR is Inadequate because Placer County Failed to meet CEQA requirements by Coordinating with TRPA.

The FEIR cannot be certified as presented today because Placer County failed to meet CEQA requirements by coordinating efforts with the TRPA. CEQA requires that as the lead agency, Placer County shall consult with and request comments on the draft EIR from, "any other state, federal, and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project."¹⁸ Placer County ignored consultation with TRPA during the environmental review process for this Specific Plan. It took the League and other organizations raising concerns to both Placer County and TRPA for the consultation to occur (*attachment enclosed*).¹⁹ This is a blatant disregard of CEQA requirements. Both the scoping and DEIR comment period had closed before consultation began. While the TRPA did not provide input on scoping for the Specific Plan, it provided comments, specifically as they relate to traffic impacts on the DEIR.

The FEIR not only disregarded the comments provided by the TRPA on the DEIR, but disregards Placer County's obligation as lead agency through the review process. It states that, "In the case of the proposed project, Placer County is the lead agency. While some impacts may occur in the Basin, TRPA has no permit authority over any element of the project and is not a responsible agency. During scoping, TRPA did not request that Placer County address TRPA thresholds in the DEIR. The County as lead agency has identified the appropriate thresholds of significance for each impact, including those impacts that could occur from the project within the Basin."²⁰ The reason TRPA did not provide comments through scoping was because they were not consulted. The comments provided by TRPA on the DEIR did include a discussion as to what should be assessed in terms of their threshold analysis. While TRPA does not have authority over the actual permit, it does have authority over the region whose resources will be impacted as already discussed. This triggers the consultation requirement under CEQA, which again, was ignored. This alone should constitute denial of the certification of the FEIR. The TRPA specifically requested that adequate mitigation be incorporated in the FEIR to mitigate VMT increase to the Lake Tahoe Basin.²¹ For reasons already discussed above, the FEIR did not do this. The FEIR ignored requests made by both the League and TRPA for adequate mitigation. The Specific Plan cannot be approved as proposed. The DEIR and FEIR have ignored current Area Plan efforts underway involving both Placer County and TRPA.

¹⁸ § 21000 CCR, Title 4, Chapter 3 (CEQA) §15086 (a)3.

¹⁹ League to Save Lake Tahoe Comment Letter to TRPA Governing Board. August 19, 2015. Re: Squaw Valley Specific Plan Impacts to Fanny Bridge and Placer County Area Plan.

²⁰ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-87.

²¹ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. TRPA Responses. p. 3.2.X-5.

III. The Reduced Density Alternative Must Be Considered as a Viable Alternative.

The Reduced Density Alternative within the Specific Plan FEIR must be considered as a viable alternative. The League and other commenters had requested that a financial feasibility study be conducted on the Reduced Density Alternative so that it be discussed as a realistic alternative.²² The FEIR states, "that a financial feasibility of this alternative was analyzed by a financial consultant separately from this FEIR. That report will be available at least 10 days prior to the commencement of entitlement hearings before the Planning Commission or Board of Supervisors."²³

02-22

The financial feasibility study has been released (August 8, 2016) giving the Planning Commission and public less than 72 hours to review before decisions are made. The public is currently being inundated with planning and environmental documents through Placer County with the overlapping release of the Specific Plan, Martis Valley, and Area Plan DEIR/S. There must be an appropriate amount of time for the public and the BOS to have to review this study. The burden will fall on the BOS to include (or not include) the study as reasoning for overriding considerations in determining the certification of this FEIR.

The review itself is lengthy but weak in concrete arguments detailing specifics as to why the Reduced Density Alternative is not viable. The League will provide detailed comments relating to this study prior to the BOS meeting.

IV. This FEIR Should Not be Approved or Certified under CEQA. There Are Not Enough Appropriate Overriding Considerations to Approve FEIR Over Detrimental Environmental Impacts.

This Specific Plan FEIR cannot be certified as it does not meet the necessary CEQA requirements. CEQA only allows for certification of a FEIR after it has been found that the EIR has been completed in compliance with CEQA.²⁴ The comments provided above detail how the public process was ignored with the comments in the FEIR not being addressed and dilution between cumulative impact analysis with Martis Valley and the Area Plan. The Squaw MAC agreed the public has been ignored and that the FEIR cannot be certified as presented today based off their vote against certification on May 14, 2016. Placer County did not meet CEQA requirements in consulting with TRPA in the scoping and DEIR phases of the Specific Plan environmental review process. This FEIR cannot be certified because of its lack of CEQA compliance.

02-22

The Specific Plan cannot be approved as proposed as the Lake Tahoe Basin traffic impacts were ignored and the FEIR lacks adequate mitigation. CEQA states that a project can only be approved if it will not have significant effect on the environment.²⁵ The FEIR did not prove through its analysis that there would not be significant impacts to the Lake Tahoe Region because the VMT analysis is arbitrary.

²² Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Organizational Responses. p. 3.2.4-122

²³ Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-63.

²⁴ § 21000 CCR, Title 4, Chapter 3 (CEQA) §15090(a)(1).

²⁵ § 21000 CCR, Title 4, Chapter 3 (CEQA) §15092(b)(1).

The associated mitigation measures relating to traffic impacts to Lake Tahoe are also arbitrary and meaningless. The priceless Lake Tahoe environment cannot be ignored at the sacrifice of the Specific Plan approval.

The BOS could make findings of overriding consideration against environmental harm to approve the project. To do this CEQA requires that the BOS,

"...balance, as applicable, economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project outweigh the unavoidable adverse environmental effects may be considered 'acceptable.'"²⁶

The Specific Plan and associated FEIR have ignored public input and have disregarded current planning efforts to improve the Lake Tahoe region by both TRPA and Placer County through the Area Plan. The Specific Plan will likely bring financial gain to the project proponents. The project would have detrimental environmental impacts to the Squaw Valley region and Lake Tahoe. The League recommends that the FEIR be denied certification and that the approval of the Specific Plan also be denied. An actual analysis on traffic and associated impacts to Lake Tahoe must be included in an amended FEIR.

Recommendations

The comments have detailed concerns with the FEIR as they relate to Lake Tahoe. All of these concerns must be resolved. In addition, the League recommends that:

- **The FEIR be denied certification as proposed today.**
- **The Specific Plan approval be denied as proposed today.**
- **A true assessment on VMT increase to Lake Tahoe and its associated environmental impacts be completed for the Specific Plan.**
- **Adequate mitigation for traffic be presented through detailed funding mechanisms and transit solutions from the project area to the Lake Tahoe Basin.**
- **Funding should include upfront and annual contributions to public transit. Transit solutions should include project proponent providing their own shuttles to the North Lake Tahoe. Shuttles should operate in both summer and winter.**
- **Project proponent should provide shuttles to the Bay Area, Reno, and Truckee regions.**
- **An actual assessment must be conducted on how mitigation measures will truly mitigate environmental impacts. A new analysis must be conducted for a new FEIR to be adequate.**
- **A cumulative traffic impact analysis must be conducted for the Specific Plan, Martis Valley and the Area Plan before the project is approved.**

²⁶ § 21000 CCR, Title 4, Chapter 3 (CEQA) §15093(a).

- 02-13
(revised)
- Improvement to parking management strategies including the concept of paid parking in Tahoe City.
 - As recommended in comments submitted by Greg Riessen, Placer County should adopt a no additional traffic policy and not allow the Specific Plan to increase traffic above current existing conditions. His suggestions as they relate to this policy include:
 - Charter busses to the Bay Area, Squaw Valley, and to Alpine Meadows.
 - Operation of high quality local transit vehicles.
 - East Parcel to be used as a parking interceptor facility for shuttle service.
 - Partner with rideshare companies.
 - Further improvements to the Squaw Valley Bike Path.
 - Coordination with Caltrans to widen Highway 89 for carpool lanes.
 - Implementation of casual carpool spots.
 - Implementation of parking management strategy best practices.

Sincerely,
Shannon Eckmeyer
Policy Analyst
League to Save Lake Tahoe

Enclosures:

League to Save Lake Tahoe Comment Letter to TRPA Governing Board. August 19, 2015. Re: Squaw Valley Impacts to Fanny Bridge and Placer County Area Plan.

02

League to Save Lake Tahoe
 Darcie Collins, Executive Director, and Shannon Eckmeyer, Policy Analyst
 August 9, 2016

- 02-1 The comment suggests that the Board of Supervisors should deny certification of the EIR and incorporates other comments by reference. The Sierra Watch and Gary Riessen letters are responded to separately (as comment letters O6 and I5, respectively). As explained below, no specific deficiencies in the analysis have been identified that suggest the EIR should not be certified. There is no evidence that the EIR is “fundamentally and basically inadequate” such that meaningful public comment was precluded (State CEQA Guidelines Section 15088.5[a]). See also the Master Response regarding recirculation in the FEIR (pages 3-109 to 3-111).
- 02-2 The comment states that an actual analysis of how mitigation measures will truly mitigate environmental impacts is necessary. It also states that the DEIR is inadequate because it does not account for the negative traffic impacts the project will generate in the Tahoe Basin. Please refer to Master Response “Project VMT in Tahoe Basin.” See also response to comment S1-7 in this document regarding project payments toward transit service upgrades.
- 02-3 The Martis Valley project was addressed as cumulative project #18 in the DEIR (see Table 18-2 of the DEIR). The DEIR also considered Lake Tahoe Basin Area Plan in the cumulative analysis, but this project was in the “visioning” (plan development) phase at the time the NOP for the DEIR was released (this is the threshold time when cumulative projects are considered in an EIR). See item 14 in Table 18-2 of the DEIR. As stated on page 18-1 of the DEIR,
- Probable future projects are those in the project vicinity that have the possibility of interacting with the proposed project to generate a cumulative impact and either:
1. Are partially occupied or under construction;
 2. Have received final discretionary approvals;
 3. Have applications accepted as complete by local agencies and are currently undergoing environmental review; or
 4. Are otherwise considered likely to be developed, based on historic development patterns, including the rate of development, in the Olympic Valley.
- The DEIR considered all such projects.
- 02-4 The commenter states that the FEIR is inadequate because the County failed to coordinate with TRPA on the project. The County issued a Notice of Preparation (NOP) for this project on October 10, 2012 and issued a Revised NOP on February 21, 2014. TRPA was transmitted a copy of both NOP’s, and each included a 30-day comment period. County staff also contacted TRPA staff by phone and email during the first NOP circulation period to seek input and coordinate on the preparation of the CEQA document. However, County staff did not receive any correspondence or comments from TRPA in response to the NOP. On May 18, 2015 the County circulated the DEIR for a 60-day public review period and provided notice of availability to TRPA. Further, on October 29, 2015 Placer County sent a *Request for Consultation and Comments* to TRPA and TMPO inviting further comment (additional 45-day review period) on the DEIR. On December 22, 2015 Placer County received a DEIR comment letter from TRPA/TMPO on this project. The comments requested additional information pertaining to the project’s traffic impacts to the Tahoe Basin and also included related

comments that addressed air quality. Following receipt of the letter, Placer County engaged TRPA in discussions related to their comments. Notably, beginning in mid-January 2016, Placer and TRPA began meeting to discuss TRPA's concerns related to impacts associated with "near-basin" projects, including the VSVSP. Discussions centered around the regional traffic impacts to the Lake Tahoe Basin and TRPA's expressed desire to explore opportunities for transportation and transit capital improvement programs and ongoing transit funding mechanisms to offset such impacts. During those discussions, the County outlined the details of Mitigation Measure 9-7a, which requires participation in a CSA or establishment of a CFD to provide additional capital and operational funds for transit to offset the project's incremental transit demand on the TART system.

As a result of this ongoing coordination with TRPA/TMPO, Placer County and TRPA coordinated the development and adoption of Placer County's April 2016 TART Systems Plan Update which outlines strategies to expand and enhance transit in the North Tahoe region and also identifies funding sources to implement the Plan. Implementation of the TART System Plan Update would further expand and enhance transit opportunities in the TART system, which operates public transit services on SR 267 and SR 89 between the Lake Tahoe Basin and Truckee, and on the North Shore between Crystal Bay and Tahoe City. To implement the plan, funding would be provided by projects located within the TART service area including the VSVSP, which through provisions of the Development Agreement would fully fund its total proportionate share (\$97,500 annually) beginning in 2016 and continuing throughout the life of the project. In addition, provisions of the Development Agreement would also require the project to purchase a minimum of \$75,000 in free transit passes for employees annually, also beginning in 2016 and continuing for the life of the project. These commitments to transit expansion and services are "above and beyond" mitigation requirements for the project, at the request of the County, to fulfill this transit vision.

Further, in response to TRPA/TMPO comments, Placer County and TRPA coordinated on the issuance of a Joint Statement of Regional Transit Principles in August 2016. This Statement identifies principles that are intended to lead to the development of a sustainable public transportation system in the Lake Tahoe Region to offset and reduce VMT. Principles include making transit a top priority in the region, enhancing partnerships with other transportation partners including private sector entities, improving the environment by expanding transit and reducing VMT within the Basin, creating attractive choices to serve as alternatives to the private automobile, supporting transformational transit services and operational improvements to transit, and requiring fair share funding contributions to transit services for near-Basin projects located within the TART system boundaries. As described above, in addition to providing proportionate funding for increased transit service through participation in a CSA or creation of a CFD, the VSVSP project would provide substantial "above and beyond" funding contributions (\$2.925 million dollars over the life of the Development Agreement) in support of implementation of Placer County's April 2016 TART Systems Plan Update.

Following the coordinated effort related to "near basin" projects, including the VSVSP and DEIR, Placer County has not received further comment from TRPA/TMPO on the Village at Squaw Valley Specific Plan or FEIR.

- 02-5 The comment recommends consideration of the Reduced Density Alternative as a viable alternative to the proposed project. The EIR evaluates the Reduced Density Alternative. The Board of Supervisors has discretion over whether the project or an alternative is approved.
- 02-6 The comment states that the FEIR "should not be approved or certified under CEQA" because there are not adequate overriding considerations to outweigh the significant environmental impacts identified in the EIR. This is the commenter's opinion regarding the merits of the project, which will be considered by the Board of Supervisors when considering project

approval. Project approval is separate from certification of the EIR. As indicated in response to comment O2-1, above, the County believes that the EIR meets the requirements of CEQA.

O2-7 See response to comment S1-8 in this document regarding the Brockway Campground.

The remaining content in this lengthy comment offers little to no specific questions or comments that pertain to the adequacy of the environmental document. It raises several recurring comments pertaining to VMT in the Tahoe Basin, which are addressed in the Master Response regarding project-generated VMT in the Tahoe Basin in this document.

O2-8 The comment states that a rational deduction can be made that a 1.2 percent increase to VMT within the Lake Tahoe Basin is significant because this means thousands of more trips that directly relate to increased air quality and water quality impacts. It also asserts that the discussion regarding VMT impacts in the Tahoe Basin is inconsistent, which makes the VMT assessment inadequate and arbitrary. The County does not agree with this assertion. See the Master Response regarding project-generated VMT in the Tahoe Basin in this document.

O2-9 See the Master Response regarding project-generated VMT in the Tahoe Basin in this document.

Regarding variations in data, each of the EIRs referenced in the comment had different start dates, and the cumulative data in each EIR reflects a modified cumulative context; the VSVSP EIR was initiated prior to the Martis EIR, and the Area Plan EIR/EIS is the most recent. CEQA case law generally prescribes that the cumulative conditions should reflect those other related projects in the region that are proposed/approved/under construction at the time the NOP is released. See *San Franciscans for Reasonable Growth v. City and County of San Francisco*. 151 Cal.App.3d 61. The NOP for the VSVSP was released in 2012, the NOP for the Martis project was released two years later in 2014, and the NOP for the Area Plan was released in 2015. As an example of differences in data, the Area Plan project was not defined at the time the analysis for the VSVSP DEIR was prepared, so that project is not included in the VSVSP analysis at the same level of precision had the analysis commenced at a later date. Other projects have been proposed since initiation of the VSVSP EIR that are considered in the Martis and Area Plan documents, but would not have been in the VSVSP EIR due to timing and CEQA considerations

Importantly, the Area Plan DEIR/EIS is the most recent document, and the data therein includes the VSVSP and Martis projects, as well as other cumulative development expected in the Basin through 2035. As described, this cumulative development would not exceed the TRPA VMT threshold. Please see the Master Response regarding this issue in this document.

The comment makes the point that, after cumulative development is considered, most of the VMT available within the TRPA VMT threshold would be consumed, and contends this is a significant cumulative impact. This is not correct. The VMT threshold, which is a cumulative threshold, would not be exceeded. Therefore, no significant cumulative impact related to VMT would result.

O2-10 The comment suggests that the updated Mitigation Measure 9-7a as described in the FEIR lacks detail to understand how it could truly be considered as mitigation. The comment also cites the lack of what funding will be contributed, the time period of contribution, and how transit service will actually be improved. See responses to comments S1-7 and O2-4 in this document.

The comment also states that Mitigation Measure 9-7b is arbitrary and capricious as to what it means and how it will mitigate impacts. Participation in a Transportation Management Association (TMA), such as the Truckee-North Tahoe TMA, is a typical mitigation and/or

condition of approval placed on new land developments. Membership provides access to a variety of resources and programs ranging from transit options, employee transit passes/incentives, coordinated ski shuttle programs, location of park and ride lots, road conditions, and a variety of other information and services. More information on this program can be found at: <http://www.northlaketahoewatershuttle.com/home> including the TMA's Mission Statement, upcoming meeting dates, recent accomplishments, and current programs.

- 02-11 It is a correct statement that the DEIR was not initially sent to the TMPO (although it was sent to TRPA) and that this commenter and others pointed out this issue in comments on the DEIR. In response, Placer County provided a full 45-day review period to the TMPO to remedy this circumstance. TMPO was thus provided a reasonable comment period, and did comment on the DEIR. See response to comment O2-4 in this document.
- 02-12 The comment notes that a financial feasibility study analyzing the Reduced Density Alternative was released in August 2016. This study will be reviewed by the Board of Supervisors when considering project approval at its hearing in November 2016. See also response to comment O2-5, above.
- 02-13 The comment provides the League's recommendations regarding EIR certification and project approval. The comment asserts that the EIR cannot be certified because the public's comments were not responded to and TRPA was not involved in the scoping process. Information regarding coordination with TRPA is provided in response to comment O2-4, above. The comment also indicates that the VSVSP should not be approved because the effects of increased traffic in the Basin were not addressed and are not adequately mitigated. See responses to comments O2-8 through O2-10, above, and the Master Response regarding project-generated VMT in the Tahoe Basin in this document. As detailed in the responses above, the County believes that the consultation and comment response processes meet the requirements for public involvement under CEQA, traffic impacts have been accurately characterized, and the most effective and reasonably foreseeable mitigation has been recommended in the EIR.



Tahoe Regional Planning Agency
PO Box 5310
128 Market Street
Stateline, NV 89449

Date: August 19, 2015
To: Members of the Governing Board
From: The League to Save Lake Tahoe
Re: **Impacts of Squaw Valley Specific Plan to Placer County Area Plan and Route 89/Fanny Bridge Community Revitalization Project**

Dear members of the Governing Board,

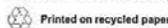
The League to Save Lake Tahoe (The League) raised concerns regarding the negative impacts of the Squaw Valley Specific Plan to the Lake Tahoe Basin at last month's Governing Board meeting. There was a request by different Governing Board members to bring a discussion of the Squaw Valley Specific Plan as an agenda item to the Board this month. As this project is not a specific agenda item, the League hopes there is an opportunity for the Governing Board to publically discuss the concerns below.

03-1

The Squaw Valley Specific Plan Environmental Impact Statement (EIS) blatantly ignored potential impacts to the Lake Tahoe Basin. The traffic analysis alone was inconsistent with the goals and objectives of the recently approved TRPA Specific Plan Route 89/Fanny Bridge Community Revitalization Project (Fanny Bridge project). The EIS ignored the potential of increasing traffic impacts, along with potential mitigation measures, to the Tahoe City, California and North Lake Tahoe regions by arguing traffic is already a problem within the area. The Fanny Bridge project and Placer County Area Plan (Area Plan) have both highlighted specific goals in trying to eliminate the traffic problem. The Squaw Valley Specific Plan will threaten the success of the Fanny Bridge project and Area Plan in resolving traffic congestion even though it lies outside of the Lake Tahoe Basin.

The Squaw Valley Specific Plan, the Area Plan, and the Fanny Bridge project all fall under the jurisdiction of Placer County. All of the environmental reviews for the projects and plans have or are being conducted by the consulting firm Ascent Environmental. Coordinating a review of the environmental impacts as they relate to the Lake Tahoe Basin within Ascent Environmental's organization would not take significant effort. Additionally, TRPA has the authority under the Regional Plan Update (RPU) to coordinate with Placer County on projects outside of the Lake Tahoe Basin. The RPU has a specific goal stating, "Coordinate the regulation of land uses within the region with the land uses surrounding the region." Even more specifically, "Where necessary for the realization of the Regional Plan, the agency may engage in collaborative planning with local governmental jurisdictions

¹ TRPA Regional Plan Update. Adopted December 12, 2012. Chapter 2: Land Use Element. Goal LU-5. p.2-18



03-1
(cont)

located outside the region, but contiguous to its boundaries, the TRPA Governing Board shall initiate all collaborative planning efforts that are authorized by this policy.²

It would be appropriate for the TRPA Governing Board to initiate planning efforts with Placer County as they relate to the Squaw Valley Specific Plan environmental impacts to the Lake Tahoe Basin and any other associated impacts to Fanny Bridge and Area Plan. The League requests that the Governing Board have the opportunity to discuss this item publicly. The League also requests that Ascent Environmental be involved as part of the coordination effort as they are responsible for all of the environmental reviews.

Sincerely,
Shannon Eckmeyer
Policy Analyst
League to Save Lake Tahoe

² TRPA Regional Plan Update. Adopted December 12, 2012. Chapter 2: Land Use Element. Goal LU-5, Policy LU-5.2. p. 2-19.

03

League to Save Lake Tahoe
Shannon Eckmeyer, Policy Analyst
August 19, 2016

03-1

This comment letter is addressed to the TRPA Governing Board, and raises concerns about the impacts of the Village at Squaw Valley Specific Plan project on the Placer County Tahoe Basin Area Plan (Area Plan) and the State Route 89/Fanny Bridge Community Revitalization project (Fanny Bridge project).

The comment states that the EIR (cited in the comment letter as EIS) ignored potential impacts to the Lake Tahoe Basin. See the Master Response regarding TRPA thresholds in the FEIR. Specifically, the comment states that the EIR traffic analysis is inconsistent with the goals and objectives of the recently approved Fanny Bridge project, and that the EIR ignored potential traffic impacts to the Tahoe City and North Lake Tahoe regions. A portion of the FEIR Master Response regarding traffic addresses the Fanny Bridge project, as follows (see page 3-25 of the FEIR):

The Fanny Bridge Revitalization project is listed in Table 18-2 of the DEIR as a cumulative project. Page 18-18 of DEIR describes this project and indicates that at the time the DEIR technical analysis was being completed, a preferred alternative for this project had not yet been selected. Accordingly, the DEIR conservatively assumed no improvements would be constructed at the SR 89/SR 28 intersection for the cumulative conditions analysis. It would have been speculative to assume any of the six alternatives would be constructed because a preferred alternative had not been chosen, particularly given that once completed as estimated in 2018, the Fanny Bridge Revitalization Project would improve traffic conditions at the SR 89/SR 28 intersection, resulting in traffic impacts at this intersection less severe than identified in the DEIR. See <http://www.tahoetransportation.org/fanny-new-1>.

See also the Master Response regarding project-generated VMT in the Tahoe Basin in this document, which also discusses cumulative VMT in the Basin. Whether or not the project is inconsistent with the goals and objectives of the recently approved Fanny Bridge project, as the commenter states, is not a CEQA requirement and has no bearing on the project or EIR.

The commenter correctly notes that Ascent Environmental (under contract to the County, the Tahoe Transportation District, TRPA and Federal Highway Administration, depending on the project) prepared the environmental documents for the Village at Squaw Valley Specific Plan, Area Plan, and Fanny Bridge projects. Coordination among the project teams and lead agencies occurred to the extent appropriate for specific environmental resource areas (e.g., biological resources, traffic, greenhouse gas emissions) as well as to ensure a consistent approach to the analyses, including thresholds of significance. The commenter further notes that the Governing Board has the authority to coordinate with Placer County on projects outside of the Lake Tahoe Basin, and should in fact initiate planning efforts with the County as they relate to the above projects. While further coordination between the Governing Board and the County is at the discretion of both entities, much of the commenter's requested coordination has already occurred. Throughout the review of this project, County staff and the project team, including the County's traffic consultant, have had numerous written correspondences and meetings with TRPA staff as well as Town of Truckee staff and Caltrans staff (coordination with other agencies has also occurred, respective to other environmental resource areas).

See also responses to comments O2-3 and O2-4 in this document regarding consideration of the above projects in the EIR's cumulative analysis and coordination with TRPA, respectively.



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04

August 10, 2016

To: Alex Fisch & Placer County Planning Commission Members
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

RE: Village at Squaw Valley Specific Plan Final Environmental Impact Report & Comments on Placer County Planning Commission Staff Report Findings

Dear Mr. Fisch & Placer County Planning Commission Members,

Mountain Area Preservation (MAP) has reviewed the analysis and findings within the Final Environmental Impact Report (FEIR) and Planning Commission Staff Report for the Village at Squaw Valley Specific Plan (VSVSP). Our review of the FEIR and response to comments on our Draft Environmental Impact Report (DEIR) letter has concluded that the analysis fails to comply with the California Environmental Quality Act (CEQA). Our DEIR letter submitted on July 17, 2015 outlines deficiencies in the EIR analysis for Population, Employment & Housing, Transportation & Circulation, Hydrology & Water Quality, Green House Gas Emissions, Climate Change and Project Alternatives. Additionally, our letter found that the VSVSP does not comply with adherence to Placer County policies for employee housing requirements, nor General Plan Policy 1.G.1. This letter submitted prior to the Planning Commission hearing on August 11, 2016 aims to reiterate our concerns with the inadequate analysis contained within the DEIR and FEIR, while also commenting on the recommendations within the staff report. MAP is deeply concerned with the associated environmental impacts the proposal will create, and is opposed to the VSVSP project as proposed today.

The response to comments contained within the FEIR dismisses important concerns raised by MAP and our conservation partners at Sierra Watch and The League to Save Lake Tahoe. Our DEIR letter suggested ways to reduce project impacts and mitigate cumulative impacts from the VSVSP proposal. We also supported the applicant and Placer County in exploring the 50% reduced density alternative, as it

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would lessen numerous significant impacts to a less than significant finding, yet the FEIR rejected that alternative, as it does not meet the financial goals for the project proponents.

While the current VSVSP is a programmatic EIR, the FEIR lacks meaningful mitigation to address the impacts the proposal would generate. Instead the FEIR and deficient mitigation measures give Olympic Valley and the Truckee-Tahoe region no assurances as to what exactly will be developed over a 25-year construction period and dismisses alternatives to reduce the project size so it is scaled to fit the carrying capacity of the valley. Instead the FEIR allows for 20 significant and unavoidable impacts to be enlisted on the region, further exacerbating our current infrastructure, public safety and quality of life here in the Sierra. Furthermore, the staff report supports making a *statement of overriding considerations*, allowing significant and unavoidable impacts to ensue by making the claim that the project benefits outweigh the impacts. A *statement of overriding considerations* indicates that even though a project would result in one or more unavoidable adverse impacts, specific economic, social or other stated benefits are sufficient to warrant project approval. This is quite egregious; the insufficient analysis contained in the FEIR regarding the project impacts would stretch further into the region, trickling into the entire Truckee-Tahoe region. It would be wreck-less for Placer County to make this finding and justify the proceeding of the project despite the significant adverse environmental impacts it will create.

04-1
(cont.)

Numerous letters regarding the adequacy of the DEIR including ours supported the applicant and county pursuing a smaller project that would fit the current infrastructure and landscape of Squaw Valley, yet Alternative C has been deemed infeasible, and the staff report requests the Board reject it. The DEIR claims that the reduced density alternative would not yield the same benefits, restoration of Squaw Creek, less employee housing, recreational improvements, or the secondary fire station (pg. 17-25). Regrettably the staff report makes an erroneous recommendation. Many of these so-called benefits such as the restoration of Squaw Creek has been an initiative in the valley prior to the VSVSP proposal. Meanwhile a smaller project with significant mitigation may not trigger the need for more employee housing, recreational improvements or a secondary fire station as the impacts would be less invasive on the valley and greater region with an appropriate scaled development. The commission must reject this finding and recommendation from staff, as it is inconsistent with the laws and findings under CEQA. The project creates tax revenue benefits for the county and private gain for the equity firm, not public benefits for the entire region.

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FEIR Response to Comments on MAP DEIR Letter

The FEIR for VSVSP inappropriately misleads decision makers to not fully understand the far-reaching environmental effects and detrimental cumulative impacts the project would create by not fully analyzing the impacts the project would generate. The FEIR dismisses tangible and meaningful mitigation measures as a way to create solutions or alternatives for the proposed project. An EIR is the heart of CEQA, with the intent to alert the public and decision makers to environmental impacts in order to protect the integrity of the landscape and provide solutions for natural resource protection efforts. Sadly the VSVSP FEIR does not represent this intent. We have found the following sections of the FEIR continue to supply the public and decision makers with inadequate or missing analysis; Population, Employment & Housing, Transportation and Circulation, Hydrology and Water Quality, Greenhouse Gases, Project Alternatives and Cumulative Impacts. Please accept our following comments in regard to the adequacy of the DEIR and FEIR.

04-3

Population, Employment and Housing: The Specific Plan and EIR does not adequately mitigate impacts associated with workforce housing, nor comply with Placer County General Plan requirements.

- **The Squaw Valley Specific Plan fails to sufficiently propose adequate development of workforce housing for the proposed VSVSP development proposal.** The DEIR states 574 new Full Time Equivalent (FTE) employees will be created annually with the anticipated development proposal. The project will remove 99 existing units and the county requires at a minimum 50% of FTE employees to be housed on site (DEIR pg. 5-12). The applicant has continued to promise to the community they will provide 50% of the employee housing need on-site, yet the East Parcel will only house 300 employees (201 new FTE employees and replace the 99 units that will be demolished) this only satisfies 35% of the county requirement. The staff report now includes a workforce housing payment of in-lieu fees of \$500,00 to satisfy the rest of the requirement (staff report pg. 28). Payment of in-lieu fees is unacceptable in our current climate and housing crisis. We question the significance that a one-time payment in the sum of \$500,000 will make for our current workforce housing need. We had noted in our DEIR letter that it would demonstrate great

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leadership for the applicant to provide 100% of on-site housing for the new 574 FTE employee generation, knowing the dilemma the region is facing right now. We have continually suggested to the applicant team that adding employee housing into the main village could achieve not only their full requirement, but go beyond the minimum target, establishing greater accountability and care for the Squaw Valley employee base.

- **Mitigation Measure 5-3 will not lessen the workforce housing impact to a less than significant finding.** The VSVSP East Parcel buildings will only accommodate 35% of new FTE employees. We understand the county has additional ways of allowing the requirement to be fulfilled such as dedication of land or in-lieu fees, but neither of those are appropriate measures for the current lack of workforce housing stock. We need on the ground housing for the workforce. The proposed VSVSP employee housing plan will push the burden onto adjacent communities such as Truckee and North Lake Tahoe, which currently have ZERO stock of affordable or market rate rentals available for the local workforce. Not only are there virtually zero affordable housing units in the Truckee-North Lake Tahoe region, affordable housing developments such as Hennes Flats, Frishman Hollow and Domus have long waiting lists. Placing the impact on the surrounding region or through the payment of in-lieu fees to Placer County will not adequately lessen the impact; it will only further aggravate the issue outside of Squaw Valley. The project applicant should plan to house all 574 new employees within the proposed project site, and create additional housing strategies to fully mitigate the impact of the proposed project.

04-4
(count)

Additionally, the project proposes 300 dormitory style units in the East Parcel Building, with 4 employees per room. This style of employee housing may be appropriate for seasonal positions, but not year round positions. The project needs to incorporate diverse employee housing units to satisfy a range of employment positions, especially if the project will generate 500+ new year-round jobs. Dorm style living will not be adequate, nor suitable for a year round position. The VSVSP needs to revise their employee-housing plan for the project.

- **The creation of VSVSP Employee/Workforce Housing Plan at a later date is unacceptable (DEIR pg. 5-13).** The FEIR



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response to comments continues to defer the housing mitigation plan to be implemented at a later date, once the proposal is approved and then concurrently as the employee base builds. A housing plan should be supplied to the county with the entire development proposal package, in order fully understand proposed housing solutions, while concurrently being analyzed under CEQA. Additionally the use of in-lieu fees ultimately lacks transparency as to where Placer County plans to utilize funds. Housing strategies need to be in place in order to minimize the impacts of the proposed Specific Plan on the greater region. Additionally the VSVSP proposes to build units in the East Parcel concurrently with the phasing of the development project and as the employee base builds. With the project demolishing 99 units there will be immediate need to supply housing for project. There will also be additional existing seasonal positions of 751 jobs that will also need housing due to the lack of workforce housing in the region. Therefore, the applicant should develop the full capacity of the East Parcel within the first phase of development to provide adequate housing on site for existing conditions and cumulative impacts the project will generate (DEIR, 9-34).

04-4
(comment)

- **The DEIR & FEIR fail to analyze the cumulative impact of placing workforce housing off-site to the Town of Truckee or the North Lake Tahoe region.** The EIR contains zero analysis of the associated impacts of building off-site employee housing for the proposed development. The EIR needs to include potential off-site housing locations and analyze the associated impacts to the environment with potential locations, including transportation, GHG and air quality.

04-5

Transportation & Circulation: The VSVSP EIR identify numerous significant and unavoidable impacts in regard to the projects anticipated traffic and circulation.

- **EIR Underestimates the Trip Generation from VSVSP**
As noted by MRO a hired consultant for Sierra Watch, the DEIR and now FEIR continue to base project trip generation on the amount of parking that would be provided by the project (DEIR 3.2.4-332). MRO is a very qualified engineering firm that MAP has hired for project work, they understand how to ground truth a projects real impact and suggest needed mitigation measures for traffic and circulation issues. MRO has illustrated to Placer County and now the applicant that this is not a

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standard methodology for calculating trip generation for a project. How can the EIR use this approach as a baseline, when there is no evidence to back up using parking spaces to calculate the projects assumed trip generation? The EIR grossly underestimates the project trip generation, which then directly affects the analysis needed for parking, evacuation, noise, GHG and air quality. The EIR must be revised to fully analyze the trip generation the VSVSP project would create.

- Circulation and Parking Policies for VSVSP project would allow for an unsuitable Level of Service F.** We noted in our DEIR letter that the VSVSP Circulation and Parking Goal, CP-1 (SP, pg 5-2) differs from DEIR verbiage, pledging a LOS F as acceptable for the project area (DEIR pg. 9-33). DEIR states, "improvements, necessary to achieve the adopted LOS would create capacity that was un-needed during the majority of the year," (DEIR pg. 9-33). While Placer County allows a LOS F for resort areas with seasonal atypical traffic conditions, the project will create 25 years of phased construction, creating gridlock in the valley and surrounding regional roadways. A LOS F will create hazardous road conditions for a project area where there is only one road segment into the valley and a full-time housing population. This impact will leak out into the region and is not contained within the valley. Allowing LOS F regardless of a resort development is intolerable. Placer County cannot allow unsafe road conditions for the regional community and environment. The VSVSP must create tangible mitigation measures or downsize the project so that LOS F is not the standard. The FEIR and staff report continue to utilize transit fees as mitigation, which is inappropriate. Paying the county more funds will not curb the impacts the project will create. Traffic Impact Fees (TIF) to date have done little to fix the issues of peak season days and traffic impacts to local roadways.
- Adverse impacts to Caltrans intersections, creating cumulative impacts to Truckee and Tahoe City.** The EIR concludes that the proposed project will result in unacceptable roadway operations and impacts to Caltrans Highways and intersections in the Town of Truckee and Tahoe City (Impact 9-5, DEIR page. 9-63). The following segments of the State Route 89 will have a significant impact between Deerfield Drive, West River Street and State Route 28 east of State Route 89 in Tahoe City. The DEIR includes Mitigation Measure 9-5: Improve operations on select segments of SR 89 and SR 28, proposing a

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4-lane widening/staging improvement, yet the project plans do not currently include this mitigation as a part of the planning documents or fee programs. Additionally improvements under Caltrans are not under the jurisdiction of Placer County, therefore there is no assurance that project impacts from VSVSP will ever be alleviated or mitigated. The recent addition of a signalized light at Alpine Meadows Road and State Route 89 is considered a new mitigation measure in the FEIR for the project, when in reality the signal has not created improvements, yet a bottleneck affect when 89 is backed up on peak travel days in the summer and winter season.

The EIR claims impacts to Caltrans intersections are a significant and unavoidable impact. We cannot allow hazardous road conditions from the VSVSP to be considered unavoidable; this is not acceptable for the surrounding communities and regional public safety. Once again the EIR and county allow the applicant to pay into the traffic fee system, which is not the solution the community or environment deserve. We cannot continue to pay fees to the county allowing for large scale development proposals to get off the hook and the community be promised future improvements down the road. We need real solutions to our traffic and circulation issues. The impacts spill over into the surrounding communities, highways and residential roads creating hazardous driving conditions for the region. MRO consultants in Sierra Watch's DEIR letter outlined mitigation measures to help create solutions for LOS F that regional intersections would receive, yet those solutions are continually dismissed or ignored. The VSVSP must incorporate meaningful mitigation measures that work to address our existing conditions and the cumulative impacts generated by the project, fees just do not work with our exiting conditions today.

- **The EIR and staff report claim that Vehicle Miles Traveled (VMT) in the Lake Tahoe Basin Region, would be under the TRPA Threshold is a misleading statement.** Documents state that the VSVSP would generate 23,842 VMT in the Lake Tahoe Basin, which equates to a 1.2% increase for VMT's for Lake Tahoe (Staff Report Pg. 33). The EIR assumes the VMT's in the basin are somewhat irrelevant, as the project is outside the basin, which is completely counter to the facts. The EIR also utilizes the 2014 TRPA VMT reports, where as the Placer County Basin Area Plan, which was released this summer utilized the 2015 VMT report which uses a different number of

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significance than the VSVSP FEIR. The VSVSP EIR concludes that the project would not make a considerable contribution to a significant cumulative impact. Unfortunately this is incorrect. Please refer to the League to Save Lake Tahoe FEIR letter, where the VMT's and cumulative impacts are calculated correctly. The VSVSP will have a direct impact on the TRPA VMT Threshold, affecting TRPA's Regional Plan Update goals for redevelopment, with outside basin projects consuming the remaining VMT for the basin. The League's recent review of the Draft Area Plan DEIR reveals the entire Lake Tahoe Region would be within 0.97% of attainment, meaning there is only 3% before the region is out of attainment. The VSVSP EIR needs to be revised to incorporate the most recent 2015 TRPA VMT Report numbers and reflect the impacts and needed mitigation appropriately. There is more at stake here than the lacking analysis of VMT's, it is the direct impact on lake clarity for the jewel of the Sierra.

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Hydrology & Water Quality: The VSVSP EIR includes extensive analysis and references to the Water Supply Assessment (WSA), which underestimates impacts to the local watershed. The response to comments within the FEIR continues to dismiss or not respond adequately to our comments. The following comments were provided in our DEIR letter and are re-submitted for the public record.

- **The EIR continues to overestimate the annual precipitation on the surrounding mountains, which could create incorrect analysis in the watershed modeling.** The DEIR states "the average total annual precipitation on the valley floor is 47 inches, while the average for surrounding mountains is 263 inches," (expressed as snow water equivalent, inches of both water and rain, including snow melt), Exhibit 13-4, DEIR pg. 13-7, also shown in WSA in Table 3-1 Climate Data. The DEIR refers to 263 inches per year which is a figure taken from the WSA. This is a very high amount of precipitation for the area, as well as using a 1:10 ratio that is not applicable to the Sierra Nevada region. The analysis should have looked at the actual SNOTEL numbers, which estimates the average inches of precipitation with a bulk catch sensor that will gauge both rain and snow. The annual average precipitation for Squaw was shown to be 80.6 inches per year from 1993-2011. With the analysis and models using an annual precipitation of 263 inches per year (DEIR pg. 13-7) the impacts of the proposed project have been greatly diminished by not using the factual amount of

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precipitation for the valley. This in turn creates room for error in the hydrologic models and does not adequately analyze the impacts associated with the proposed development to the local watershed. By not using the correct amount of precipitation, the recharge estimate for the project is also flawed. The EIR needs to be revised and re-circulated to include the correct analysis for watershed recharge and the associated impacts with the proposed development.

- **DEIR fails to look at aquifer drawdown with expected demand for the proposed project.** In order to understand the aquifer demand for the proposed project the EIR should include analysis of the aquifer drawdown, by looking at the proposed land uses and ground water saturation during different time frames of the year. The DEIR includes exhibits illustrating the Groundwater Elevation in Existing Wells: 1992-2011 (Exhibit 13-8) and the Percent of Saturation in Existing Wells: 1992-2011 (Exhibit 13-9), yet there is no drawdown map. The EIR should be revised and re-circulated to include drawdown analysis. This is imperative analysis considering the SVPSD is looking to create a redundant water source utilizing the Martis Valley aquifer, which will adversely create impacts in Martis Valley to only further development in Squaw Valley.
- **DEIR fails to analyze impacts to the Truckee River Watershed.** The DEIR recognizes the restoration efforts to restore Squaw Creek as a part of the proposed Specific Plan, yet fails to analyze associated impacts the development may have on the Truckee River watershed. The DEIR should analyze potential impacts to the Truckee River, considering Squaw Creek is a tributary to the watershed.

Greenhouse Gases & Climate Change: The VSVSP as proposed will yield greenhouse gas emissions that exceed the operational standards of 1,100 metric tons of CO2 per year. The DEIR states operational emissions at full build out will yield 45,403 metric tons of CO2 per year, which clearly exceeds the current threshold, yet the DEIR and now FEIR analysis justify the impact is significant and unavoidable until the year 2020 when there are standards in place for the State of California. Utilizing assumptions on future project GHG emissions with standards in the unforeseen future is inexcusable analysis for a project of this scale. Placer County has yet to adopt a Climate Action Plan (CAP) and the FEIR response states that initiative should not be tied to a specific project, which we disagree with. Future development in the county, including Squaw Valley should adopt a standard; create local

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initiatives and craft emission reduction benchmarks in order to make sizable land use decisions. Deferring analysis to 2020 or beyond when new state regulations are applied is inadequate and too late for our regional environment.

- **Mitigation Measure 16-2: Implement ongoing operational greenhouse gas review and reduction program, defers project mitigation to 2020.** This is insufficient mitigation, the EIR needs to provide additional mitigation measures to address climate impacts with the proposed Specific Plan for today's existing conditions.
- **The DEIR fails to identify project alternatives to reduce the GHG emissions that are forecasted for operational emissions.** Current GHG emissions for operations from 2010-2013 generated a maximum of 13,765 metric tons of CO2 (DEIR pg. 16-3). While Squaw has taken some steps to reduce their emissions, the EIR should identify initiatives for GHG reduction within the development plans. We cannot continue ignoring the changing climate of the Truckee-Tahoe region and neither should future development proposals in the area.

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Reduced Density Project Alternative - The DEIR analyzed six project alternatives for the Squaw Valley Specific Plan, finding the environmentally superior alternative to be the **Reduced Density Alternative 17.3.4**, which would reduce the entire VSVSP project by 50%. (i.e. units, rooms, retail/restaurant square footage and full time employees) (DEIR pg. 17-24). The Reduced Density Alternative would help alleviate a number of significant and unavoidable impacts to a less than significant finding, yet the FEIR and staff report states the alternative is infeasible, as it does not meet the project and applicants financial goals. We find this very hard to believe and disagree. How is the applicant's return on investment (ROI) the deciding matter when it comes to securing environmentally responsible development in Squaw Valley? The applicant and county should further investigate a reduced project size. The current proposal tips the scales and lacks any meaningful mitigation to allow it to proceed. The EIR needs to pursue additional alternatives and must be re-circulated to include a more suitable range of alternatives.

04-11

By reducing the development potential by half many of the environmental impacts MAP has commented on will be minimized to a less than significant finding for CEQA. The DEIR references important environmental benefits with the Reduced Density



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Alternative such as buildings height reductions, a smaller Mountain Adventure Camp utilizing less water and a diminished construction timeline from 25 years to 15 years. The alternative would also require a master plan process, which would help to avoid piecemeal planning, while creating a unified plan and assurances for the surrounding community. The DEIR states the alternative would not meet all project goals (DEIR pg. 17-25), yet under CEQA fiscal analysis is not analyzed. Placer County and the project applicant should conduct an economic analysis for the Reduced Density Alternative in order to determine if the project alternative would be financially feasible. Considering the proposed Specific Plan and the numerous unavoidable impacts associated with the plan, we urge the applicant and county to seriously consider a reduced density alternative.

04-11
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Placer County General Plan Policy Inconsistency

The Placer County General Plan Policy 1.G.1 states it will *support the expansion of existing winter ski and snow play areas where circulation and transportation system capacity can accommodate such expansions or new uses and where environmental impacts can be adequately mitigated*. The DEIR and FEIR have referenced ample significant and unavoidable impacts related to the proposed VSVSP. In order to stay consistent with county policy it is imperative that future development in Squaw Valley be tailored to fit the valley and its environmental constraints. The impacts outlined in the EIR to traffic, public safety, water quality, scenic resources and our changing climate are too grave to be ignored for capital gain. The FEIR continues to assert and claim that the project will not exceed the transportation system, yet the traffic impacts the project will generate will create significant and unavoidable impacts to local and regional roadways around the project site (FEIR 3-59).

04-12

The traffic impacts the project will create have not been mitigated to an acceptable LOS, relying only on traffic impact fees to pay the county for future road improvements. Additionally, our current transit system is lacking adequate service around the Truckee-Tahoe region. The TART is unable to provide the needed transit to serve our local community. The project blatantly ignores General Plan Policy 1.G.1, which further makes the project inconsistent within the county's own regulations. The project must rely on meaningful mitigation to adhere to General Plan Policy, 1.G.1. We feel the SVGPLUO vision to "ensure that Squaw Valley is developed into a top quality, year-round, destination resort," "without adversely impacting the unique aesthetic and environmental assets of Squaw Valley," (Placer County 1983:4)



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can still be met by reducing the scale of the proposed project. Squaw Valley Real Estate, LLC is capable of redeveloping the resort in a sensitive manner in order to protect the local environment and quality of life for all of Olympic Valley and the Tahoe region.

Conclusion

We recognize the project applicant has project objectives and fiscal goals tied to the VSVSP, but environmental protection of Olympic Valley and the surrounding communities needs to be at the heart of any future development proposal in Squaw. MAP believes there can be a balance of development and environmental stewardship, by utilizing smart growth principles, working with the community and protecting our scenic vistas and natural resources for present and future generations. We are committed to ensuring the Truckee-Tahoe region remains beautiful, by preserving the community character of our unique mountain towns and protecting our vibrant resources. Our letter on the DEIR and FEIR has concluded that the document does not comply with the laws of CEQA and would be illegal to certify. MAP respectfully requests the Placer County Planning Commission and Board of Supervisors DENY the VSVSP as proposed today.

Please contact our office at 530-582-6751 or by email Alexis@mapf.org if you have questions or need clarification on our comments. Thank you again for taking our comments into consideration for the VSVSP and EIR.

Sincerely,

Alexis Ollar, MS & GISP
MAP Executive Director

04-18
(copy)

04-13

04

Mountain Area Preservation
 Alexis Ollar, MS & GISP, MAP Executive Director
 August 10, 2016

04-1

This introductory statement indicates that this comment letter reiterates comments provided on the DEIR, with additional comments regarding the staff report. The comment indicates support for the Reduced Density Alternative, but indicates that “the FEIR rejected that alternative.” This is an inaccurate characterization. The EIR evaluates the Reduced Density Alternative. See the Master Response regarding the Reduced Density Alternative in the FEIR (pages 3-59 through 3-63). Specifically, as stated on page 3-62: “Ultimately, the level of profit/loss or fiscal feasibility of an alternative to the project is up to the County decision makers (i.e., the Board of Supervisors) to determine based on their independent review and discretion, and based on substantial evidence in the record. County staff and the preparers of this EIR will not determine the feasibility of this alternative; rather, that decision will be made by the Board.”

The comment expresses an opinion that the information in the FEIR and the proposed mitigation measures do not provide assurances as to exactly what will be developed under the specific plan and that the EIR “allows for 20 significant and unavoidable impacts.” As a matter of clarification, the EIR is not a permitting document; significant and unavoidable impacts have been identified, but neither the EIR itself, nor certification of the document, allows for significant impacts. These impacts would occur if the County Board of Supervisors decide to approve the project; the EIR’s role is to provide information about the project’s environmental impacts, mitigation and alternatives. Further, this EIR is programmatic and, as such, makes reasonable assumptions that define the outside limits within which future proposals must fall in order to be in compliance with the programmatic analysis.

Finally, the comment expresses disagreement with the staff report’s recommendation to adopt a statement of overriding considerations. The State CEQA Guidelines (Section 15193) requires the preparation of a statement of overriding considerations when a lead agency approves a project for which the EIR identified significant and unavoidable environmental effects. The reasoning for approving the project, in light of the identified impacts, must be stated in the record and supported by substantial evidence. The County Board of Supervisors must determine whether substantial evidence in support of the overriding considerations has been provided. However, the staff report only provides recommendations; project approval or denial is the purview of the Board of Supervisors.

04-2

The comment reiterates support for the reduced density alternative and disagreement with the recommendations of the staff report, but provides no specific support for the claim that the staff report is “inconsistent with the laws and findings under CEQA.” No further response is provided.

04-3

The comment asserts that the FEIR does not fully analyze impacts and dismisses meaningful mitigation measures. Specific comments, and responses to those comments, are provided below.

04-4

The comment reiterates comments provided on the DEIR that the Specific Plan and EIR do not adequately mitigate impacts associated with workforce housing, nor comply with the Placer County General Plan requirements. (See FEIR responses to comments 05-2 through 05-4.) The requirement to provide housing is a social issue and is only an environmental issue to the extent construction of housing results in environmental impacts. Thus, this issue is considered in light of this and how it meets County policy.

Specifically, the comment correctly states that the proposed construction of employee housing for 252 to 300 employees including replacement housing for 99 employees would not fully meet employee housing requirements set by the County's General Plan, which requires provision of employee housing for 50 percent of the full-time equivalent employees generated by a project. Because it is currently not certain exactly how housing for the remainder of project-generated employees would be provided, the impact was determined to be potentially significant (see DEIR Impact 5-3). As described therein, Mitigation Measure 5-3 would reduce this impact to a less-than-significant level by requiring employee housing or support for employee housing to be provided in one of the following ways: construction of on-site employee housing; construction of off-site employee housing; dedication of land for needed units; and/or payment of an in-lieu fee such that the project provides housing for 50 percent of FTE employees, consistent with Policy C-2 in the County's General Plan.

Regarding the comment that payment of in-lieu fees is unacceptable mitigation in the current climate and housing crisis, this is an opinion regarding the merits or qualities of the project and does not address the content, analysis, or conclusions in the DEIR. The Placer County Board of Supervisors will consider this issue during project deliberations.

Regarding the comment that the project applicant should be required to construct housing to meet 100 percent of the employee housing demand generated by the project, rather than the proposed 50 percent of the full-time equivalent employee workforce, as required by the County's General Plan (Policy C-2), as described in responses to comments on the FEIR (in particular, response to comment O5-2), requiring the project to provide for 100 percent of employee housing would require the project to provide double the amount of employee housing mandated by General Plan policy. This request will be reviewed by the County Board of Supervisors in their deliberations over the project.

Regarding the comment that additional employee housing should be added into the Main Village area, as described in responses to comments on the FEIR (in particular, responses to comments O5-2 and L6-6), further development of employee housing on applicant-controlled land in the Olympic Valley may not be possible outside of the main Village area because land availability for this use in the Olympic Valley is limited and land values are high. While the developer could ultimately determine to construct some employee units in the main Village area, employee units are not presently planned for this portion of the project area and are unlikely to be located in the main Village area due to the land value. Furthermore, the project would be built out over a relatively long period of time and the proposal to construct 99 replacement employee units and up to 201 new employee units on the East Parcel would provide employee housing for as much 70 percent of the project buildout, which may take upwards of 15 years to complete. Under this scenario, the project is entirely consistent with Policy C-2, which specifies a variety of mechanisms for providing employee housing, to identify the precise mechanism for meeting the remaining employee housing obligation during later phases of the project when it can be better determined what specific employee housing needs occur at that time. The result would be similar to the Reduced Density Alternative evaluated in the DEIR (pages 17-24 through 17-31). This portion of the comment raises no new questions or issues pertaining to the environmental analysis. Therefore, no further response can be provided.

Regarding the comment that Mitigation Measure 5-3 would not lessen employee housing impacts to a less-than-significant level, this issue is addressed in the FEIR under response to comment O5-3. As discussed therein, the project, including employee housing, would be built over a period of approximately 25 years and employee housing obligations would be required to be met concurrent with each phase of project development. Because the proposed mitigation would be consistent with established County policy, it would adequately mitigate

potential impacts. This portion of the comment raises no new questions or issues pertaining to the environmental analysis. Therefore, no further response can be provided.

Regarding the comment that the project needs to incorporate diverse employee housing units to satisfy a range of employment positions, this suggestion is addressed in Mitigation Measure 5-3, which requires an employee/workforce housing plan. While this mitigation measure does not require that employee housing needs are accommodated within the Olympic Valley, it meets Placer County General Plan Housing Element Policy C-2.

Regarding the comment that creation of the VSVSP Employee Workforce Housing Plan at a later date is unacceptable, this issue is addressed in the FEIR under response to comment O5-4. As discussed therein, under the proposed project, development would occur over a period of approximately 25 years. The employee housing would be built at a rate that would accommodate employee generation. The VSVSP Employee Workforce Housing Plan required by Mitigation Measure 5-3 would be submitted with recordation of the first Small Lot Tentative Map or approval of a building permit for any new-employee generating project that does not require a Small Lot Final Map and must be updated concurrent with review and implementation of each project or project phase that generates new FTE employees. It is important to note that issues directly associated with provision of employee housing, including the volume of employee housing to be provided by a project, is a socio-economic and local policy issue and is not considered to be of environmental significance, except as it relates to compliance with a county policy adopted for the purposes of avoiding or reducing an environmental impact, pursuant to CEQA requirements. Because this mitigation measure is consistent with Placer County General Plan Policy C-2, it is not considered to be deferred mitigation as it meets the requirements set therein and the options for a final outcome are defined in the Policy. The potential environmental issues associated with induced population (i.e., indirect effects of employee housing demand) are discussed in Chapter 5, "Population, Employment, and Housing" and Section 18.4, "Growth-Inducing Impacts of the Proposed Project." This portion of the comment raises no new questions or issues pertaining to the environmental analysis. Therefore, no further response can be provided.

O4-5

The comment reiterates comments provided on the DEIR that the EIR fails to analyze the cumulative impact of constructing off-site employee housing. Specifically, the comment states that the EIR should include potential off-site housing locations, and analyze the potential impacts of such off-site housing, including those related to transportation, GHG, and air quality. (See FEIR response to comment O5-5.)

Cumulative impacts associated with displacement of housing or people are discussed under Impact 18-5 (Cumulative displacement of a substantial number of housing or people). Impacts related to off-site employee housing are discussed in Section 18.4, "Growth-Inducing Impacts of the Project." As stated therein:

In addition to providing employee housing on the East Parcel, the project would employ other methods consistent with the County's employee housing policy to meet the County employee housing standards (see Chapter 5, "Population, Employment, and Housing"), possibly including provision of off-site employee housing (including outside of Olympic Valley), dedication of land for needed units, and/or payment of an in-lieu fee to the County. If the project applicant builds additional housing, or if in-lieu fees are used for additional housing, the construction would result in potential impacts, depending on where it is located. Additional traffic, air emissions, noise, and other resources could be affected as a result of this indirect population growth.

Thus, these issues have been addressed and the EIR does not need to be revised. See, also, FEIR responses to comment letter L6 from the Town of Truckee, which discusses the effects off-site employee housing, including the distribution of employee-generated vehicle trips

throughout the study area. The comment raises no new questions or issues pertaining to the environmental analysis. Therefore, no further response can be provided.

- 04-6 Please refer to Master Response regarding Use of Parking Supply as part of Trip Generation Estimate in this document.
- 04-7 This comment reiterates previous D EIR comments that an LOS F standard should not be allowed within the Specific Plan area, and that traffic impacts could spread beyond the Valley and into the region. Please refer to the portion of the traffic Master Response regarding Specific Plan Policy CP-1 and response to comment O8d-12 in the FEIR. This portion of the comment raises no new questions or issues pertaining to the environmental analysis.

The comment also states that payment of traffic impact fees is not a suitable solution for addressing traffic and circulation impacts. New land development in Placer County is required to pay a traffic impact fee to fund its fair share of the future roadway system. The County maintains a Capital Improvement Program (CIP) that identifies projects by various benefit districts (refer to: <https://www.placer.ca.gov/departments/works/trafficfee>). The Tahoe Region benefit district includes a variety of traffic flow/safety enhancements, intersection improvements, shoulder widenings, intelligent transportation system (ITS) upgrades, transit improvements, and other transportation network improvements. The County impact fee program would fund about \$34 million of the total \$81 million cost with the remainder to come from state and other sources. In summary, payment of impact fees is a standard requirement for new developments that help fund a variety of transportation improvements.

- 04-8 The comment references 2015 VMT estimates included in Placer County's Tahoe Basin Area Plan and references comments submitted separately by the League to Save Lake Tahoe. See response to Comment O2-9. The public review draft of the Tahoe Basin Area Plan was released in June 2016. The FEIR for the VSVSP was released in April 2016. Therefore, this data was not available to inform the EIR analysis.

For discussion of the project's effects on VMT in the Basin, including TRPA thresholds and cumulative effects, refer to the Master Response regarding VMT in the Tahoe Basin in this document.

- 04-9 The comment re-iterates comments provided on the DEIR. However, the comments do not provide any new information regarding the content or analysis in the EIR or identify specific deficiencies in the responses in the FEIR. Therefore, no further response is provided here.
- For response to the comment about precipitation data and SNOTEL numbers, see responses to comment O8a-2 (page 3.2.4-219), comment O8a-4b (pages 3.2.4-223 and 3.2.4-224), comment O8a-27 (pages 3.2.4-233 and 3.2.4-234), and comment O8a-63 (page 3.2.4-247) in the FEIR. The FEIR also revises the annual precipitation numbers (pages 2-63 through 2-67). For response to concerns about aquifer drawdown and requests for maps, see responses to comment O5-11 (page 3.2.4-140) and comment O8a-14 (page 3.2.4-229) and the Master Response regarding water supply in the FEIR. The effects of groundwater pumping on the Truckee River are also addressed in the Master Response regarding water supply in the FEIR (page 3-18).

- 04-10 The comment re-iterates comments provided on the DEIR and expresses disagreement with the response provided in the FEIR. However, the comment does not provide any new information regarding the content or analysis in the EIR.
- See responses to Comments S1-9 and S1-10, which review the relevance of statewide GHG policies and their importance in setting and meeting GHG reduction targets, and the dynamic

nature of these targets. Mitigation Measure 16-2 recognizes that both GHG emission targets and regulatory programs that limit GHGs are apt to change over the 25-year (estimate) project construction timeframe. Consequently, Placer County concluded that using a static target to assess the significance of project impacts and the type and extent of mitigation would not recognize the nature of progressing GHG programs and regulatory actions, and the degree to which they can succeed in reducing GHG emissions. Mitigation Measure 16-2 requires that GHG emissions associated with the project are reduced to the point that they meet GHG reduction targets, calculated with the future targets and regulatory programs that reduce GHG emissions in place at the time subdivision maps for project phases are submitted. The targets would be based on a substantiated linkage between the State goals or a local (Placer County) GHG reduction plan.

In addition, the FEIR lays out a list of GHG reduction measures that are considered feasible (see page 3-108), including solar panels, Energy Star appliances, and exceeding Title 24 energy efficiency standards, and determined that these measures would reduce GHG emissions by 5,097 MT CO₂e/year in 2037 (assuming full buildout by that year), which is 38 percent more efficient than BAU. However, the project would still emit nearly 37,000 MT CO₂e/year, substantially higher than the threshold used in the FEIR: 1,100 MT CO₂e/year.

The degree to which these programs would be implemented would be based on a Placer County GHG reduction program or some other substantiated link to AB 32 targets. The County is currently planning the preparation of a Climate Action Plan, a type of GHG reduction plan, to be applied countywide, that would provide the requisite program; the plan is scheduled for completion in 2018 (Fisch, pers. comm., 2016). If the GHG reduction plan is not completed, the project can be linked to AB 32 targets through compliance with Scoping Plan programs applicable to the project. The AB 32 Scoping Plan programs currently applicable to the project are outlined in Appendix G of the FEIR and are listed on page 3-108.

Therefore, the mitigation measure provides a performance standard to be met by project development, a suite of feasible actions to meet the performance standard, an assessment of the mitigation potential of those actions, and a mechanism for the lead agency to track and enforce compliance with the performance standard.

- 04-11 The comment expresses disagreement with the findings of the staff report, which indicates that the Reduced Density Alternative would be infeasible, and requests analysis of additional alternatives. The comment also suggests conducting a financial feasibility analysis for the Reduced Density Alternative. A financial feasibility study of the project alternatives was completed and is provided to the Board of Supervisors in support of these findings.
- 04-12 The comment states that the project is not consistent with General Plan Policy 1.G.1, which states, "The County will support the expansion of existing winter ski and snow play areas and development of new areas where circulation and transportation system capacity can accommodate such expansions or new uses and where environmental impacts can be adequately mitigated." The comment goes on to state that traffic impacts have not been mitigated to an acceptable level and that in order to be consistent with this policy the scale of the project must be reduced in order to reduce the significant and unavoidable impacts to the traffic network, transit services and other resource areas, and that the applicant is capable of redeveloping the resort in a sensitive manner that will protect the environment and quality of life for residents of Olympic Valley and the Tahoe region.

A number of commenters submitted similar comments in response to the DEIR. The following response is summarized from the portion of Master Response 3.1.8 pertaining to significant and unavoidable impacts beginning on page 3-58 of the FEIR.

The Placer County General Plan (2013) provides an overall framework for the development of the County and protection of its natural and cultural resources. Policies of the Countywide General Plan and implementing community plans provide direction and guidance on issues such as the County's plans for growth and development, delivery of public services, and protection of resources. Policies that include specific quantitative standards may be utilized to establish significance criteria for evaluation of an environmental impact (e.g., Level of Service standards for County roadways). However, policies more often do not include quantitative standards or mandatory and specific language, and therefore do not establish level of significance criteria for evaluation of an environmental impact. Policy 1.G.1 does not include specific quantitative standards that form the basis for evaluation of an environmental impact. Moreover, the qualitative nature of the policy to, "support the expansion of existing winter ski and snow play areas and development of new areas where circulation transportation system capacity can accommodate such expansions or new uses and where environmental impacts *can be adequately mitigated,*" (emphasis added) implies discretion on the part of policy makers. Accordingly, policies that do not include specific quantifiable standards related to a specific environmental effect do not establish level of significance criteria for an environmental analysis.

While the project would result in discrete peak period traffic impacts at a limited number of roadway segments and intersections on a limited number of days throughout the year, the project would not result in exceedance of transportation system capacity; rather, the Level of Service (LOS) at specific transportation network locations would operate at a substandard level for a limited period of time, as it does periodically under existing baseline conditions, after which typical traffic operations would resume. Although these impacts would occur, all feasible traffic mitigation measures have been incorporated into the project, which complies with the requirements of CEQA and is consistent with Policy 1.G.1 to adequately mitigate impacts to the transportation system. In addition, through provisions of the Development Agreement the project would contribute \$97,500 per year for TART operations and also would fund a minimum of \$75,000 per year for free employee transit passes. These funds are "above and beyond" project fair share contributions to expand public transit proportionate to the project's increased transit demand. This additional funding of transit service will create additional transit service and ridership opportunities, helping to further reduce automobile trips on the area roadway network and fulfilling the County's System Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County to enhance and expand the TART system. These funds are in addition to transit service funding requirements that would be generated through project participation in a CSA and/or CFD to assess and collect funds proportionate to the increased demand (See page 2-20, FEIR Mitigation Measure 9-7a).

04-13 These concluding remarks indicate that the project does not comply with CEQA "and would be illegal to certify." This assertion is not supported.



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Via Email and Overnight Delivery

August 10, 2016

Chairman Richard Roccucci and
Honorable Placer County Planning Commissioners
Attention: Paul Thompson, Interim Agency Director
Planning Services Division
3091 County Center Drive
Auburn, CA 95603
Fax: (530) 745-3080
cdraecs@placer.ca.gov



Re: Village at Squaw Valley Specific Plan Final Environmental Impact Report and CEQA Findings (SCH No. 2012-102-023)

Dear Chairman Roccucci and Honorable Members of the Placer County Planning Commission:

05-1

We submit the following comments on behalf of the group Tahoe Residents United for Sustainable Squaw Tourism ("TRUSST"), and TRUSST member Matt Gauger, who maintains a home in Kings Beach and regularly visits Squaw Valley and Alpine Meadows ("Commenters"). We are writing concerning the Final Environmental Impact Report ("FEIR") and CEQA Findings for the Village at Squaw Valley Specific Plan (SCH No. 2012-102-023) (the "Project").¹

After reviewing the FEIR and CEQA Findings ("Findings"), together with our expert consultants, it is evident that the documents contain numerous errors and omissions that preclude accurate analysis of the Project. As a result of these inadequacies, the FEIR fails as an informational document and fails to impose feasible mitigation measures to reduce the Project's impacts. Commenters request the Placer County Planning Commission and Planning Services Division address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project.

In particular, the FEIR:

- Fails to respond adequately to comments on the Draft EIR;

¹ We reserve the right to supplement these comments at later hearings and proceedings for the Proposed Project. See *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109.

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- 05-1
(cont)
- Relies on a traffic “baseline” based on drought-year traffic levels, which systematically underestimates the impacts of increased traffic from the Project. The EIR should be revised to use baseline traffic from normal precipitation years.
 - Ignores water supply inadequacies from multi-year droughts that are likely to occur, and relies on a water supply “baseline” from wet years.
 - Improperly ignores the Placer County Air Pollution Control District (“PCAPCD”) CEQA significance thresholds of 10 pounds per day (“ppd”) for nitrogen oxides (“NOx”) and reactive organic gases (“ROGs”), relying instead on Sacramento Air District CEQA thresholds of 82 ppd. The Final EIR attempts to gloss over this issue by relying on unspecified and optional mitigation measures, but there is no substantial evidence to show whether these measures will reduce impacts below significance thresholds.
 - CEQA Findings are inadequate since they fail to disclose all significant, unmitigated impacts, fail to require implementation of all feasible mitigation measures and alternative, and fail to discuss whether the Project creates employment opportunities for “highly trained workers.” Pub. Res. Code §21081(a)(3), (b).

For all of these reasons, and for the reasons set forth in our prior comment letter, TRUSST urges the County to require staff to prepare a Supplemental EIR to properly analyze the Project and to consider all feasible mitigation measures and alternatives to reduce Project impacts. We also incorporate by reference all comments made by other commenters on the DEIR.

PROJECT BACKGROUND

The proposed Village at Squaw Valley Specific Plan (“Project” or “Specific Plan”) would be a massive expansion of the existing Squaw Valley resort. The Project will use 78,263,299 gallons of water per year, will involve construction of 1,493 new lodging rooms, and will add 8,410 extra cars to area roads. The Project will include a Mountain Adventure Camp that will be 10 stories high, and at 90,000 square feet, will be about the size of a Walmart Store.

The Project is meant to develop a year-round destination resort that provides a wide range of destination resort services and amenities to guests and residents on site. DEIR 2-2. The Specific Plan would allow for development of resort hotel, residential, commercial, retail, and recreational uses, including lodging, skier services, retail shopping, restaurants and bars, entertainment, and public and private recreational facilities over an estimated 25-year buildout period. DEIR 2-2.

The Project would be the first specific plan approved under the Squaw Valley General Plan and Land Use Ordinance, which was adopted by Placer County in 1983. DEIR 2-1. The Project includes adoption of the specific plan itself and implementation of the associated development proposal. If approved, the Project would amend the Squaw Valley General Plan and Land Use Ordinance to redesignate the Project site as “Specific Plan”

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The Project site is located within the 4,700-acre Squaw Valley (also known as the Olympic Valley) in northeastern Placer County, within the Sierra Nevada. DEIR 2-1. The Specific Plan area encompasses approximately 94 acres total, consisting of two separate areas, the main Village and the East Parcel. DEIR 2-2.

A. Village Area

The 85-acre main Village area would be located at the base of Squaw Valley Ski Resort, and would consist of two main zones: the Village Core and the Village Neighborhood. DEIR 2-3. The Village Core consists of a mix of uses and activities concentrated near the ski slopes and the existing Village, with higher density lodging, the Mountain Adventure Camp, and retail and restaurant spaces. *Id.* The Village Neighborhood would consist of medium-density resort residential neighborhoods and smaller-scale neighborhood-serving commercial uses. *Id.* Specifically, the main Village Area would include:

- **Resort Residential:** Up to 1,493 bedrooms in up to 850 units (mix of hotel, condo hotel, fractional ownership, timeshares)
- **Commercial:** 297,733 square feet of tourist-serving commercial space
- **Mountain Adventure Camp:** a 90,000 square foot Mountain Adventure Camp would include an indoor/outdoor pool system, water slides, and other water-based recreation. It would also provide other entertainment options potentially including indoor rock-climbing, a movie theater, a bowling alley, and a multi-generational arcade.
- **Parking:** 3,297 parking spaces in separate parking structures, and up to 1,800 additional parking spaces in podium parking under new building within the Project area.
- **Restoration of Squaw Creek:** A 150-200 foot wide conservation corridor would be provided for the length of the Creek throughout the Project area.
- **Removal of Commercial and Employee Housing:** Removal of 91,522 square feet of existing commercial space and two existing employee housing structures would be removed.

B. Eastern parcel

The 8.8-acre East Parcel will be located on a disconnected piece of land approximately 1.3 miles east of the Village. DEIR 2-2. The East Parcel will consist of employee housing (up to 50 employee housing units for up to 300 employees), employee parking, a 15,000 square foot shipping and receiving facility, and a 5,000 square foot market. DEIR 2-3.

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LEGAL STANDARD

When a significant environmental issue is raised in comments that object to the draft EIR's analysis, the Final EIR must provide a response which is detailed and must provide a reasoned, good faith analysis. 14 CCR § 15088(c). The responses to comments on a draft EIR must state reasons for rejecting suggestions and objections concerning significant environmental issues. *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 391. The need for a reasoned, factual response is particularly acute when critical comments have been made by other agencies or by experts. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1367,1371.

05-1
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If significant new information is added to an Environmental Impact Report (EIR) after notice of public review has occurred, but before final certification of the EIR, the lead agency must issue a new notice and recirculate the EIR for comments and consultation. Pub. Res. Code § 21092.1; 14 CCR § 15088.5. "Significant new information" triggering the need for EIR recirculation includes information showing that (1) a new or more severe environmental impact would result from the project, (2) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of a project but the project proponent declines to adopt it, or (3) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. 14 CCR § 15088.5(a)(1)-(4). A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record. (14 CCR § 15088.5(e).)

If a Project has significant impacts after implementation of all feasible mitigation measures (as does the Project), then the agency must issue a statement of overriding considerations ("SORC") supported by CEQA findings ("Findings"). Findings must be made for each identified significant impact, and must be supported by substantial evidence in the record. *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222 1224. Findings must present some explanation to supply the logical step between the ultimate finding and the facts in the record. *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515. When alternatives or mitigation measures are rejected as infeasible, the findings must reveal the agency's reasons for reaching that conclusion. Conclusory statements are inadequate. *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1034-1035. Finally, detailed findings force decision makers to draw legally relevant sub-conclusions which support their ultimate decisions. In so doing, the agency minimizes the likelihood that it will randomly leap from evidence to conclusions. *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011,1034.

A statement of overriding considerations expresses the "larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes and the like." *Concerned Citizens of South Central LA v. Los Angeles Unif. Sch. Dist.* (1994) 24 Cal.App.4th 826, 847. The agency must make "a fully informed and publicly disclosed" decision that "specifically identified expected benefits from the project outweigh the policy of

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reducing or avoiding significant environmental impacts of the project.” 14 Cal.Code Regs. §15043(b). Key among the findings that the lead agency must make is that:

“Specific economic, legal, social, technological, or other considerations, including the provision of *employment opportunities for highly trained workers*, make infeasible the mitigation measures or alternatives identified in the environmental impact report...[and that those] benefits of the project outweigh the significant effects on the environment.”

Pub. Res. Code §21081(a)(3), (b).

DISCUSSION

A. The EIR Uses a Misleading Traffic Baseline Due to Drought and Recessary Conditions.

The EIR uses traffic from the 2011-2012 ski season as the “baseline” year. The EIR rationalizes this approach by stating that 2011-2012 had approximately the median snowfall levels for the seven years from 2008 through 2015. However, this analysis misses the point that this entire period was an extended drought. In addition, this period included the worst economic recession since the great depression. Both of these factors significantly reduced traffic volumes during this period. Thus, the EIR’s traffic baseline fails to represent “normal” conditions. A revised EIR is required to use a traffic baseline that represents normal economic and snowfall conditions.

1. EIR is Fundamentally Misleading Because it Uses an Improper Traffic Baseline.

Commenters submit herewith expert comments from traffic engineer Daniel T. Smith, Jr. P.E., of Smith Engineering & Management. Mr. Smith’s comments are incorporated herein by reference in their entirety. Mr. Smith concludes that the Draft and Final EIRs are fundamentally flawed because they use drought years for the traffic baseline. Of course, winter sports activities such as skiing, snowboarding, snowmobiling, cross-country skiing, etc. were dramatically reduced during drought years, as was the related traffic. By selecting drought years for the traffic baseline, the EIR underestimates traffic impacts that will be generated by the proposed Project plus baseline. While the 2011-2012 year had higher snowfall levels than some later drought years, that year also was in the midst of one of the worst economic recessions since the great depression. Mr. Smith concludes that the combination of drought-level snowfall and recessionary conditions resulted in much lower traffic levels that do not form an accurate baseline.

Mr. Smith concludes that the EIR should be revised to use the immediate past season, 2015-2016, as the traffic baseline. The 2015-2016 ski season was the first winter season with normal snowfall for five years. The 2015-2016 season represents a far more accurate baseline for traffic since there was normal snowfall and non-recessionary economic conditions. Mr. Smith has owned a property in Tahoe City for over 40 years and visits the area regularly. He

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attests from personal experience that traffic levels in 2015-2016 were much higher than in 2011-2012 or other drought years.

Since the EIR includes an inaccurate and misleading traffic baseline, its entire traffic analysis is skewed and misleading. Every CEQA document must start from a “baseline” assumption. The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency’s environmental review under CEQA:

05-2
(10-2)

“...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.”

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula*.”) As the court of appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground.’” (*Save Our Peninsula*, 87 Cal.App.4th 99, 121-123.) As the court has explained, using a skewed baseline that overestimates or underestimates pre-existing conditions, “mislead(s) the public” and “draws a red herring across the path of public input.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.)

By selecting drought and recession years for the traffic baseline, the EIR has selected an inaccurate and misleading baseline. This skews the entire traffic analysis for the proposed Project. A new draft EIR is required to analyze the Project’s traffic impacts in light of the normal 2015-2016 ski season.

2. The County Should Prepare and Recirculate a Supplemental Draft EIR Using a Proper Traffic Baseline.

05-3

Recirculation of an EIR prior to certification is required “when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project’s proponents decline to adopt; or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless.” CEQA Guidelines §15162; *Laurel Heights Improvement Assn. v. Regents of University of Cal.* (1993) 6

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Cal. 4th 1112, 1130 (citing *Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043).

Recirculation is required where “significant new information” has been added to an EIR. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412; 447. New information is “significant” where it results in a change to the EIR’s analysis or mitigation of a substantial adverse environmental effect to the EIR. *Id.*

05-3
(cont.)

Here, the EIR is fundamentally and basically inadequate because it uses a traffic baseline that underestimates traffic volumes due to drought conditions and economic recession. Since the 2011-2012 traffic volumes were much lower than the normal 2015-2016 conditions, the impacts of the Project plus baseline are vastly underestimated in the EIR. Thus, the EIR presents a fundamentally misleading traffic analysis. A revised EIR is required to analyze traffic impacts of the proposed Project using the normal traffic volumes of the 2015-2016 years as the baseline. The revised EIR must then present feasible mitigation measures to mitigate the traffic impacts that are likely to be created by the proposed Project.

B. The Final EIR Fails to Address Water Supply Inadequacy.

05-4

Certified hydrogeologist, Matthew Hagemann, C. Hg., commented on the Draft EIR, pointing out that the EIR failed to adequately analyze water supply for the Project – particularly in light of the possibility of an extended drought. The Project will require over 78,263,299 gallons of water per year, making it the largest single added demand in the basin over the next 25 years. DEIR 18-43.

Mr. Hagemann concluded that the EIR fails to demonstrate an adequate water supply for an extended drought. The EIR uses the period of May 1992 through December 2011 as the water supply “baseline.” Mr. Hagemann points out that this time period generally demonstrated “normal” or better rainfall, and avoids the subsequent extended drought years. Thus, the EIR uses an unrealistic baseline for water supply – selecting a wet time period, rendering the EIR’s baseline misleading and inaccurate. Oddly, the EIR makes exactly the opposite error when selecting baseline years for traffic – selecting drought years which underestimate traffic. This “cherry-picking” of convenient baseline years (wet years for water supply and dry years for traffic) is flatly prohibited by CEQA.

Amazingly, the Final EIR responds that it is “not reasonably foreseeable to predict a mega-drought.” Final EIR 3.2.4-631. Given that the State is in the midst of an extended drought (despite last year’s near-normal rainfall), the Final EIR’s dismissive response to water supply fails to meet CEQA’s exacting standards for a substantive response. The need for a reasoned, factual response is particularly acute when critical comments have been made by other agencies or by experts. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm’rs* (2001) 91 Cal.App.4th 1344, 1367,1371. The EIR falls far of CEQA legal standard by dismissing Mr. Hagemann’s expert comments without any substantive expert analysis.

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05-4
(cont.)

A recirculated EIR is required to address water supply concerns during an extended drought period.

C. The EIR Ignores the Placer County Air Pollution Control District's CEQA Significance Thresholds.

Environmental Consulting firm, SWAPE (Soil, Water, Air Protection Enterprise) commented in the DEIR that the document improperly ignores the applicable Placer County Air Pollution Control District's significance threshold² for cumulative ozone precursor emissions of 10 lbs/day, and instead adopts the threshold used by the Sacramento Metropolitan Air Quality Management District (SMAQMD) of 82 lbs/day. The DEIR's dismissal of the PCAPCD's standard violates CEQA, and misstates the Air District's guidance on the topic.

PCAPCD made a very similar comment on the DEIR, stating that the EIR improperly ignored the PCAPCD's cumulative CEQA threshold of 10 lbs/day, instead improperly applying the SMAQMD threshold. FEIR 3.2.3-11. Indeed, it is not surprising that SMAQMD allows a higher level of pollution given the urban setting, than is considered significant in the pristine environment of the Tahoe area.

15-5

The Placer County Air Pollution Control District sets a cumulative threshold of 10 lbs/day for operational emissions of ROG and NOx. PCAPCD Handbook, pp. 2-3, 2-4. PCAPCD then recommends that any project emitting more than 10 lbs/day implement mitigation measures to reduce cumulative impacts. *Id.* A revised draft EIR is required to apply the proper PCAPCD CEQA significance threshold, to recognize significant impact under this threshold, and to propose feasible mitigation measures to reduce those impacts.

The Final EIR skirts this issue. The Final EIR admits that the Project will generate ongoing operational emissions of 182 lb/day of ROGs and 86.5 lbs/day of NOx (Findings 140). The Final EIR also for the first time admits that these emissions exceed the 10 lbs/day PCAPCD significance thresholds. The Final EIR then proposes a list of mitigation measures, but none of these are made mandatory project conditions in the CEQA findings. They are all discretionary. The Final EIR states that these measures will reduce project impacts to less than significant, but there is no calculation of the level of emission reductions that will be achieved through the mitigation measures, and the measures are discretionary, not mandatory. This analysis falls far short of CEQA's requirements for several reasons.

First, it is not sufficient to list a menu of mitigation measures. The lead agency must calculate reductions achieved through implementation of the measures and determine whether the reductions reduce impacts to below significance. The Final EIR fails to do this. In *Friends of Oroville v. City of Oroville*, 219 Cal. App. 4th 832 (2013), the court held that failing to calculate existing air emissions at the project site, and "failing to quantitatively or qualitatively ascertain

² The threshold can be found in the Placer County Air Pollution Control District's CEQA Handbook, available at <http://www.placer.ca.gov/departments/air/landuseceqa>.

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or estimate the effect of the Project's mitigation measures on those emissions," amounted to misapplication of the threshold-of-significance standard. Id. at 842-843. See also, *Kings Co v. Hanford* (1990) 221 Cal.App.3d 692, 712-718. Indeed, the Findings indicate that the list of measures may not be sufficient to reduce Project impacts to below significance, stating, "If it is determined that the effectiveness of reduction measures has been overestimated, then additional reduction measures must be implemented." Findings 93.

Second, mitigation measures must be mandatory, not discretionary. The Final EIR and CEQA findings include a list of air quality mitigation measures, however, none of the measures are mandatory. The CEQA findings state, "Types of reduction and offset measures implemented by the project applicant may include, but are not limited to, the measures listed below, so long as the combination of selected measures results in calculated emissions below the target threshold." (Findings 93). Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2); See *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). The EIR must be recirculated to include mandatory mitigation measures for air quality impacts and must calculate whether these measures will reduce impacts below significance thresholds.

The mitigation measures are also unenforceable because many use the passive voice, making it unclear who, if anyone, is responsible for implementing the measures. For example, the Findings set forth the following mitigation measure, "If it is determined that the effectiveness of reduction measures has been overestimated, then additional reduction measures must be implemented." (Findings 93). The use of the passive voice leaves unclear who must implement the unidentified mitigation measures. This uncertain language falls far short of CEQA's requirement that mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2); See *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement).

Third, the EIR improperly relies on mitigation fees without any calculation as to whether these fees will reduce project impacts to below significance. The Findings (93) state, "Alternatively, the project applicant may demonstrate compliance with this mitigation measure, partially or wholly, through off-site measures (i.e., emission reductions not directly associated with the proposed project but funded/implemented by the applicant, such as reducing emissions associated with ski operations) and/or purchase of offset credits identified below." Mitigation fees are not adequate mitigation unless the lead agency can show that the fees will fund a specific mitigation plan that will actually be implemented in its entirety. *Napa Citizens for Honest Gov. v. Bd. Of Supervisors* (2001) 91 CallApp.4th 342 (no evidence that impacts will be mitigated simply by paying a fee); *Anderson First Coal. v. City of Anderson* (2005) 130 Ca.App.4th 1173 (traffic mitigation fee is inadequate because it does not ensure that mitigation measure will actually be implemented); *Kings Co. Farm Bureau v. Hanford* (1990) 221

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Cal.App.3d 692; *California Native Plant Society v. County of El Dorado et al.* (2009) 170 Cal. App. 4th 1026, held that the fee program had to have gone through CEQA review for an agency to say that the payment of the fee alone is adequate CEQA mitigation. "Of course commitment to pay fees without any evidence that mitigation will actually occur is inadequate." *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors, supra*, 87 Cal.App.4th 99, 140; *City of Marina v. Board of Trustees of California State University*, 39 Cal. 4th 341, 365 (Cal. 2006).

Fourth, the Final EIR improperly defers development of mitigation measures. The Findings state, "If it is determined that the effectiveness of reduction measures has been overestimated, then additional reduction measures must be implemented." Findings 93. However, the FEIR improperly defers development of these unknown mitigation measures to a later time after project approval, in violation of CEQA. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94; *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309. There is no way for the public to determine whether these unknown and unidentified mitigation measures will be effective or sufficient. *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, holds deferred mitigation calling for a new water system to be inadequate because the County had not demonstrated feasibility: "And the option to build a water system, which is the only effective mitigation measure that was proposed if it was feasible, was never studied or examined. Thus, the County is improperly deferring the study of whether building such a system is feasible until the significant environmental impact occurs." *Id.* at 1119.

Fifth, the FEIR is also inadequate because the air quality impact was ignored in the Draft EIR, and only discussed in the Final EIR. This is because the DEIR relied on the improper Sacramento Air District thresholds. As a result, the DEIR did not adequately discuss mitigation measures, and the public had no opportunity to review and comment on these measures. This violates CEQA by shortcutting the CEQA process. The California Supreme Court has stated:

the addition of new information to an EIR after the close of the public comment period is not "significant" unless the EIR is changed in a way that (i) 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.

Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1129. In *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043, the court required recirculation of an FEIR that failed to contain a cumulative impacts analysis for which the trial court had issued a writ of mandate. The court noted that:

The cumulative impact analysis contained in the final EID has never been subjected to public review and criticism. If we were to allow the deficient analysis in the draft EID to be bolstered by a document that was never circulated for public comment, we would not only be allowing appellants to follow a procedure which deviated substantially from the

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05-5 (cont)

terms of the writ [of mandate issued by the trial court], but we would be subverting the important public purposes of CEQA. Only at the stage when the draft EID is circulated can the public and outside agencies have the opportunity to analyze a proposal and submit comment. No such right exists upon issuance of a final EID unless the project is substantially modified or new information becomes available. (See Cal.Code Regs., tit. 14, § 15162.) To evaluate the draft EID in conjunction with the final EID in this case would only countenance the practice of releasing a report for public consumption that hedges on important environmental issues while deferring a more detailed analysis to the final EID that is insulated from public review.

Id. at 1052 (emphasis provided). *Friends of the Old Trees v. Department of Forestry & Fire Protection* (1997) 52 Cal.App.4th 1383.

Sixth, the proposed CEQA Findings are fundamentally inadequate because they fail to acknowledge that the Project has significant, unmitigated air quality impacts. First, the Findings once again erroneously reference the 82 lbs/day CEQA significance threshold, rather than the 10 lbs/day PCAPCD threshold. The Findings state (97):

05-6

Because implementation of Mitigation Measure 10-2 would require a program to ensure that the net maximum daily operational levels of ROG and NOX emissions in combination with any project-related construction emissions do not exceed PCAPCD's thresholds of **82 lbs/day**, the project would not result in emission levels that would violate or substantially contribute to a violation of the ambient air quality standards for ozone. Therefore, implementation of Mitigation Measure 10-2 would reduce this impact to less-than-significant level.

Thus, the ultimate CEQA finding ignores the proper 10 lbs/day threshold. As discussed above, there is no showing that the mitigation measures are sufficient to reduce Project impacts below 10 lbs/day (or even 82 lbs/day). Thus, the CEQA Finding lacks substantial evidence to support a finding of less than significant impacts. A conclusory statement that mitigation measures will reduce air impacts to less than significant is not sufficient to comply with CEQA – particularly when that statement is based on the wrong significance threshold. *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222 1224. It is critical for CEQA findings to acknowledge significant unmitigated impacts. “There is a sort of grand design in CEQA: Projects which significantly affect the environment can go forward, but only after the elected decision makers have their noses rubbed in those environmental effects, and vote to go forward anyway.” *Woodward Park v. Fresno* (2007) 150 Cal. App. 4th 683, 720, quoting, *Vedanta Society of So. California v. California Quartet, Ltd.* (2000) 84 Cal.App.4th 517, 530. The proposed Findings fail to serve this fundamental purpose by failing to acknowledge the Project's significant unmitigated air quality impacts.

A recirculated EIR is required to analyze the Project's air quality impacts under the proper 10 lbs/day PCAPCD CEQA threshold, and to propose adoption of all feasible mitigation measures in a mandatory, enforceable form.

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D. CEQA Findings are Inadequate Because They Fail to Discuss Whether the Project Creates Job Opportunities for Highly Trained Workers.

The EIR concludes that the Project will have significant, unmitigated environmental impacts. As a result, the County will need to adopt a statement of overriding considerations. Under CEQA, when an agency approves a project with significant environmental impacts that will not be fully mitigated, it must adopt a “statement of overriding considerations” finding that, because of the project’s overriding benefits, it is approving the project despite its environmental harm. 14 Cal.Code Regs. §15043; Pub. Res. Code §21081(B); *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222.

A statement of overriding considerations must be supported by substantial evidence in the record. 14 Cal.Code Regs. §15093(b); *Sierra Club v. Contra Costa Co.* (1992) 10 Cal.App.4th 1212, 1223). The agency must make “a fully informed and publicly disclosed” decision that “specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.” 14 Cal.Code Regs. §15043(b). As with all findings, the agency must present an explanation to supply the logical steps between the ultimate finding and the facts in the record. *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515. Key among the findings that the lead agency must make is that:

“Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for **highly trained workers**, make infeasible the mitigation measures or alternatives identified in the environmental impact report...[and that those] benefits of the project outweigh the significant effects on the environment.”

Pub. Res. Code §21081(a)(3), (b).

Thus, the County must make specific findings, supported by substantial evidence, concerning both the environmental impacts of the Project, and the economic benefits including “the provision of employment opportunities for highly trained workers”. The EIR and its supporting documents fail to provide substantial evidence to support a statement of overriding considerations. While the EIR concludes that the Project will create jobs, it does not discuss whether those jobs are “employment opportunities for highly trained workers.” In other words, the EIR does not discuss whether the Project creates “good jobs” for “highly trained workers,” or low quality jobs for unskilled workers. This is a key requirement of CEQA and the EIR fails in this regard.

In short, the County cannot find that the economic benefits of the Project outweigh the environmental costs if it does not know what the economic benefits will be. A revised EIR is required to provide this information.

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05-7

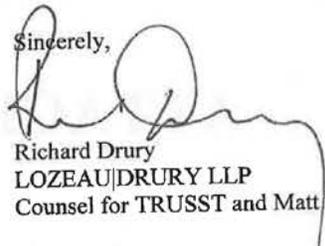
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05-8

CONCLUSION

For the foregoing reasons, TRUSST believes the Village at Squaw Valley Specific Plan Final EIR is inaccurate and misleading. TRUSST urges the Placer County Planning Commission to make the above changes, and recirculate a revised DEIR to the public for review. Thank you for your attention to these comments.

Sincerely,



Richard Drury
LOZEAU|DRURY LLP
Counsel for TRUSST and Matt Gauger

Enclosures: Comments of Daniel T. Smith, P.E.

ATTACHMENT 1



SMITH ENGINEERING & MANAGEMENT

May 17, 2016

Mr. Richard Drury
Lozeau Drury
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Village At Squaw Valley Specific Plan EIR

Dear Mr. Drury:

05-9

At your request, I have reviewed the Draft Environmental Impact Report (the "DEIR"), the public review comments thereon and the responses to those comments in the matter of the Village At Squaw Valley Specific Plan (the "Project"). My review is in specific relation to the adequacy of the traffic and transportation baseline data that constitutes the foundation for all analyses of traffic and transportation impacts. My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 47 years professional consulting engineering practice in the traffic and transportation industry. I have both prepared and performed adequacy reviews of numerous transportation and circulation sections of environmental impact reports prepared under the California Environmental Quality Act (CEQA). In addition, since 1970 my family has owned a condominium at Tahoe City that we regularly enjoy during the ski season as well as at other times of the year. Consequently, I have had the opportunity to observe the variation of traffic in the vicinity of Squaw Valley over 46 ski seasons and to become keenly aware of the interplay between snow quality and the intensity of traffic. My professional resume is attached.

Findings of my review are summarized below.

The Justification for Using Traffic Counts from the 2011-2012 Ski Season as a Baseline Is Flawed

Several commenters on the DEIR suggest that traffic data from the 2011-2012 ski season is unrepresentative of a typical ski season because of the snow conditions that occurred in that year. Since everything flows from the baseline, having a reasonable baseline is of critical importance. The FEIR response uses a flawed statistical analysis

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May 17, 2016
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big ski weekends when they would normally be full are a direct testimony to the fact that traffic in the study area was not normal during the drought ski seasons including that of 2011-2012.

For all of these reasons, I conclude that using 2011-2012 as the baseline for traffic impacts substantially underestimates project impacts.

Conclusion

05-9
(contin.)

Obviously, demonstrating that traffic counts from the 2011-2012 ski season constitute a reasonable baseline for assessment of the traffic impacts of the Project is a complex matter that the explanation in the FEIR response does not come close to addressing satisfactorily. Moreover, on the face of it, 2011-2012 counts would ordinarily be considered quite stale by traffic engineering professionals. Using 2011-2012 traffic data as the baseline is not consistent with the good faith effort to disclose impact that CEQA demands.

The baseline for traffic impacts should be a normal snowfall year such as 2015-2016 with normal economic conditions. The EIR should be revised to analyze traffic impacts in light of the normal 2015-2016 season.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

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Mr. Richard Drury
 May 17, 2016
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Bachelor of Science, Engineering and Applied Science, Yale University, 1967
 Master of Science, Transportation Planning, University of California, Berkeley, 1968

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California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
 California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present, President.
 DKS Associates, 1979 to 1993, Founder, Vice President, Principal Transportation Engineer.
 De Leuw, Cather & Company, 1968 to 1979, Senior Transportation Planner.
 Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-50N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-50 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-580 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tazman Corridor LRT AA/EIS, Fremont-Warm Springs HART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in-charge for transportation element of City of Los Angeles General Plan Framework, shaping nation's largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million sq ft office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million sq ft of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million sq ft multi-use complex for EMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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05 Lozeau Drury LLP for
Tahoe Residents United for Sustainable Squaw Tourism
Richard Drury, Council for TRUSST and Matt Gauger
August 10, 2016

- 05-1 This introductory comment provides a summary of the project, applicable regulations, and case law. Further, the comment identifies perceived deficiencies in the EIR analysis and recommends revision of the DEIR. See responses to the specific comments below.
- 05-2 The comment asserts that the 2015-2016 season should have been used as the baseline setting. See responses to comment letter I4 in this document. Note that the commenter cites the CEQA Guidelines pertaining to environmental setting and baseline, that the setting represents the year the environmental analysis is commenced and this will normally constitute the baseline. This is the exact approach this EIR took: the baseline is the year the environmental analysis was commenced. Moreover, the analysis focused on the addition of project traffic to the 5th busiest day of that season. Examination of days that represent relative peak conditions, but not the most peak of conditions, is common for traffic studies addressing seasonal-influenced projects. For example, traffic analyses for shopping centers typically use one of the busier days during the Christmas season as representative. However, using the busiest day—those unique dates when unusual peaks occur—is neither common nor advisable. Traffic congestion is a convenience issue to those experiencing congestion. Other issues can occur, such as the ability to respond to emergencies (this is addressed in other responses in the FEIR), but paramount to most people is the inconvenience and annoyance of waiting in a line of traffic. This has been used, like in this EIR, to define environmental impacts. If the busiest day, or one of the few busiest days, are used to determine traffic impacts and related mitigation, then roadway improvements would be required to address circumstances that occur for one or two hours on 1 to 2 percent of the days of the year, in order to make travel more convenient. See also the portion of the FEIR Master Response regarding traffic, beginning on page 3-28 of the FEIR pertaining to use of the 2011-2012 ski season data, which details why use of traffic data from the 2011-2012 ski season data is appropriate. Notably, while overall skier visits were somewhat lower than average for the entire 2011-2012 ski season, peak visitation periods were representative of other ski seasons and the fifth busiest ski day of the 2011-2012 ski season was actually somewhat busier than the fifth busiest ski day of the other two seasons for which traffic data was available.
- Because the EIR relied on peak conditions and followed CEQA Guidelines, the analysis is adequate, as further explained in response to comment letter I4, in this document.
- 05-3 The comment suggests that the DEIR is required to be recirculated because an updated baseline condition represents “significant new information” that has been added to the EIR. See the Master Response pertaining to why recirculation is not required beginning on page 3-109 of the FEIR. Also see response to comment 05-2 and responses to comment letter I4 in this document.
- 05-4 The comment reiterates previously submitted comments on the DEIR regarding the adequacy of the project’s water supply. In particular, the commenter summarizes comments previously provided by Matthew Hagemann, certified hydrogeologist with SWAPE, on the DEIR. For responses to these comments, see responses to comments O12a-1 through O12a-11 in the FEIR. The analysis in the DEIR was based on several years of data, including several droughts. Substantial analysis was conducted in preparation of the FEIR, which included

analysis of additional drought conditions for water years 2012 through 2014 that followed preparation of the DEIR analysis. The commenter states the analysis could lead to a reduced impression of water use and a decrease in traffic due to reduced snowfall. The EIR attempts to account for this potential. However, the commenter's statement that use of the most recent record, in both cases, was "cherry picking" of data is inaccurate and does not reflect the EIR record. Concerns regarding water supply, including the potential for drought, are discussed extensively in the FEIR (see the Master Response regarding water supply, on pages 3-2 to 3-18). Also, see response to comment O6-7 in this document as well as response to comment letter O6.10 in this document.

The comment does not provide any new information regarding the content or analysis in the EIR or identify specific deficiencies in the responses in the FEIR. Therefore, no further response is provided here. Also, see the Master Response regarding recirculation in the FEIR.

O5-5 As described in FEIR response to comment L2-2, the threshold of significance was revised in the FEIR for cumulative impacts, reducing the threshold used in the DEIR of 82 lbs/day to 10 lbs/day for criteria pollutants. Unlike many air districts in California, the Placer County APCD has used a lower threshold for cumulative impacts than for project impacts. The APCD has recently established new guidelines, now in draft form, that set construction emissions at the 82 lb/day limit for all pollutants, and project and cumulative emissions at the same level, 55 lbs/day for criteria pollutants and 82 lbs/day for particulates (PM₁₀). See <https://www.placer.ca.gov/departments/air/landuseceqa/ceqathresholds>. These are draft thresholds. The project will be required to comply with the thresholds in place at the time Small Lot Tentative Maps are submitted, but the FEIR establishes mitigation based on 10 lbs/day for criteria pollutants, the APCD's currently adopted threshold.

Mitigation is based on meeting the adopted thresholds, including the 10 lb/day cumulative threshold and includes a menu of options, with a reporting, verification and approval requirement involving Placer County and the APCD; see pages 10-17 and 10-18 of the DEIR. The measures allow for adaptability, so long as the threshold target is met. Payment of offset fees, if needed, is one of the menu items, and would be implemented if emissions are above threshold limits. The payment would be to Placer County APCD as part of its adopted off-site mitigation program, which is used to fund programs that would result in equivalent reductions of criteria pollutants needed to reach targets (e.g., replacing old water pumps, retiring old vehicles, etc.) Allowing this level of adaptability is appropriate given the buildout timeline considered in this plan, the dynamic nature of the regulatory environment around this issue, and additional project approvals for subsequent development. The comment does not explain why these mitigation measures would be ineffective and, as clearly explained herein and in the FEIR, the contention that the EIR ignores the Placer County APCD cumulative impact threshold is false. None of the conditions requiring recirculation of an EIR result from these considerations (see also the Master Response regarding recirculation, beginning on page 3-109 of the FEIR).

O5-6 As clarified in the FEIR, Mitigation Measure 10-2 is designed to reduce the project's operational emissions of ROG or NOx to less than PCAPCD's project-level threshold of 82 lbs/day and to less than PCAPCD's cumulative threshold of 10 lbs/day. Mitigation Measure 10-2 was revised in the FEIR to read, in part:

Mitigation measures for reducing operational emissions of ozone precursors were developed using PCAPCD guidance (PCAPCD 2012:C-1 through C-2) and mitigation guidance published by the California Air Pollution Control Officers Association (CAPCOA 2010) and the California Attorney General's Office (2010). The Lake Tahoe Sustainability Collaborative's Sustainability Action Plan was also reviewed for mitigation options as it includes multiple emission reduction measures that are well-

suiting to the climate and development patterns in the Sierra Nevada (Lake Tahoe Sustainability Collaborative 2013:4-1 through 4-37).

Prior to recordation of each Small Lot Final Map, the project applicant shall prepare, to the satisfaction of Placer County Planning Services Division and PCAPCD, a chart or table with supporting analysis, which demonstrates that construction and operation of the proposed phase, combined with emissions from all past approved phases, will not result in ROG or NOX emissions in excess of 10 lbs/day.

The commenter does not provide substantial, compelling evidence that the proposed mitigation would not be able to achieve the threshold and reduce the impact to a less-than-significant level. As stated above, the adaptability provided in this mitigation strategy is appropriate given the buildout timeline considered in this plan, the dynamic nature of the regulatory environment around this issue, and additional project approvals for subsequent development.

- 05-7 This comment provides regulatory background regarding approval of project for which an EIR identifies significant effects. In doing so, the comment quotes Section 21081 of the Public Resources Code, which cites a variety of factors that can be used to override significant effects in approving a project. As cited in CEQA and in the comment, factors may include economic, legal, social, technological, “or other considerations, including the provision of employment opportunities for highly trained workers” (emphasis added) as reasons that mitigation measures or alternatives could be considered infeasible. Thus, employment opportunities are one of the potential choices to override a significant impact, but the list of factors includes the word “or”, meaning that any or all of the overriding factors can be considered, but not necessarily all. There is no requirement that a project provide employment opportunities for highly trained workers as an overriding consideration, but this can (but need not) be cited as a factor.
- 05-8 This comment reiterates recommendations to revise and recirculate the DEIR. For the reasons identified in responses to comments 05-2 through 05-7, County staff does not agree that recirculation is required.
- 05-9 See responses to comment letter I4 in this document.



Sierra Watch
408 Broad Street #12
Nevada City, CA 95959

August 2, 2016

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



Dear Commissioners:

Please accept the attached comments on the *Village at Squaw Valley Specific Plan Final Environmental Impact Report* (FEIR).

06-1

For reasons spelled in detail in the attached letter, the FEIR is inadequate under state law. Instead of correcting the flaws of the Draft EIR, the Final EIR furthers a fatal approach to environmental assessment and fails to live up to the most basic requirement of the California Environmental Quality Act: to inform decision makers and the public about what this massive project would mean to Squaw Valley, to North Lake Tahoe, and beyond.

Approval of the Squaw Valley Village Specific Plan would therefore not only be irresponsible but, also, illegal.

In order to ensure that planning in Squaw Valley can provide a responsible vision for the region *and* satisfies the requirements of state law, Sierra Watch urges the Planning Commission to follow the County's Squaw Valley Municipal Advisory Council and recommend that Placer County *deny* the project outright.

The FEIR, as is made clear in the attached letter, provides ample reason to do so.

Our comment letter was prepared by the law firm of Shute, Mihaly & Weinberger. Their conclusions are the result of extensive research by a team of experts in law, planning, hydrology, wildlife biology, transportation, and related fields. The team carefully reviewed the proposed plan, consulted local expertise, scrutinized related case law, and

investigated the claims of the FEIR. Once again, their findings are clear: the FEIR fails to comply with fundamental requirements of the *California Environmental Quality Act* (CEQA). For example:

- The FEIR repeatedly attempts to avoid detailed analysis and, instead, kick the can down the road by falsely rationalizing limited analysis as appropriate for a “Program EIR”. It’s a misguided attempt to absolve the County of its decision-making responsibilities and pass the buck of actual environmental assessment.
- The FEIR mistakenly ignores the proposed development’s impacts on Lake Tahoe, condescending to remind that the project lies “outside of the defined Basin” but failing to own up to the impacts that would occur *inside* the Tahoe Basin – many stemming from the 1,353 new daily car trips the project would pump into Tahoe City’s traffic mess.
- The FEIR downplays the project’s potential impact on Squaw Valley’s limited water supplies and on the water quality in the Truckee River watershed by projecting historic hydrology into an era of climate change and relying upon groundwater modeling that assumes, among other problems, that groundwater can percolate through buildings and parking lots.
- The FEIR fails to own up to how much traffic the project would add to our crowded roads and highways, pretending that limited parking will deter skiers to travel to Squaw Valley (which is not happening so far) and claiming, incredibly, that the massive indoor water park, designed to draw 300,000 visitors annually, would generate almost no traffic – only 19 trips on peak afternoons.
- The FEIR does acknowledge the disastrous impossibility of leaving Squaw Valley in the event of wildfire, estimating it would take 10.7 hours to evacuate at full capacity but, amazingly, claiming that “this does not necessarily generate a safety risk.”
- The FEIR avoids the full impact of noise – especially over the estimated 25 years it would take to construct the massive project.
- The project would provide employee housing for only a small percentage of its employees, adding 550 new employees seeking limited supplies of housing elsewhere in the region, but the FEIR downplays the project’s impact on the region’s affordable housing crisis.
- The EIR introduced two new components of the project: a new location for the massive 165,000-gallon “propane farms” and ill-defined tanks holding sewage, but the FEIR failed to assess what those components of the project would mean to water quality, safety, or odors, in Squaw Valley.

06-1
(2015)

The FEIR continues to ignore the Project's inconsistency with, among others, County General Plan Policies 1.G.1 allowing expansion of ski areas only where existing transportation systems are adequate and environmental impacts can be adequately mitigated and 3.A.7 and 3.A.8 requiring the maintenance of a functioning local and regional transportation networks.

A FEIR is not a magic wand that KSL Capital Partners and the County can wave over Squaw Valley and make traffic, Tahoe, and infrastructure constraints disappear. Environmental review is a serious responsibility, to ourselves and to future generations, mandated by state law, to be thorough in assessment and informed in decision-making.

*2/6/17
(cont)*

This FEIR does neither. Approval of the project under its flawed review would therefore violate not only CEQA but, also, the California Planning and Zoning Law and the Subdivision Map Act.

Sierra Watch believes that best way to ensure legality of future land use approvals and, more importantly, a sound vision for the future of Squaw Valley, is to deny the project outright. We ask that the Planning Commission advise Placer County to do just that.

Again, thank you for the opportunity to participate in the public planning process.

Sincerely,



Tom Mooers
Executive Director

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August 2, 2016

Via FedEx

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

Re: Village at Squaw Valley Specific Plan Final Environmental
Impact Report

Dear Commissioners:

06-1
(cont)

This firm represents Sierra Watch in connection with the Village at Squaw Valley Specific Plan (the "Project" or the "VSVSP") and its associated Environmental Impact Report ("EIR"). Our client is deeply concerned about the far-ranging environmental impacts that would result from the proposed Project.

After carefully reviewing the Final EIR ("FEIR"), we have concluded that it fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq.* The FEIR follows a similarly inadequate Draft Environmental Impact Report ("DEIR"). Our letter of July 16, 2015 on the DEIR is by this reference incorporated herein in its entirety, including all attachments. In that letter we described many substantive flaws in the DEIR's analysis.

The FEIR neither adequately responds to comments previously raised nor cures the legal inadequacies identified by those comments. Rather than revise the EIR to comprehensively analyze, for example, the Project's impacts on water, traffic, emergency response, Lake Tahoe and its clarity, noise or visual resources, the FEIR merely seeks to defend the erroneous assertions and conclusions of the prior document. Where the EIR does add analysis or make changes to the Project, it fails to acknowledge the significance of the changes or recirculate the document. Additionally, the FEIR fails to adopt feasible mitigation measures identified by comments. Although we identified several clearly feasible measures to reduce, for example, the Project's significant and purportedly unavoidable transportation impacts, the FEIR rejects the vast majority of these measures.

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Notably, the FEIR repeatedly attempts to justify the DEIR's analysis as appropriate for a "program EIR," claiming that this label frees it from the obligation to perform detailed, site-specific analysis of the Project's impacts. As explained below, this is incorrect. Squaw Valley Real Estate, LLC is asking the County to approve not only a Specific Plan and rezoning, but also a large lot subdivision and a development agreement. Together, these approvals would irrevocably commit the County to the developer's specific resort plan. Regardless of the label, the EIR remains inadequate as an informational document when it fails to conduct a thorough analysis of all of the Project components' environmental impacts.

06-1
(cont)

In addition to the EIR's CEQA violations, the Project demonstrates a disturbing disregard for the Placer County General Plan and the Squaw Valley General Plan and Land Use Ordinance. Both plans include provisions developed to protect the environment and human health and well-being. Although the applicant proposes to amend these plans, the amendments would only serve to undermine the integrity of the County's planning efforts. Thus, because the Project conflicts with several fundamental planning provisions so as to result in significant environmental impacts, and because the County has failed to adequately identify these conflicts in the EIR, approval of the Project would violate not just CEQA, but also the California Planning and Zoning Law, Government Code § 65000 et seq., and the Subdivision Map Act, Government Code §§ 66473.5, 66474 et seq.

At a more fundamental level, it is important to point out that the proposed Project represents a reckless disregard for the environment and the Olympic Valley community. In addition to Sierra Watch, numerous agencies, residents, and organizations such as the League to Save Lake Tahoe, Center for Biological Diversity, Sierra Club, Mountain Area Preservation, Friends of the West Shore, and the Friends of Squaw Valley have weighed in on the merits of the Project explaining that its benefits would be outweighed by the environmental impacts. The Squaw Valley Municipal Advisory Council ("MAC") appears to agree with this assessment. At its May 14, 2016 meeting, the MAC recommended that the Project be denied and that "serious consideration be given to the project at a level approximately 50% of what is currently proposed." Sierra Watch also urges the County to reject this ill-conceived Project.

The remainder of this letter explains how the FEIR perpetuates the failings of the DEIR. We will not here reiterate our comments in full. Instead, we detail below some of the FEIR's more egregious shortcomings.

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I. THE FEIR FAILS TO COMPLY WITH CEQA.

A. The FEIR Fails to Correct the DEIR's Incomplete Description of the Project and the Project Setting.

1. The EIR's Description of the Project Components and their Impacts Is Inappropriate for this Project.

In our previous letter, we detailed the failings of the DEIR's description of the Project, including the failure to adequately disclose details regarding numerous Project components, concluding that its lack of detail rippled through the document's impact analyses. Without a sufficiently detailed Project description, including all of the Project's components, we explained, the impact analyses were too vague and deferred much meaningful analysis and mitigation until later phases of the Project. The FEIR's oft-repeated response to this concern is that the EIR provides "enough detail to conduct a programmatic analysis." *E.g.*, FEIR at 3.2.4-469. In other words, the EIR asserts that because it is meant to be a "program" EIR, it has no obligation to describe the Project fully, nor to adequately analyze its impacts.

This claim cannot justify the EIR's approach. Here, the County is considering detailed approvals, including of a subdivision map and a development agreement, that would irrevocably determine and entitle essential aspects of the Project. CEQA requires a thorough analysis of reasonably anticipated impacts of the entire project; it does not permit an EIR to analyze only the general impacts of a conceptual plan when an agency is considering approval of a specific project. *See Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182.

The label attached to an EIR—"programmatic" or "project-level," "first-tier" or "second-tier"—is unimportant. The "real issue is *when*" there must be detailed, site-specific analysis of all of a project's environmental impacts. *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 743. And the answer to that question, of course, is that environmental impacts must be specifically identified and mitigated at the earliest possible date, in order to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

That time is right now. The proposal before the County is, on its face, a project to build a specific resort, with specific elements, in a specific location. The County is now considering a Specific Plan, which includes an illustrative concept plan

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calling for the creation of 1,643 bedrooms, 297,733 square feet of commercial, and other land uses, along with a re-zoning and approval of large-lot tentative subdivision map, as well as a development agreement that would lock in development for decades. DEIR at 3-10, 3-39. The development plans are incredibly detailed at this stage. For example, its at the level of setting forth the number of bowling lanes (30), and the styles of dormers (gable, hipped, or shed). The EIR nonetheless defers a significant amount of analysis. This is unacceptable.

The “tiering” concept cannot save the EIR’s approach. A general, first-tier program-level EIR is appropriate for a (typically long-range) planning or policy document, such as a general plan for a city or county, a long-range development plan for a university campus, or an overarching master plan for future uses of a large infrastructure facility like a port. *See, e.g., Al Larson*, 18 Cal.App.4th 729 (master plan for port); *Save the Sunset Strip Coalition v. City of West Hollywood* (2001) 87 Cal.App.4th 1172 (general plan). These plans identify overarching policies and *types* of future projects, as well as *general areas* where such projects might be built. They do not make commitments to concrete, specific development projects. Analyzing such plans at a broad level, concentrating on the impacts that are common to all the individual future projects, makes sense.

The actions before the County now, however, are nothing like these planning documents. The Board’s approval would make an irrevocable commitment to very precise levels and types of development. This is a specific project, and requires a full, detailed EIR. A generalized, “programmatically” analysis that glosses over project components is entirely inappropriate for the approval of this project. When a precise site has been delineated and specific facilities are in the works, the lead agency has a statutory mandate to produce a “detailed statement setting forth ... [a]ll significant effects on the environment of the proposed project.” Pub. Res. Code § 21100(b)(1).

The specific plans for Squaw Valley Resort are unquestionably the type of “particularly described facets” that were also at issue in *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 203. There, the court found that the county’s amendment of its general plan to include a plan for Diablo Mountain resort, was itself a “project,” thus requiring a specific, project-level analysis of the significant environmental effects of that project. *Id.* at 202. Here, Placer County is even farther along: it is processing an application for a specific plan, development agreement, and large-lot tentative subdivision map for the Project. But Placer County, like Stanislaus County in *Stanislaus Natural Heritage Project*, has produced a “program” EIR that is chock full of deferred

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analysis and mitigation and does not sufficiently analyze the long-term environmental impacts of the envisioned final project.

CEQA's promise is that the environmental consequences of a development of this magnitude will be "considered before, not after, [the decision to approve the project] is made." *Id.* at 196. Analysis of the known and reasonably foreseeable environmental impacts of the entire project is fundamental to informed decision-making. *Id.* at 199. Whatever the title on the EIR's cover, the document must fully define the "project." It is crucial to provide sufficient meaningful information up front about the reasonably foreseeable effects of the final project, and options for mitigation, otherwise the public and decision-makers have no way of knowing exactly what they are approving. *Id.* at 202, 206.

The County must not pretend that the "project" at issue today is merely a broad conceptual plan. The project before the Board is the entire Village at Squaw Valley Resort. Once the current approvals are granted, the Project is effectively a done deal. CEQA therefore demands that its impacts be fully analyzed before these approvals. The Court of Appeal has expressly held it inappropriate to defer analysis of the environmental impacts of a project until after the adoption of a "plan calling for the project to be built." *Id.* at 200. Once such a plan is adopted, the project surely follows, and it is too late for meaningful environmental review.

CEQA requires analysis of each project component and impact, as well a complete description of the project setting, to the extent information is known or can be reasonably ascertained. The EIR's failure to do so are outlined in Sierra Watch's and others comments on the DEIR, and in the pages that follow. To take but a few examples, the EIR still fails to (1) describe vital Project elements such as those necessary to handle the sewage generated by the Project, and (2) adequately describe the existing setting, such as by refusing to undertake the appropriate sensitive habitat, species, and wetlands surveys—surveys the EIR has admitted are possible to do now, based on the information currently available about the Project. *See infra*, Parts I.B(2) & (12).

Thorough environmental analysis is especially important now, because as our comments on the DEIR noted, it is clear that in-depth environmental review in the future is highly unlikely. While the FEIR claims there would be a "process" for later determination of whether further environmental review is required (FEIR at 3.2.4-467), approval of the development agreement would control implementation of the Project and create an entitlement that forecloses the County from disapproving any of the Project's components contained therein. While the County has thus far not provided a copy of the

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06-3
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development agreement or description of its contents for public review, at a minimum one can assume that it would entitle the applicant to all the components in the Specific Plan. Failing to openly reveal the full extent of entitlements certainly does not excuse a failure to analyze them.

2. The FEIR Cannot Justify the Improper Piecemealing of the Project.

In our comments on the DEIR, we explained that the Project was inappropriately being reviewed separately from connected projects, including the proposed base-to-base gondola connecting Squaw Valley and Alpine Meadows, and the water supply project to serve Squaw Valley. The FEIR claims that these two endeavors are entirely independent from the VSVSP. This is incorrect.

06-3

Regarding the gondola, the FEIR claims it is “independent from” the Village. FEIR at 3.2.4-472. Yet, the Project applicant, who owns both Squaw Valley and Alpine Meadows ski resorts, has openly touted the gondola as part of its grand vision to connect the two resorts. *See, e.g.*, Exhibits 1 & 2 (Sacramento Bee Article and Squaw Valley Magazine). Indeed, in its gondola proposal, Squaw Valley Ski Holdings states the purpose of the gondola is to allow lodging guests and visitors at the Village at Squaw Valley “to have lift-served access to Alpine adding tremendous depth and adventure to their skiing day.” Exhibit 3 at p. 3. The proposal even cites a survey where “36 percent of respondents said they were likely to begin their day by parking at Squaw to access Alpine during their day.” *Id.* Conversely, visitors to Alpine “would have ready access to the terrain and amenities at Squaw.” *Id.*; *see also* Exhibit 4 at p. 4 (Placer County NOP for Gondola Project) & Exhibit 5 at p. 2 (USFS Notice of Proposed Action).

Where currently visitors either choose one resort or the other, or take a limited shuttle service between the two, the increased lodging and amenities proposed for Squaw would no doubt both tax the terrain at Squaw and also attract more visitors from Alpine, where amenities are more scarce. Exhibit 5 at p. 2 (USFS Proposed Action Description). Thus, it is clear even to the casual observer that a primary purpose of the gondola is to provide the vast new population generated by the Project convenient access to/from the additional terrain at Alpine Meadows, as well as to provide a convenient means for Alpine users to access the Project’s amenities at Squaw. Contrary to the FEIR’s assertions, the financial incentives for the gondola would be little to none without the Project. It is certainly not a coincidence that the gondola, which is a long-time “dream” of the applicant, is now being proposed at the exact same time as the Project. Exhibit 4.

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The FEIR also claims that the gondola “was not [] reasonably foreseeable” at the time the DEIR was prepared for the Project. FEIR at 3.2.4-473. This argument strains credulity. The gondola is proposed by the *same applicant and owner* as the Project. The applicant/owner knew full well of its contemporaneous plan to propose both the Village development and the gondola to connect that development to its sister ski resort at Alpine Meadows. Indeed, the plan for the gondola connection was announced in the Alpine Meadows Master plan in March 2015, several months before the release of the DEIR. See Exhibit 6 (Alpine Meadows Master Plan).

06-3
(cont)

With respect to the additional water supply project (Project 60, the pipeline to Martis Valley), the FEIR merely repeats that there is enough water in the aquifer and therefore Project 60 is not necessary for the Project. FEIR at 3.2.4-473. Sierra Watch disagrees with this assessment. (See *infra*, Part I.B(1)). But in any event, the FEIR admits that Project 60 would serve the Project as a “supplemental water supply for emergency backup.” FEIR at 3.2.4-473. There is no evidence that such a “backup” supply would be needed but for the Project’s massive new development. It is also not a coincidence that this supplemental water is being sought out in conjunction with the Project.

Both common sense and the evidence dictates that the Project applicant has an overarching plan to connect and combine its two resorts into one mega-resort via the gondola. The County must analyze this overarching plan in one document. Similarly, the County must analyze the water supply (be it the main supply or a supplemental supply) for the Project in the same document. The failure to do so results in piecemealed environmental documents that do not have the ability to look holistically at the overall project’s environmental impacts, or ways to reduce or avoid those impacts.

3. The FEIR Fails to Correct the Lack of Detail Regarding the Project’s Unique Setting Near the Tahoe Basin.

06-4

Sierra Watch and numerous other commenters alerted the County that the DEIR failed to evaluate the unique environmental setting of the Project, including the fact that its impacts would spill over to the Tahoe Basin. See, e.g., FEIR at 3.2.4-345 (SMW comment no. 09-18). As explained, the Tahoe Basin is an area of “statewide, regional, or areawide significance” under CEQA. *Id.* (citing CEQA Guidelines § 15206(b)(4)(A)). The Basin also has an environmental carrying capacity (*i.e.*, a point at which Lake Tahoe and the Basin no longer sustain the environmental attributes that make it an area of statewide and regional significance), which is reflected in thresholds set by the Tahoe Regional Planning Agency (“TRPA”).

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The FEIR continues to give short shrift to the unique setting posed by the Basin, essentially giving a “not my problem” response to comments concerning the issue:

The proposed project is outside of the defined Basin. TRPA does not have jurisdiction over projects outside of the Basin; thus, lead agencies such as Placer County are not required to apply TRPA’s threshold standards as part of their consideration of a proposed project located outside the Basin, or evaluate the ability of TRPA to meet the thresholds.

FEIR at 3.1.15-86. While the Project boundaries may be outside of the Basin, as the EIR admits, the Project’s impacts extend to within the Basin. Thus, the unique environmental setting of the Basin, including TRPA’s thresholds, is very much an issue that the EIR must address.

While Placer County has some discretion over the thresholds the EIR employs, those thresholds may not be used to ignore or obscure environmental impacts. *See Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109. Moreover, those impacts must “be considered in the full environmental context” (CEQA Guidelines § 15125(c)), which includes the unique environmental setting of the Tahoe Basin. *See, e.g., Friends of Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 874 (EIR invalid because incomplete environmental setting “fail[ed] to set the stage for a discussion” of the project’s environmental impacts).

Here, the EIR’s failure to take into account the Basin’s environmental carrying capacity resulted in an underestimation of the Project’s impacts on this treasured resource and, also, a failure to analyze or adopt appropriate mitigation or alternatives to help avoid these impacts. For example, while the DEIR admitted that the Project would cause significant and unavoidable traffic impacts in the Tahoe Basin on SR 28 east of SR 89 (DEIR at 9-59), the DEIR failed to provide an overall estimate of the additional vehicle miles travelled (VMT) in the Basin that would result from the Project. This is important because TRPA’s environmental carrying capacity calls for a VMT threshold of 10% below 1981 levels (or 2,067,600). FEIR at 3-25. The FEIR attempts to provide the VMT analysis, calculating that the Project would generate 23,842 VMT in the Basin under summer peak conditions. *Id.* This estimate was based on an assumption that 41%

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of the Project's trips would travel to the Basin.¹ *Id.* The FEIR claims that even with Project-generated VMT, the VMT in the Basin would be less than the threshold (equaling a total of 2,008,442). *Id.* However, the FEIR fails to identify or analyze the Project's *cumulative* impacts to VMT in the Basin, when viewed in conjunction with the many other projects currently planned for the area (such as Martis Valley West) – or the potential for town-centered development *within* the Basin, as called for in the TRPA Regional Plan Update. Given that there is only a remaining 59,158 VMT before the threshold is met, this is a critical issue. Using up 40% of the Basin's remaining VMT for one project indicates a significant impact that must be analyzed in the EIR.

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(cont.)

Additionally, the FEIR briefly acknowledges the Project, which would generate an estimated 1,353 daily trips to the Basin, would far exceed TRPA's 200 daily trip threshold. FEIR at 3.2.X-4 (TRPA comment letter); 3.2.X-7 (response to TRPA comment letter). However, the FEIR cursorily concludes that it need not utilize TRPA's thresholds or required mitigation because the Project site is located outside the Basin. *Id.* Although the project may be located outside of the Basin, the traffic the Project would generate would clearly not stay in one place; much of that traffic would be located inside the Basin.

The Project's large VMT and daily trip generation thus result in a significant impact to the unique environment of the Basin that must be analyzed and mitigated, regardless of jurisdictional boundaries. Viewed in a different way, if new projects just outside of the Basin were allowed to ignore TRPA thresholds, they could easily cumulatively result in an exceedance of the environmental carrying capacity of the Basin without ever identifying this as a significant impact or requiring mitigation. This would not only degrade the environment of a treasured resource,² it would also preclude any new development or much needed redevelopment within the Basin itself.

¹ We believe this is an underestimation as studies show that a majority of visitors to the Project area also visit attractions in the Basin. *See, e.g.*, DEIR comment letter by Friends of West Shore.

² Increased VMT and vehicle trips not only affect traffic and air quality, they also impact the water quality/clarity of the Lake as fine sediments generated by roadway traffic accounts for a significant portion of the sediments in the Lake. *See* Fugitive Dust Emissions from Paved Road Travel in the Lake Tahoe Basin, available at: <http://www.2ndnaturellc.com/wp-content/uploads/2013/07/Fugitive-Dust-Emissions->

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4. The FEIR Fails to Support the EIR's Occupancy Assumptions.

016-16
 Sierra Watch and others commented that the DEIR was not transparent as to the occupancy rates used for each analysis and appeared to underestimate occupancy by using only a 55% occupancy rate for various impacts. The FEIR acknowledges, as it must, that correct occupancy assumptions are important to an adequate environmental analysis. For example, the FEIR concedes that if the EIR had used full occupancy that "would mean the environmental impacts tied to occupancy would be calculated to be much higher than the DEIR determined they would be. Full occupancy would mean the project would operate with 80% higher occupancy than the DEIR assumed on an annualized basis." FEIR at 3.68. Yet, the FEIR still remains unclear as to all of the impacts that are impacted by this analysis. The FEIR mentions only GHG impacts and "utilities." For utilities, the FEIR focuses exclusively on water supply. The FEIR fails to mention all relevant issues for utilities, such as sewage capacity and propane storage and use, nor does it mention other impacts that may be impacted by occupancy rates, such as employees, population, and housing impacts.

Further, the FEIR continues to rely on outdated occupancy surveys. The FEIR claims comments failed to supply other evidence about higher occupancy rates. Sierra Watch and others commented that entire purpose of the Project is to increase occupancy. The EIR must evaluate the intended uses of the Project, regardless of historic rates. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655, 657. In any event, Placer County has released more recent occupancy data, which reports an annual average of 70%-73% occupancy for resorts/hotels in Squaw Valley from 2012-2014. Exhibit 8 (Hearing Report: Economic Development Incentives for North Lake Tahoe Town Centers, prepared for Placer County) at p. A5, Table A-3. Additionally, a 2013 environmental study for the Embassy Suites Lake Tahoe Resort indicates that resort maintained an average occupancy rate of 68%. Exhibit 9 (*Behavior and Social Issues*, 22, 21-39 (2013) by Emily Leeming, David Hansen, Mark Alavosius & Daniel Reimer.) at p. 24. Although this resort is in South Lake Tahoe, it provides numerous services and amenities to attract return visitors (*id.*), and is thus similar to the proposed Project. Thus, occupancy data suggests that the estimate utilized in the FEIR is far too low, especially given the Project's purpose.

from-Paved-Road-Travel-in-the-Lake-Tahoe-Basin1.pdf; accessed June 7, 2016, attached hereto as Exhibit 7.

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B. The EIR's Analysis of and Mitigation for the Impacts of the Proposed Project Remain Inadequate.

1. The FEIR Does Not Remedy the DEIR's Failure to Adequately Analyze and Mitigate the Project's Impacts on Water Supply, Hydrology, and Water Quality.

016-7
 Sierra Watch, the Lahontan Regional Water Quality Control Board, the Squaw Valley Public Service District, Squaw Valley Mutual Water Company, and others pointed out numerous failures in the analysis and mitigation of Project impacts on hydrology. As explained in this letter and the attached Review of Final Environmental Impact Report for the Village at Squaw Valley Specific Plan by Tom Myers, Ph.D. ("Myers Report"), attached as Exhibit 10 and incorporated herein by reference, many issues remain unresolved by evasive, conclusory, and incomplete responses to comments in the FEIR. This failure renders the analysis and proposed mitigation insufficient to support responsible, legal, decision-making under CEQA.

As explained in Sierra Watch's DEIR comments, *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431 sets forth the rigorous standards an EIR must meet when analyzing water supply impacts for long-range plans. These obligations include identifying an adequate source of water for the construction and operation of the entire project and analyzing the environmental impacts of utilizing that water source. Vineyard further points out that "future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative and unrealistic allocations ('paper water') are insufficient bases for decision-making under CEQA." *Id.* at 432. This determination must be supported by substantial evidence. "Finally, where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies." *Id.*

As explained below, the EIR cannot satisfy any of Vineyard's requirements. Unrealistic assumptions concerning groundwater recharge and fundamental mischaracterizations of the environmental and regulatory context prevent the EIR from showing that identified supplies bear a real likelihood of proving available. And, despite the fact that the local water district is concurrently pursuing a project to construct an 8-mile pipeline to tap groundwater in a different basin, the EIR steadfastly refuses to discuss or analyze the impacts of pursuing alternative supplies. In the unlikely event that that local groundwater is fully available, the analysis of the environmental

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consequences of the necessary pumping is so crude as to be meaningless. Finally, in an attempt to minimize the damage caused by the reckless decision-making that would be enabled by this EIR, the County's proposed mitigation measures attempt to improperly impose the burden of monitoring and mitigation on the local water agency, and are furthermore so vague and weak as to be ineffective in preventing significant environmental impacts. In order to support responsible and legal decision-making, the EIR must be amended to cure these defects and recirculated for a new public comment period.

a. The EIR Fails to Describe the Relevant Environmental and Regulatory Context.

06-7
(cont.)

CEQA is clear that "the EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context." Guidelines § 15121(c) (emphasis added). While a full description of the physical environment is universally important, courts have explicitly recognized the importance of clearly defining the environmental setting for water supply due to the interconnected nature of rivers, groundwater, and our engineered water delivery systems, and the complex web of laws and regulations managing this precious resource. Thus, the Court of Appeal in *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 875 invalidated an EIR that narrowly focused on the direct water source for a proposed project and failed to acknowledge a potential curtailment in a connected river system. Here, the EIR remains fatally flawed for its failure to meaningfully analyze either the full environmental or regulatory context of pumping from the Olympic Valley Groundwater Basin.

Chief among these failures is the EIR's conclusory and wholly inadequate discussion of changing climatic conditions in the Project Area. CEQA requires that an EIR provide "a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." Guidelines § 15125(a). That climate change is occurring, and the manner in which it is proceeding, are essential elements of the baseline physical conditions that must be described in an EIR if it is to support informed decision-making and meet basic legal requirements. Although the EIR here acknowledges that climate change is happening, the modeling upon which the analyses of water supply availability and hydrologically driven environmental impacts are based ignores this undisputed fact.

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If one is willing and able to search through thousands of pages of the EIR and supporting appendices, it is possible to piece together a general description of the threat climate change poses to water supply in California. For example, the EIR analysis of greenhouse gases and climate change correctly acknowledges that climate change could result in up to a 40% reduction in spring Sierra snowpack by 2050, and “modifications to the timing, amount, and form (rain vs. snow) of precipitation; changes in the timing and amount of runoff; [and] reduced water supply.” DEIR at 16-2, 16-20. What this description of general conditions lacks is any application of what these projections mean for the Project area. This is particularly problematic as even a cursory examination shows that local impacts are likely to be much more severe than stated. Department of Water Resources analyses indicate that northern Sierra peaks, like Squaw Valley and the Tahoe region, are relatively lower in elevation than the southern Sierra, and are therefore expected to bear the brunt of climate change driven snowpack reductions. See Exhibit 11 (Cal. Department of Water Resources, California Climate Science and Data for Water Resources Management (June 2015), at 7).

*D6-7
(cont)*

The inexplicably incomplete treatment of climate change in the July 22, 2015 Village at Squaw Valley Water Supply Assessment Update, upon which the analysis of water supply and pumping impacts in the EIR relies, cannot cure this defect. This analysis candidly acknowledges a robust body of scientific literature on expected local impacts of climate change, stating that “there would be increasingly more precipitation as rain and less as snow, and earlier snowmelt and runoff,” and that in Squaw Valley, “the changing volume and timing of snowmelt has the potential to result in lower groundwater elevations, reduced base flow to streams, and less available groundwater supply.” WSA Update at 7-1. It even goes so far as to acknowledge quantitative estimates of an average 20.6% reduction in critical spring runoff in the San Joaquin River basin project. *Id.* Setting aside for the moment that the Olympic Valley Groundwater Basin relies on lower elevation peaks, which would experience even greater snowpack reductions as per the DWR projections, these figures provide a starting point to meaningfully analyze how climate change would interact with proposed groundwater pumping.

Unfortunately, the disclosure of the central role that climate change plays in state, regional, and local water supply (buried in an appendix and separate chapter of the EIR) is followed by an unsupported, inconsistent, and conclusory dismissal of any climate change impacts to water supply or hydrology in the Olympic Groundwater Basin. Amazingly, in reaching the conclusion that the Project would have significant impacts related to climate change, Chapter 16 of the EIR includes no discussion of the

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implications of a changing climate on water supply or pumping impacts. The WSA Update and Final EIR do not adequately correct this error, relying on a comparison of annual water demand to total annual available recharge to conclude that “future climate change variation could easily be accommodated.” WSA Update at 7-2; see also FEIR at 3-16. This, despite also stating, correctly, that “total annual recharge . . . is not the sole factor in groundwater supply availability” and that “changes to the timing of precipitation and runoff could affect the available supply.” WSA Update at 7-2.

*8/6-7
(cont.)*

In order to support the informed decisionmaking that CEQA requires, the WSA must analyze the implications of climate change for groundwater supply by simulating the changed precipitation and runoff regimes predicted by climate science. Instead, the WSA Update asserts, without providing any evidence, that “[climatic] changes could also affect the use and visitation patterns in Squaw Valley and therefore also change the associated water demand volumes and timings.” Id. Thus, the WSA improperly concludes that there is not enough information “to reasonably predict the effects of climate change on water supply availability.” Id. The FEIR follows suit, asserting, in seemingly willful blindness to the fine grained modeling used by DWR and others, that “more detailed quantitative analysis of the specific effects of climate change on Olympic Valley groundwater conditions without specific information on how climate change will affect specific precipitation patterns in Squaw Valley would be speculative, unsubstantiated, and uncertain.” FEIR at 3-17.

The result of the EIR’s failure to consider the true environmental context is that no actual analysis of how climate change would affect assessment of either water supply or environmental impacts was performed. Instead, predictions about future water supply availability and pumping impacts (out to 2045) are based on historic levels of precipitation, and assumptions concerning snowmelt timing are based on historic monthly average temperatures. Squaw Valley Groundwater Model 2015 Update (July 6, 2015), at 2. And beyond 2045, the date when Project buildout would be complete, no analysis of the impact of continued operation is performed at all. Given what we know about our changing climate, this is precisely the kind of “[a]rgument, speculation, unsubstantiated opinion or narrative” that “shall not constitute substantial evidence” under CEQA. CEQA Guidelines § 15384. Such a disregard for known climate science is irresponsible when analyzing an issue as critically important as water supply, especially in a time of drought and changing climactic conditions.

The omission of any discussion of climate change in the EIR’s analysis of hydrology and water quality, and the conclusory and unsubstantiated analysis of the resilience of the aquifer to expected climate change hydrology, buried in an appendix to

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the EIR and responses to comments, presents a woefully incomplete environmental context and prevents the EIR from any meaningful analysis of the security of water supplies or the environmental impacts of proposed pumping.

The EIR's description of the regulatory context suffers from a similarly crabbed and myopic view. The Olympic Valley Groundwater Basin is currently managed under a set of rules and regulations governing groundwater that is based on an anachronistic understanding of local hydrology. This permissive regulatory regime is intended for groundwater resources that are, broadly speaking, unbounded and do not flow in discernible patterns and channels. It does not require appropriative water right permits for the development of new water resources and would allow for the extraction of large amounts of water without meaningful oversight from the Water Resources Control Board's Water Rights Division.

In contrast, the Olympic Valley Groundwater Basin functions as subterranean stream where groundwater flows through a defined relatively impermeable subsurface channel. See FEIR at 3.2.4-204 (comment No. 08a-78-79). Thus, according to clear legal precedent established by *North Gualala Water Co. v. State Water Res. Control Board* (2006) 139 Cal.App.4th 1577, the development of groundwater in Olympic Valley should rightly be subject to appropriative water right permits from the Water Resources Control Board. Accordingly, the State currently has the authority to assert jurisdiction over local water resources.

The EIR flatly dismisses the risk to the availability of water supplies that the disconnect between hydrological reality and the current management regime presents. It is not sufficient to dismiss the risk simply because nobody has yet asked the State to make an official determination about the existence of a subterranean stream in Olympic Valley. If threats to water supply due to overdevelopment become more imminent, the likelihood of such a request from other water users will only increase. See *Siskiyou County Farm Bureau v. Department of Fish & Wildlife* (2015) 237 Cal.App.4th 875. Should the State assert jurisdiction, there is no guarantee that the Project would receive rights in sufficient quantity, or of high enough priority, to meet projected future demands.

This regulatory risk is compounded by the EIR's misapplication of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub. L. No. 101-618, Title II [Nov. 16, 1990]) and Truckee River Operating Agreement ("TROA") that, as of January 5, 2016, allocate and regulate the waters of the Truckee River Watershed. The accurate classification of the Olympic Valley Groundwater Basin as a subterranean stream would result in the development of water supplies in the Basin being counted

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against California's 10,000 acre-foot per year allocation of surface water, rather than the far more generous 40,000 acre-foot per year total allocation. As growth continues throughout the region, and California approaches this hard limit, TROA poses an additional threat to the use of water for condo-hotel highrises and a massive indoor water park that this Project proposes. The EIR fails to analyze or acknowledge the very real threat this poses to the availability future water rights.

b. The FEIR's Analysis of Impacts to Hydrology and Water Quality Remains Flawed.

The FEIR has failed to correct crucial errors in the DEIR's analysis of hydrology and water quality impacts. Unsupported assertions regarding the absence of environmental impacts, unrealistic assumptions concerning the volume, distribution, and timing of groundwater recharge, improperly low projected water demands, and unexplained modeling results must still be corrected.

i. The EIR's Groundwater Modeling Is Flawed Due to Unrealistic and Unsupported Assumptions, and a Design that Produces Unexplainable Results.

Even an otherwise sound groundwater model will produce invalid results when unreasonable assumptions are made about key inputs. As in the case of the modeling used for determining water supply and environmental impacts, there are serious questions concerning model design and assumptions regarding key inputs like Project occupancy and the amount, timing, and distribution of groundwater recharge.

This letter will focus on two of the most egregious areas of concern regarding model design. The first is the use of pilot point methodology to calibrate the conductivity of the aquifer, a key measure of how easily water can move underground from one location to another. This allows the model to predict how pumping groundwater in one location will influence water levels in another, and is essential to make valid predictions concerning both sufficiency of supply and environmental impacts. As Dr. Myers observed in comments on the DEIR and again in his most recent technical memorandum, the conductivity patterns modeled in the aquifer are unlike anything found in nature. FEIR at 3.2.4-184-185 (comment no 08a-60g); Exhibit 10 at 10.

The second serious flaw is that, despite repeated requests for this information, the modeling contains no information concerning how closely the simulations match observed groundwater flows. Instead the model relies on a

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comparison of predicted and observed groundwater levels to validate its results. The problem, as Dr. Myers points out, is that “groundwater levels could be matched perfectly for a vast range of flows just by changing the conductivity values.” Exhibit 10 at 11. Essentially, the modelers can adjust assumed conductivity of the aquifer to achieve a variety of results concerning groundwater levels.

The combination of conductivity patterns that do not occur in nature with a calibration technique in which conductivity is allowed to vary so long as other groundwater levels validate casts serious doubt on the model design. Theoretically, this combination could allow a model to produce targeted groundwater levels by assuming unrealistic and unfounded conductivity values throughout the aquifer, a result that the unnatural conductivity patterns suggests. Dr. Myers states simply, “the model report is not sufficient to provide the reader with confidence in the ability of the model to replicate existing conditions.” Exhibit 10 at 11.

06-7
(cont.)

In addition to problems of model design, flawed assumptions about Project demand and groundwater recharge are unaddressed by the EIR. To start, Project demand could dramatically exceed projections. Groundwater supply modeling assumes that, on average, nearly 45% the Project would be unoccupied during the course of a calendar year. WSA Update, Table 1. This rate was based on a survey of Squaw Valley properties from 2008-2014, which would be a reasonable method if this time period represented expected conditions. Instead, it is defined by a historically poor series of snow years and, despite contentions made in response to our comments that the recession ended in 2009, the weakest economy since the great depression. See Clark, Milcs, Is Tahoe broken? (January 23, 2015), attached as Exhibit 12; Center on Budget & Policy Priorities, Chart Book: The Legacy of the Great Recession (July 13, 2016), attached as Exhibit 13. Either factor alone would be expected to drive down occupancy at a ski resort—together, they render these surveys wildly inconsistent with occupancy rates and associated water demands that can be reasonably expected should the Project achieve its stated objective to transform Squaw Valley into a world-class four-season resort destination. Indeed, as discussed above (*supra*, Part I.A(4)), more recent data suggests analogous occupancy rates much higher than used in the EIR.

Rather than update its analysis to reflect two more years of data, the FEIR doubles down on the supposed reasonableness of its occupancy assumptions. Bizarrely, the industry-wide data that it claims supports the reasonableness of its 55% occupancy assumption actually demonstrates precisely why more conservative assumptions are necessary. That survey data shows that a neighboring Squaw Valley property, the Red Wolf Lodge, had occupancy rates ranging from 75% to 100%. Industrywide occupancy

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rates reached 61.6% when the economy was booming. FEIR at 3-67. These data points are discarded in favor of an analysis of a “comparable properties group” that only exceeded their assumed average annual occupancy rate once during the survey period. FEIR at 3-70. Although “comparable properties” are not defined in the EIR, it is safe to assume that this criteria includes pricepoint because the EIR dismisses the Red Wolf Lodge properties because they are “relatively inexpensive” at the \$300/night price point. See Exhibit 14 (a basic room for two adults for the weekend of July 22, 2016 started at \$309/night). The problem with this analysis is that, despite even its best intentions to operate a luxury, world-class resort, Squaw Valley Real Estate or any future owner is not bound by this Project proposal to a specific business plan or price point. As a result, the EIR must analyze reasonably foreseeable occupancy rates, like those experienced by comparably positioned and located properties in Squaw Valley, including the Red Wolf Lodge, and those discussed above (*supra*, Part I.A(4)).

06-7
(cont.)

While the EIR underestimates how much water would be pumped from below the aquifer, it makes unfounded assumptions about the location, amount, and timing of available groundwater that minimize the environmental harms of pumping. The most obvious error concerns the EIR’s absurd assumption that recharge zone 9—characterized by the impervious parking lots, buildings, and walkways of existing development—would provide 60% of the recharge absorbed in undeveloped areas of the aquifer. This is a result that qualified experts characterize as “impossible.” See Exhibit 10 at 4. Because the new wells are proposed for the area directly beneath this recharge zone, the error makes it seem as if more water would be available for pumping, precisely where it is needed, than would actually occur. The result is to improperly underestimate impacts to the adjacent creek and meadow.

In addition to assuming that water can percolate through buildings and parking lots, the modeling simulates 5.6 times more recharge in the western portion of the aquifer than previous iterations. Exhibit 10 at 5. This massive increase in recharge makes it seem as if much more water would be available to meet pumping demands and streamflows, and causes the EIR to substantially underestimate environmental impacts due to groundwater drawdown. Exhibit 10 at 5. The reason for increased recharge is unaddressed in any of the environmental documents. Exhibit 10 at 5.

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ii. **The FEIR's Analysis of the Environmental Impacts of Pumping on Squaw Creek and the Associated Meadow Are Not Supported by Substantial Evidence.**

CEQA requires that the determination of the significance of environmental impacts be based on substantial evidence, or "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion." CEQA Guidelines § 15384.

06-8
 Here, biological impacts to fish in Squaw Creek and vegetation in the associated meadow are analyzed in a technical memorandum by Garcia and Associates. Chad Taylor, one of the principal authors of the report, explained during testimony at the Squaw Valley Public Service District that they "used results from the [EIR's groundwater] model to predict changes in streamflow in future scenarios as compared to baseline conditions." Taylor, Chad, Squaw Valley Public Service District Board of Directors Meeting Minutes #803, p. 5 (July 28, 2015), attached as Exhibit 15.

Every expert, including the authors of the report, agree that the groundwater model is an inaccurate way to estimating streamflow impacts. The independent review commissioned by Sierra Watch found that "the DEIR does not estimate flow into or from Squaw Creek along its reach because the model was not calibrated to do so." Exhibit 1 in our letter of July 16, 2015 on the DEIR at 16. This assessment was echoed by Derek Williams, the hydrologist who built the groundwater model Garcia and Associates rely upon. He stated flatly, that "the model is not calibrated or designed for streamflow impacts." Exhibit 15 at 5. Even Mr. Taylor acknowledged that "the model does not very accurately address stream or surface flows." Exhibit 15 at 5. To make matters worse, revisions to the water supply analysis that analyzed higher occupancy rates and greater Project water demand, discussed above, were not replicated in the study of environmental impacts. FEIR at 3-70.

Because the analysis relied on assumed occupancy rates below even those used by the WSA and groundwater modeling that is inapplicable to streamflows in Squaw Creek, the Garcia and Associates analysis underestimated associated biological impacts.

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iii. The EIR's Other Water-Related Impacts Analyses Remains Flawed.

06-9

The EIR continues to lack information necessary to evaluate the impacts from dewatering of construction sites. We commented that the EIR must describe what “dewatering” of construction sites entails and provided a list of necessary information. FEIR at 3.2.4-375 - 76 (comment no. 09-96). However, the FEIR provided further information only about which sites would require dewatering. See FEIR at 3.2.4-237 (response no. 08a-36). It did not provide explanation of other important issues that we identified, including how much water would likely be pumped, how dewatering would be conducted, or how frequently dewatering would occur during the construction process. Accordingly, the County’s response is incomplete, and the EIR continues to leave important questions necessary to understanding the Project’s impacts unanswered.

Further, the fact that Mitigation Measure 13-2b requires a dewatering plan and describes the plan’s elements does not replace the need for disclosure of impacts from dewatering, as the County claims. See *id.* (citing DEIR at 13-51). While the mitigation measure does list the required elements of the plan generally—such as, that the plan must identify “the frequency and estimated volume and rate of discharge,” DEIR at 13-51—the measure provides no information about what dewatering would actually look like, or what its impacts would be. Thus, the information provided in the mitigation measure is insufficient to disclose the actual impacts of dewatering and cannot be relied on to cure the shortcomings in the impacts analysis. See, e.g., Pub. Res. Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment . . .”).

We also commented that the DEIR’s impacts analysis was inadequate because it improperly relies on permitting requirements to disclose impacts. Specifically, the DEIR’s statement that the stream water bypass diversions and dewatering would be subject to a NPDES permit and a CDFW streambed alteration agreement does nothing to disclose the Project’s impacts. FEIR at 3.2.4-376 (comment no. 09-97). In response, the County directs the reader to descriptions of a NPDES permit and a streambed alteration agreement, in various sections of the DEIR. FEIR at 3.2.4-193 (response no. 09-97). However, these permit descriptions do not describe what would happen on the ground for this particular Project. First, the description of the statewide NPDES General Construction Permit and the generic requirements for a pollution prevention plan under that permit does not explain how the particular plan that would be adopted for the Project here would lessen the impacts of the particular diversions and dewatering planned for the

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Project. See DEIR at 13-33. Even worse, for the streambed alteration agreement, the EIR merely discloses that such an agreement is necessary, but does not provide any explanation whatsoever of what the terms of the agreement would, or even could, be. See DEIR at 6-30.

06-9 (cont)

The FEIR also fails to provide any more information regarding surface water diversions and dewatering of streams to support its less-than-significant finding. See FEIR at 3.2.4-376 (comment no. 09-97). As we explained in our comments on the DEIR, requiring compliance with regulations and permitting requirements does not conclusively establish that impacts would be less than significant. See *id.* An EIR must contain more in support of such a finding. But here, the County's response simply repeats that the permits and mitigation measures for other significant impacts would ensure impacts from streambed alteration and dewatering are less than significant. FEIR at 3.2.4-194 (response no. 09-97). This does not correct the DEIR's error in relying on other agencies' permitting regulations to excuse itself from a full impacts analysis. See, e.g., *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716.

In our comments, we also warned that the DEIR's evaluation of the impacts of groundwater pumping on interactions between groundwater and surface water was flawed. FEIR at 3.2.4-376 (comment no. 09-98). First, as we explain above, this analysis remains inadequate because it relies on groundwater modelling that is based on improper assumptions and questionable design, which were not corrected in the FEIR.

06-10

Next, we commented that the EIR's modelling should have been calibrated to estimate flow into and from Squaw Creek, for which Dr. Myers explained there was sufficient data. FEIR at 3.2.4-376 (comment no. 09-98). In response, the County claims it did not have sufficient data to make this calibration because there exists no data for the first twelve years of the modelling period. FEIR at 3.2.4-240 (response no. 08a-47). However, as Dr. Myers explains in his evaluation of the FEIR, data from the entire period of record are not necessary to make the calibration; one year of data is sufficient, and those data exist. Exhibit 10 at 7-8.

Also, the FEIR does not correct the shortcomings of the hydrographs in Exhibits 12-23 – 13-27 in the DEIR. As Dr. Myers explains in his letter, the graphs fail to disclose information necessary to an impacts analysis, focusing more on groundwater depth than important temporal issues:

[The graphs indicate that] the time water level is below the stream bottom is less for baseline conditions. The increase in time the stream is dry [under

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06-10
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Project conditions] is more important than the actual level below the stream bottom because once the stream is dry the depth to water is not important. The FEIR fails to analyze the increased time the stream is dry. Because drying occurs annually, the changes are increases in time the stream is dry. The best analysis would be a statistical comparison among scenarios.

Exhibit 10 at 11. Additionally, the FEIR did not provide any water-level graphs for areas away from the streams, thereby ignoring any impacts related to drawdown under riparian and wet meadow areas. *Id.*

06-11

Finally, we commented that the DEIR was inadequate because it did not disclose impacts to Truckee River water quality. FEIR at 3.2.4-378 (comment no. 09-104). In response, the County directs the reader to response to comment number 09-56. FEIR at 3.2.4-495 (response no. 09-104). However, this response discusses only Truckee River streamflow. See DEIR at 3.2.4-478 – 79 (response no. 09-56). The only mention of water quality in that response is in relation to the conclusion that decline in streamflow in the Truckee River related to the Project would not itself cause a significant water quality impact. This does not respond to our comment that increased sedimentation in Squaw Creek cause by the Project may increase sediment and thus impact water quality in the Truckee River— independent of any reduction in streamflow. The EIR must analyze this potentially significant impact.

c. Mitigation Measures Proposed in the FEIR Do Not Ensure that Significant Impacts from Groundwater Pumping Will Be Avoided.

06-12

In our comments on the DEIR, we pointed out that proposed mitigation measures 6-1c and 13-4, intended to prevent potentially significant environmental impacts from groundwater pumping, were flawed, improperly deferred mitigation to a later date, and relied upon criteria unrelated to environmental impacts. FEIR at 3.2.4-359 (comment Nos. 09-50 – 09-52). In response, the FEIR significantly modifies mitigation measure 6-1c. Unfortunately, the proposed changes are not sufficient to correct the measure’s inadequacies.

Mitigation is improperly deferred when conditions triggering mitigation allow a lead or responsible agency to make determinations about the significance of an impact after granting project approvals, and outside an arena where public officials are accountable. *Madera Oversight Coalition v. County of Madera* (2013) 199 Cal.App.4th 48, 81-82. In *Madera*, the court found that mitigation intended to protect archeological

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resources from destruction were improperly deferred because it called for a qualified archeologist to evaluate and verify the significance of these resources when they were encountered during the course of the proposed development. *Id.* at 71.

06-12
(cont.)

Here, like in Madera, the EIR identifies a potentially significant impact: “induced groundwater reduction (nearest the wells) that could result in loss or degradation of meadow habitat . . . would be a potentially significant impact.” DEIR at 6-45. Unfortunately, the proposed mitigation designed to guard against this impact, measure 6-1c, improperly defers mitigation by conditioning any actions on a subsequent determination that groundwater pumping would, in fact, significantly impact the meadow. Specifically, it requires that corrective action be taken only if monitoring and surveys, conducted by the applicant, “indicate that riparian and/or wet meadow vegetation is being lost and/or degraded at levels that could impair the viability and value of the wet meadow and/or riparian habitat, and that change is correlated with lowered groundwater levels as indicated by monitoring wells and pumping data.” FEIR at 2-17. Not only are these standards impermissibly vague and ill-defined, the measure includes no provisions for public oversight or involvement in these determinations. Thus, it represents precisely the same kind of impermissible, unaccountable subsequent verification of environmental impacts prohibited in Madera, and fails to protect either meadow vegetation from environmental harm, or the EIR from legal inadequacy.

Further, the County cannot rely on the Squaw Valley Public Service District (“SVPSD”), an entity that neither they nor the applicant have authority over, to mitigate the impacts of groundwater pumping to a point of insignificance. As the SVPSD points out in written comments on the FEIR, this reliance is improper as it is “effectively placing the responsibility of the viability of the vegetation along Squaw Creek on the District.” Geary, Mike. RE: Specific Comments on Final EIR -- Village at Squaw Valley Specific Plan (May 6, 2016) at p. 3, attached as Exhibit 16. The letter points out the major flaw in this plan, namely that the “responsibility to successfully implement mitigation must be the duty assigned to the project proponent and not the Squaw Valley PSD.” *Id.* Considering the expense and controversy that would be associated with modifying system-wide pumping operations, an action that would impact all of SVPSD’s customers, its reluctance to assume this responsibility is justified. Even should SVPSD welcome the task (and it does not), it is reasonable to doubt the ability of a small public service district to independently curtail water deliveries based on a set of unenforceably vague and subjective standards.

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d. The EIR Still Lacks An Analysis of Cumulative Impacts to Truckee River Water Quality.

06-13

Finally, the FEIR does not correct the DEIR’s failure to consider the Project’s contribution to cumulative impacts on water quality in the Truckee River. See FEIR at 3.2.4-380 (comment no. 09-113). In response, the County, as before, directs the reader to its response to comment number 09-56. FEIR at 3.2.4-497 (response no. 09-113). However, as we explained, this response does not discuss cumulative impacts to water quality from increased sedimentation—it considers only reduction of streamflow. See FEIR at 3.2.4-478 – 79 (response no. 09-56). As such, this analysis remains incomplete.

2. The EIR’s Analysis and Mitigation of the Project’s Impacts on Biological Resources Remain Inadequate.

06-14

a. The EIR Continues to Improperly Rely on Future Mitigation to Avoid Providing a Description of the Project’s Existing Setting.

Despite our detailed comments explaining the inadequacies in the DEIR’s biological resources analysis, the FEIR has not corrected many of these issues. For example, we explained that the DEIR’s description of the environmental setting for biological resources was legally inadequate because it failed to include surveys for sensitive habitats and species, including a completed wetlands delineation. FEIR at 3.2.4-362, -363-64, -368 (comments nos. 09-57 – 09-59, 09-62 – 09-64, 09-66, 09-76). In response, the County attempts to excuse its incomplete description of the area’s biota by labeling the EIR a “programmatic” document. FEIR at 3.2.4-480 (response no. 09-59). As we explained above, the County cannot evade the detailed analysis required by CEQA merely by declaring the document “programmatic”—it is the nature of the project that matters. And here, the nature of the Project calls for a more specific description of the environmental setting than the EIR provides. *See supra*, Part I.A(1).

Programmatic EIRs may contain more general information when there are unknown details of future actions. *See id.* Here, this is not the case, despite the County’s claims to the contrary. *See id.*; *see also* FEIR at 3.2.4-481 (response no. 09-60). Rather, this Project proposes entitlements that would ensure development of a pre-defined resort at a designated location. Indeed, the County admits elsewhere in its responses to comments that “the applicant team is beginning to collect further detailed information on baseline conditions in Squaw Creek to assist, in part, with developing specific design and

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execution elements of future monitoring and restoration activities.” FEIR at 3.2.4-480 (response no. 09-58). The FEIR does not explain why the surveys—being conducted now, before the Project is further developed—could not have been conducted prior to release of the EIR.

06-14
(cont.)

The County points to these ongoing surveys—along with mitigation measures that require surveys to be conducted before construction happens—in defense of its failure to provide complete information on the Project’s environmental setting. See FEIR at 3.2.4-482 – 83 (responses nos. 09-61 – 09-64), 3.2.4-276 (response no. 08b-13). This is not sufficient. The public and decision-makers need this information now to evaluate the Project, before the County commits itself to a course of action. See *Citizens of Goleta Valley*, 52 Cal.3d at 564. As we explained in our DEIR comment letter, CEQA does not allow after-the-fact studies as “mitigation” to substitute for the information necessary to inform the public and conduct informed decision-making. FEIR at 3.2.4-363 (comment no. 09-60) (citing *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307). The County must wait until the applicant has completed full surveys of the Project area’s biological resources, and then include that information in the EIR and use it to analyze the Project’s significant impacts and to develop appropriate mitigation measures—and then recirculate the EIR. To do otherwise violates CEQA.³

b. The FEIR Does Not Correct the DEIR’s Failure to Consider the Ongoing Drought.

06-15

We also commented that the DEIR’s biological resources section did not analyze the Project’s impacts in light of California’s ongoing drought. FEIR at 3.2.4-364 (comment no. 09-65). The County claims we are wrong and asserts that the DEIR “discusse[d] current drought conditions and potential effects on already stressed trees.” FEIR at 3.2.4-483 (response no. 09-65).⁴ In reality, this was not a “discussion” of current drought conditions. The DEIR merely stated, in a section on construction impacts from tree removal, that “[i]n the current drought, already stressed trees from lack of water

³ In its responses to comments, the County misinterprets our comment number 09-60 as being about deferral of mitigation, and it responds according to that misconception. In that comment, however, we criticized the DEIR’s reliance on mitigation to provide the surveys necessary to adequately describe the Project’s environmental setting. See FEIR at 3.2.4-363 (comment no. 09-60).

⁴ The FEIR cites this discussion as occurring on page 6-76 of the DEIR. It is actually on page 6-70.

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would be even more susceptible” to construction-related impacts. DEIR at 6-70. This is the *only* place in the EIR’s biological-resources section where the word “drought” is even mentioned. Nowhere does the EIR discuss drought-related impacts on any other biological resources, like sensitive plant species or riparian wildlife. The County’s comment implying otherwise is disingenuous, and this fatal inadequacy remains.

06-15
 (cont)

c. The FEIR Does Not Correct Numerous Other Inadequacies in the DEIR’s Analysis of Impacts to Biological Resources.

We also commented that the FEIR erred because its “analysis of operational impacts to sensitive habitats [was] ‘limited to the creek bed of Squaw Creek and areas where the creek bed is located less than a foot from the bank.’” FEIR at 3.2.4-364 (comment no. 09-66 (quoting DEIR at 6-42)). Accordingly, as the DEIR admitted, “the data used in [the DEIR’s] analysis does not take into account the meadow vegetation that may be several feet above the creek bed or how the groundwater levels for meadow vegetation away from Squaw Creek might be affected.” DEIR at 6-44. The FEIR does not correct this deficiency, again relying on the County’s claim that labelling the EIR “programmatic” insulates it from conducting an adequate analysis of the Project’s foreseeable impacts. As we have explained, this is not a sufficient basis for avoiding CEQA’s requirement that an EIR contain a complete analysis of all foreseeable impacts.

06-14

Further, the FEIR fails to correct the shortcomings in the DEIR’s analysis of the impacts of groundwater drawdown on sensitive habitat like wetlands and riparian vegetation. Specifically, the FEIR fails to supply the information necessary to such an analysis, including but not limited to disclosure of the duration of critically low levels of groundwater and a map of the areas impacted by such drawdown. *See* Exhibit 10 at 6-7. References to hydrographs are insufficient because the graphs do not directly present frequency/duration information. *See id.*

d. The EIR Still Fails to Adequately Mitigate for the Project’s Significant Impacts to Biological Resources.

While we believe the revisions to Mitigation Measure 6-1c made in the FEIR are a step in the right direction, the measure continues to contain critical flaws. These problems must be corrected to ensure that the measure adequately mitigates for the Project’s groundwater-related impacts to biological resources. First, as noted by SVPSD in its May 6, 2016 comment letter on the FEIR, the responsibility for implementing mitigation must be on the Project applicant, not on another entity. Exhibit 17 (SVPSD

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FEIR Letter at 2). Accordingly, the primary mitigation measure—adjusting SVPSD’s pumping regime to minimize drawdown—cannot be relied on.

SVPSD suggests a reasonable and realistic alternative in its letter. Specifically, if groundwater levels are too low to support riparian or wet meadow vegetation and supplemental irrigation from snowmaking wells is unavailable, the Project applicant must be required to reduce the Project’s water demands so as to provide adequate water for irrigation. This could be achieved by reducing the amount of water used in swimming pools or the indoor water park, which would consume vast quantities of water.

06-17
(cont.)

Other remaining problems with Mitigation Measure 6-1c include the five-year-interval monitoring frequency until 30% occupancy may miss some threshold effects of groundwater drawdown as pumping rates increase. *See* Exhibit 10 at 8. Further, monitoring must continue beyond five years after full buildout until it includes a significant drought period. *See id.*

We also commented that the DEIR did not provide for adequate mitigation of impacts to the yellow warbler and olive-sided flycatcher. *See* FEIR at 3.2.4-371 (comment no. 09-84). The County claims that, because the Project applicant must consult with CDFW if construction would impact these birds’ habitat, impacts would be mitigated. FEIR at 3.2.4-490-91 (response no. 09-84). However, the language of the mitigation measure puts no obligation on the applicant to follow CDFW’s recommendations; it provides only that buffers and operating-period limitations “will be established through consultation with CDFW.” DEIR at 6-57. This is weak mitigation, leaving too much discretion to the applicant.

06-17

Instead, the EIR should require that the applicant apply the buffers and other restrictions, as identified by CDFW. And indeed, the EIR does exactly that for the willow flycatcher in the immediately following paragraphs, requiring that buffers be established “at a distance directed by the appropriate regulatory agency,” and that the buffers may only be “reduced if approved by CDFW.” DEIR at 6-57. The EIR does not explain why the yellow warbler and olive-sided flycatcher do not have the same CDFW-determined protections that the willow flycatcher does. These sensitive bird species should receive the same protective mitigation afforded to the willow flycatcher.

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e. The EIR's Analysis of Cumulative Impacts to Biological Resources Remains Inadequate.

06-18
 The FEIR has also failed to correct the deficiencies in the EIR's analysis of cumulative impacts to biological resources. In our comments on the DEIR, we cautioned that the cumulative impacts analysis must take into account the fact that Sierra Nevada meadows, like those in the Project area, "are some of the most altered, impacted, and at-risk landscapes in the area." FEIR at 3.2.4-373 (comment no. 09-90). Our statement quoted the attached report of our expert, who cited a scholarly article in support of this conclusion. *See id.* Instead of supplying an adequate response to our comment, the County ignores our provided expert opinion and scientific evidence, claiming we supplied no factual data in support of this statement regarding the heavily impacted nature of Sierra Nevada meadows. FEIR at 3.2.4-492 (response no. 09-90). Obviously, this is not true, and the County has failed to respond to this substantive comment.

The County further attempts to downplay the Project's contribution to cumulative impacts by stating that while "[m]eadow habitat may be lost or degraded through construction and operations as a result of the [Project]," that habitat "would not experience a net loss from the project *in the Sierra Nevada.*" FEIR at 3.2.4-299 (response no. 08b-44) (emphasis added). But cumulative impacts are not always experienced on a large scale. The EIR ignores the cumulative impacts caused by more local or regional net loss of meadow habitat, thus failing to provide a complete analysis.

We also commented that the DEIR's cumulative impacts analysis disclaimed any cumulative contribution from the Project to impacts to fish and aquatic species because the EIR provided for mitigation "to reduce these impacts to a less-than-significant level." DEIR at 18-13. As we have explained, a project's less-than-significant direct impacts may nonetheless contribute to a cumulatively significant impact. *See CEQA Guidelines § 15355(b).* So, simply stating that a project's direct impacts will be less-than-significant is insufficient to support a conclusion that the Project's contribution to a cumulative impact would be likewise insignificant.

In response, the County claims that, "[f]or each project specific impact to fish and aquatic resources, the project's contribution to cumulative effects was assessed and a determination was made that the less than significant individual project effects . . . would not make a significant contribution to significant cumulative impacts." FEIR at 3.2.4-493 (response no. 09-91). If the County ever made such an analysis, it did not show its work. In the DEIR's cumulative impacts analysis, there is no evidence that the County made an individual assessment of the Project's potential contribution to

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cumulative impacts, nor does it cite to any. The DEIR merely states that because the direct impacts have been mitigated, the Project's contribution to cumulative impacts will be less-than-significant. DEIR at 18-13. This is—as we have explained—an improper cumulative-effects analysis, and the FEIR has not corrected this serious deficiency.

We also commented that the County must analyze cumulative impacts to fish and aquatic habitats in the Truckee River—not just in Squaw Creek. FEIR at 3.2.4-493 (response no. 09-92). The County, however, claims that the Project would not have an adverse cumulative impact on fish and aquatic habitat in the Truckee River because the Project would have no adverse effect on the Truckee River. FEIR at 3.2.4-493 (response no. 09-92). However—in direct contrast to this claim—the DEIR admits that the Project would have a potentially significant impact on fish and aquatic habitats in the Truckee River water quality during its twenty-five-year construction period, and provides mitigation for these impacts. DEIR at 6-75 – 6-76. However, reducing direct impacts to a less-than-significant level is not a sufficient basis for determining there is no contribution to cumulative impacts. Accordingly, the EIR still lacks an adequate analysis of cumulative impacts to fish and aquatic habitats in the Truckee River.

3. The EIR's Analysis of, and Mitigation for, the Project's Transportation Impacts Remain Inadequate.

Sierra Watch and MRO Engineers identified numerous flaws in the DEIR's analysis of transportation impacts. The response to the vast majority of these comments is lamentably, denial. Indeed, most of the public's concerns about the Project's transportation impacts are rejected out of hand. Our comments remain relevant—and have yet to be adequately addressed. Below, we identify a few of the most egregious examples of the EIR's legal inadequacies.

a. The EIR Substantially Underestimates the Project's Trip Generation.

The EIR uses an unorthodox approach to determining how much traffic the Project would add to area intersections and streets. It bases the Project's trip generation on the amount of parking that would be provided by the Project. DEIR at 3.2.4-332. As the attached MRO Engineers Report explains, such an approach is inconsistent with sound transportation engineering practice and results in a substantial underestimation of the number of trips that would be generated by the Project. See MRO Engineers Report, May 25, 2016, attached as Exhibit 18. The MRO Report states, "there is simply no connection between the number of parking spaces and the volumes of traffic generated

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[by a project].” *Id.* This approach becomes even more suspect because, as we explain below, the Project would provide a grossly insufficient supply of parking.

The FEIR concedes that parking supply is typically not used in the estimation of a project’s trip generation, but claims that when there are “very special circumstances” and a “substantial amount of empirical data” that help explain travel patterns, such an approach is acceptable. FEIR at 3.2.4-332 (response no. 08d-6). Yet, the EIR does not provide any such “empirical data” to support its ill-conceived approach, let alone a substantial amount of data. While the FEIR claims the parking in the Plan area is a closed system that can be controlled by the applicant, as set forth below there is no evidence to support this position. The EIR may not rely on parking supply to calculate the Project’s trip generation because it lacks sufficient evidentiary support and because such an approach substantially underestimates the Project’s environmental impacts including but not limited to traffic, emergency response, air quality, greenhouse gas emissions, and noise.

The EIR’s approach to estimating trip generation for the Project’s indoor water park (called the “Mountain Adventure Center”) is also particularly disingenuous, and as discussed in the MRO Engineers May 25, 2016 Report, erroneous. According to the most recent proposal, the applicant proposes to build a 90,000 square foot indoor water park with roughly the same footprint as a big box store such as a WalMart or Home Depot—and about three times as tall. The indoor water park would include an indoor/outdoor pool system, water slides, indoor rock climbing, a 300-seat movie theater, a 30-lane bowling alley and a multi-generational arcade. The exact number of visitors is a bit unclear but could range from about 300,000 to about 475,000 per year. *See* Exhibit 18 at 3, citing the May 5, 2016 LSC Transportation Consultants memorandum from G. Shaw to C. Hosea, “Additional Information on MAC Trip Generations,” May 5, 2016.

Notwithstanding this massive array of uses and huge number of anticipated visitors, the EIR asserts that the water park would generate almost no traffic (only 19 trips in the afternoon peak hour!). FEIR at 3.2.4-333 (response no. 08d-8). The EIR’s novel approach to trip generation hinges entirely on a memo that purports to assert that “the financial success of a water park depends on a high proportion of guests that are attending as part of a hotel package.” *See* FEIR Appendix E: Mountain Adventure Camp Trip Generation memo page 1 which cites to the *Market Feasibility Study and Financial Analysis report for the Proposed Indoor Water Park and Adventure Center, Squaw Valley Far East Road Olympic Valley, Placer County, California*, prepared by Hotel and Leisure Advisors, July 23, 2013. Despite this statement, we can find no evidence in the record to support this unusual assumption. In fact, the Specific Plan asserts just the

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opposite; the stated purpose of the water park is to serve as a new amenity that draws recreational visitors, which includes day visitors. *See, e.g.*, Specific Plan at 5-31 (stating that Squaw Valley will “promot[e]” use of the indoor water park for day visitors).

Questions relating to the amount of traffic that would be generated by the indoor water park are not esoteric. By the EIR’s own admission, traffic generated by the overall Project would result in gridlock at numerous locations. At the same time, the indoor water park is one of the most controversial components of this Project. For this reason, Sierra Watch is concerned that the applicant is seeking every opportunity to minimize the perceived effect that the Project—and the indoor water park specifically—would have on traffic conditions.

06-19
(Cont.)

It appears highly unrealistic that a massive water park would generate only 19 trips in an afternoon peak hour. Consequently, we requested that MRO Engineers conduct an independent assessment of the trip generation rates identified in the EIR. As the MRO Report explains, the EIR’s indoor water park trip generation estimates included significant errors which, when corrected, would substantially increase the amount of traffic projected to be generated by the indoor water park. *See* Exhibit 18. Specifically, the trip generation estimates were based on erroneous assumptions regarding the size of the indoor water park and the number of hotel package guests. Indeed, MRO determines that the number of daily vehicular trips would be almost three times higher than the number of trips identified in the EIR. *Id.* at 10. Moreover, had the EIR relied on a standard trip generation methodology, such as calculating the number of trips based on the water park’s square footage—as is the common practice—the EIR would have determined that the indoor water park would actually generate 173 trips in the PM peak hour instead of the 19 trips the EIR suggests. *See* MRO Report, Table 4, at pg. 9 (citing the ITE *Trip Generation Manual*, 9th Edition, 2012).

As we explained in our comments on the DEIR, if the applicant intends to base its analysis of the indoor water park’s traffic on the fact that the vast majority (64%⁵) would already be staying at one of Squaw Valley’s lodges, it must condition the Project accordingly. *See* FEIR at 3.2.4-383 (Comment 09-119, footnote number 4). For example, the County could require that the applicant place a limitation on the number of visitors not staying at one of the Squaw Valley lodges to 502 per day (36% of 1394 (the projected attendance per day⁶) = 502). Since the applicant intends to *tightly control* the

⁵ *See* FEIR Appendix E at page 1.

⁶ *See* FEIR Appendix E at page 1.

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attendance at the indoor water park, this condition would not appear to be at all burdensome. See FEIR Appendix E at 3.

06-19
(cont)

b. The EIR’s Analysis of, and Mitigation for, Impacts Relating to Emergency Access is Legally Inadequate.

According to federal officials, stubborn drought conditions and an epidemic of dead and dying trees mean California is facing a potentially catastrophic fire season. See “Spike in dead trees adds to fire danger,” San Francisco Chronicle, May 18, 2016, attached as Exhibit 19. The Project site is particularly at risk since the site and surrounding lands are designated as a *very high fire hazard severity zone*.⁷ DEIR at 15-2 (emphasis added). Access to Squaw Valley is limited by the configuration of the Valley and the Truckee River canyon; there is only one means of ingress and egress (Squaw Valley Road) and a single road (SR 89) that connects Squaw Valley to adjoining communities. *Id.* at 15-13. Numerous residents and three schools are located along or adjacent to Squaw Valley Road. *Id.* at 15-2. Thus, the proposed Project would cause LOS F, i.e., gridlock, along the sole route of ingress for emergency vehicles and egress for Olympic Valley residents and resort visitors attempting to flee in the event of a wildfire or other emergencies such as avalanches. *Id.* at 9-55 – 9-63

06-20

The DEIR includes two significance criteria that are intended to gauge whether the Project would pose a significant risk in terms of emergency response and wildfire evacuation. It states that the Project would result in a significant impact if it would: (1) impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and (2) expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. DEIR at 15-13. The DEIR discussed these impacts in two locations: (1)

⁷ CAL FIRE developed its Fire Hazard Severity Zone maps using a science-based and field tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Many factors are considered, such as fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for the area. There are three hazard zones in the state: moderate, high, and very high. See Fact Sheet: California’s Fire Hazard Severity Zones, California Department of Forestry and Fire Protection Office of the State Fire Marshall, available at: http://www.fire.ca.gov/fire_prevention/downloads/FHSZ_fact_sheet.pdf; accessed April 25, 2016.

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Impact 15-4: Interference with an adopted emergency evacuation plan; and (2) Impact 15-6: Expose people or structures to a significant risk of loss, injury or death from wildfire. For both impact discussions, the DEIR concluded that, with mitigation, the proposed Project would not result in significant impacts by interfering with an adopted emergency response plan, nor would it expose people or structures to an area with a high risk of wildfire. FEIR at 3-21. The FEIR, like the DEIR, fails to adequately analyze these impacts. In addition, the EIR lacks the necessary evidentiary support to ensure that these impacts would actually be mitigated to a less than significant level.

As an initial matter, the EIR fails to include any standards or thresholds for assessing the significance of impacts relating to emergency response and wildfire evacuation. A threshold is a numeric or qualitative level at or below which impacts are normally less than significant. CEQA Guidelines § 15064.7(a); *see also Protect the Historic Amador Waterways*, 116 Cal.App.4th at 1107. This flaw leads to a cascade of other failures: without a threshold, the EIR cannot do its job. Thus, for example, while the DEIR asserted that the Project would not interfere with an adopted emergency evacuation plan, it provided no standard by which to evaluate this impact's significance.

Given the Project's location in a *very high fire severity zone* and the severely constrained vehicular access, our letter requested a thorough evaluation of how the Project would interfere with emergency evacuation and response during a wildfire scenario. We explained that other jurisdictions have modeled such scenarios taking into account the site's topography, fuel loads, atmospheric conditions, and fire intensity. We provided a copy of the Fire Behavior Modeling protocol that San Diego County has used to compute fire danger indices based on the National Fire Danger Rating System. *See San Diego County Guidelines for Determining Wildland Fire and Fire Protection*, submitted under separate cover. The FEIR does not respond to this comment and does not conduct this necessary analysis. Instead, the FEIR punts the entire evaluation until after Project approval.

According to the FEIR, the applicant now intends to prepare an Emergency Preparedness and Evacuation Plan ("EPEP"). *See* FEIR at 2-72. This EPEP is intended to "address the potential risks from wildfire" and will be submitted to the Board of Supervisors when the Board considers Project approval. *Id.* This approach runs contrary to CEQA as environmental review that should happen *before* project approval, with full public input. A plan presented as a *fait accompli* at the time of project approval "will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA." *Sundstrom*,

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202 Cal.App.3d at 307. Moreover, the EIR cannot rely on the preparation of an EPEP to conclude that impacts would be less than significant because it fails to set forth sufficient specific, measurable performance standards for the EPEP that could justify later formulation of mitigation methods targeted to meet those standards.

The FEIR's approach to now require the preparation of the EPEP also demonstrates the inadequacy of the EIR's impact analysis, as the EPEP proposes to include the exact information we explained was necessary to evaluate the Project's impacts. According to the FEIR, the EPEP will include: a description of existing conditions pertaining to wildfire; a discussion of topography, vegetation, climate, fire history, fire hazard severity zones; the capabilities of the SVPSD/SVFD and other resources; emergency planning measures; and an evacuation plan, which will include specific responsibilities for first responders and other agencies that would be involved in emergency evacuation; typical evacuation scenarios; and a coherent road map for which to prepare and guide VSVSP staff in the event of an emergency. FEIR at 2-72.

06-20
(cont.)

Apparently recognizing its legal vulnerability, the FEIR does now disclose the length of time that it would take residents and visitors to evacuate Olympic Valley. The results of this assessment are terrifying. Once the Project is built, it would take about five hours for all vehicles to exit the Olympic Valley. FEIR at 3-22. Upon full buildout in 2040, and assuming cumulative development throughout the region, it would take about 6.6 hours for all vehicles to exit the Valley. *Id.* Under a worst-case full build out scenario, assuming an evacuation is ordered during a period of 100-percent occupancy, and while a large special event is occurring, it is estimated that it could take up to 10.7 hours for every vehicle to leave the Valley. *Id.* As alarming as these lengthy evacuation times are, they do not reveal what these motorists would do once they encounter gridlock on SR 89. Nor does this evacuation scenario provide any indication of how long it would take emergency vehicles to access the scene of the wildfire, e.g., in the wildlands behind the resort.

Despite the fact that Squaw Valley Road would be so gridlocked that it could take anywhere from 5 to 11 hours to vacate Olympic Valley and a similar amount of time for emergency vehicles to access the emergency, the FEIR defies common sense when it asserts that "this does not necessarily generate a safety risk." *Id.* Indeed, the SVPSD's fire chief has asserts just the opposite. He explains that, "people are reluctant to leave and tend to do so at the last minute when emotions are high and conditions are terrible – visibility is obscured by smoke and exiting residents encounter apparatus attempting to access affected areas. It is a chaotic and dangerous situation for everyone involved." See letter from Pete Bansen, SVPSD's Fire Chief, to Placer County Board of

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Supervisors, May 6, 2016, at 2, submitted as Exhibit 17 at 3. By not providing a comprehensive analysis of these risks, the public and decision-makers are kept in the dark as to the inherent danger that would accompany the Project.

Notwithstanding the superficial analysis of the Project's impacts relating to emergency response and wildfire evacuation access, the EIR suggests that the implementation of a few measures would reduce any impacts to less than significant levels. This conclusion is unavailing; the measures simply do not and cannot reduce to insignificance the severe impacts caused by the Project.

06-20
(met)

First, the DEIR relies on a measure (MM 15-4) that calls for the implementation of MM 9-8, which in turn calls for the applicant to prepare a construction traffic management plan. DEIR at 9-67. Similar to other measures in the DEIR, this measure provides neither performance standards nor guidelines, and the items to be included in the construction traffic plan are vague and ineffectual, e.g., "preservation of emergency vehicle access;" and "remov[e] traffic obstructions during emergency evacuation events." *Id.* When a lead agency relies on mitigation measures to find that project impacts will be reduced to a level of insignificance, there must be substantial evidence in the record demonstrating that the measures are feasible and will be effective. *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1027; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 726-29. Here, there is no evidence, let alone substantial evidence. Moreover, based on the applicant's poor track-record managing traffic, there is no indication that the construction plan would be sufficient to ensure adequate emergency access. According to the SVPSD, emergency vehicle access is already regularly impeded by traffic on Squaw Valley Road. See Exhibit 17 at 2. The District explains that during peak traffic periods and especially during three-lane operations when there are no shoulders for motorists to move to in order to allow an emergency vehicle to pass, emergency vehicles must regularly drive into oncoming traffic, risking both the safety of the emergency responders and approaching motorists. *Id.*

The second measure (MM15-6a) calls for the applicant to comply with CAL FIRE regulations. DEIR at 15-21. Yet these regulations simply call for subdivision lot design and documentation that fire protection and suppression services will be available for the subdivision. While important, these regulations do nothing to address inadequate emergency access and do very little to ensure that the Project would not pose a significant risk of loss, injury, or death involving wildland fire or other emergency scenario. Moreover, presumably every project that gets approved in the state, especially

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in *high wildfire severity zones*, is required to comply with applicable state regulations yet wildfires and other disasters continue to occur, structures are destroyed, and lives are lost.

06-20 (cont.)

The last measure (MM 15-6b) calls for the implementation of MM 14-7b, which calls for the applicant to enter into an agreement with SVPSD for additional staffing and equipment. Again, this measure is important yet, under the best circumstances – and at final buildout of the Project in 2040 – there would be only six fire protection staff and a new fire substation in western Olympic Valley capable of housing a two-person crew. DEIR at 14-44,45. While these efforts might help to address impacts during minor emergencies, they would do nothing to address the dire emergency evacuation situation that would accompany a major wildfire or other emergency in the Project vicinity. Equally important, a few firefighters would not be able to tackle a major wildfire or multiple wildfires. For example, in August 2015, in Los Angeles, 10,000 firefighters were needed to tackle several fires. The Rocky Fire alone required 3,200 fire fighters.⁸ The critical component to protecting public safety is to ensure that Squaw Valley Road remains free of traffic jams. The three lackluster mitigation measures offered by the applicant would do nothing to facilitate free-flowing traffic.

Finally, it is important to point out that certain of the information in the DEIR pertaining to emergency vehicle access and wildland fire evacuation planning has not even been vetted with the SVPSD fire chief. For example, the EIR calls for locating a fire truck at the west end of the valley on peak days. Yet, this suggestion came as a “complete surprise” to the Squaw Valley Fire Chief. See Exhibit 17 at 2 stating that “no such proposal has ever been made and the statement that this is something that anyone is ‘working’ on is simply not true.”

In sum, the EIR is legally inadequate because it does not evaluate the potential risks associated with wildfire evacuation and emergency response or propose mitigation measures capable of reducing these risks to a level of less than significant.

⁸ See “Weather provides some help to California firefighters,” Yahoo News, August 5, 2015 (emphasis added), available at <https://www.yahoo.com/news/california-brings-reinforcements-fight-wildfires-180122646.html?ref=gs>; accessed April 26, 2016.

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c. The EIR Does Not Describe Existing Parking Deficiencies or Analyze the Environmental Impacts that Would Result from the Project's Constrained Parking.

06-21
 Squaw Valley already experiences a severe parking shortage. Parking is so deficient in the area that motorists are currently forced to park along Squaw Valley Road. According to the Squaw Valley Fire Department "virtually ALL of the current issues associated with traffic and circulation in Squaw Valley – and the ripple effects on SR 89, SR 28, Donner Pass Road, West River Street and Eastbound I-80 – have their basis in poor planning and management/ operation of parking at Squaw Valley Resort." FEIR at 3.2.7-4 (Comment LL1-6; emphasis in original). It is for this very reason that we requested that the FEIR include a thorough evaluation of current parking supply and demand deficiencies, explaining that without an accurate accounting of existing parking conditions, an assessment of future parking needs is all but meaningless. *Id.* at 3.2.4-386 (Comment 09-126). The FEIR fails to provide any response to this comment and fails to provide this important information.⁹

The proposed Project would exacerbate this parking shortage because it does not provide enough parking to meet anticipated demand. The applicant intends to provide only 0.75 parking spaces per one-bedroom unit, 1.00 guest space per two-bedroom unit, and 1.25 spaces per three-bedroom unit. DEIR, Appendix G; FEIR at 3.2.4-321 (Comment 08d-15); FEIR at 3.2.4-332 (Response 08d-6). According to MRO Engineers, this parking ratio is strictly an assumption and is not based on any analysis of actual parking conditions at Squaw Valley. *Id.* MRO further explains that the Project's proposed amount of parking is entirely insufficient; guest parking ratios should be as high as 1.55 spaces per unit.¹⁰ *See Id.* at 3.2.4-322 (Comment 08d-15).

Parking deficiencies may be further exacerbated because the EIR appears to substantially underestimate the amount of parking that would be required for the Project's employees. As discussed in Part I.B(11) below, the applicant appears to have based its

⁹ The FEIR refers to response to 08d-15 (FEIR at 3.2.4-336); which in turn refers to the master response relating to parking supply. This master response does not address existing parking conditions at all. *See* FEIR at 3-23.

¹⁰ It is important to note here that the FEIR explains that the Project's parking rate of 0.75 space per 1-bedroom unit excludes the 0.11 space per unit associated with employees. FEIR at 3-23. It is unclear why the County believes this employee parking rate is relevant to the amount of parking required for the residential portion of the Project.

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employee parking demand ratios on full-time –equivalent (“FTE”) employees rather than the actual number of employees who would drive to Squaw Valley each day. Two employees working half-time would count as only one FTE, but both of these employees would likely require a parking space.

The EIR asserts that that a project’s parking shortfall impacts are not considered a significance criterion under CEQA. FEIR at 3.2.7-7 (response LL1-6) and DEIR at 9-55. This is correct. However, CEQA does require an EIR to analyze a project’s impact on the environment. Any environmental impacts foreseeably resulting from the Project’s parking deficit require analysis and mitigation. As we explained in our comments on the DEIR, the failure to provide sufficient parking would have far-reaching secondary environmental consequences since parking is a fundamental component of the transportation system.

In other geographic locations, a project that proposes insufficient parking supply may simply cause motorists to look for other parking opportunities in, for example, adjacent neighborhoods, shopping centers, etc. Here, as the FEIR concedes, there are no other overflow parking areas. FEIR at 3.2.4-332. Notwithstanding this fact, the EIR fails to examine the environmental implications from this severe parking shortage. Would motorists attempt to park outside the designated parking lots? Would they park illegally, potentially blocking driveways, street shoulders or fire hydrants? How long would motorists have to circle looking for that rare parking spot. What would be the effect on traffic, emergency access and emergency response? How would circling and idling vehicles impact criteria, toxic and greenhouse gas emissions? Would motorists attempting to maneuver through traffic jams honk their horns to get other cars to move? What effect would this have on noise levels and the overall livability of adjacent neighborhoods? Would circling vehicles interfere with transit service in the area or cause a safety risk to pedestrians and bicyclists?

Rather than thoroughly analyze these types of environmental impacts caused by the Project’s severe parking shortage, the FEIR simply asserts that the applicant has the ability to control the parking demand so as not to exceed the available supply. FEIR at 3-23 (Master Response: Adequacy of Parking Supply). First, the EIR suggests that the applicant could issue parking passes/gates and parking surcharges (FEIR at 3.2.4-332), but it provides no indication as to whether such measures would result in a sizeable reduction in parking demand. The EIR also states the applicant would prepare a “real time” information system that provides parking information that can be accessed via the internet and a smartphone app, which would display areas of available parking spaces. DEIR at 9-56. However, the EIR fails to describe how such a system would

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work as there is no effective way to communicate to the general public when parking is full, especially given that visitors come and go, and may travel long distances to arrive at Squaw. Many visitors will initiate their trip in places like San Francisco, likely four hours before they actually need a parking space. Therefore, additional visitors would still attempt to drive to Squaw Valley, would circle the area looking for a parking spot, and only when satisfied that parking is full, would attempt to find an off-site lot or a different ski resort, all making VMT, traffic, air pollution, and water pollution worse.

06-21
(cont)

There is simply no evidence that the Project would be able to manage its parking in a manner that avoids significant environmental impacts given its current less-than-stellar track record. As the Squaw Valley Fire Department explains, year after year, Squaw Valley ignores the parking and circulation issues that plague the entire region. FEIR at 3.2.7-4,5. The SVPSD confirms the Resort's inability to handle the parking problems it creates. The District explains that the "Resort is unwilling to accept responsibility for towing illegally parked vehicles blocking roadways and fire lanes on their private property." See Exhibit 17 at 1. Courts allow a review of prior shortcomings in analyzing the adequacy of an EIR. The Supreme Court has stated that "[b]ecause an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 420 (*Laurel Heights I*). The applicant's past inability to manage its parking and vehicular flow raises significant red flags for handling parking from this massive increase in visitor use.

d. The EIR's Analysis and Mitigation of the Projects Impacts on Public Transportation Remain Inadequate.

06-22

The DEIR includes numerous criteria for determining the significance of its transportation impacts. As regards transit, it states that the proposed Project would result in a significant impact if it would "create demand for public transit service above that which is provided, or planned." DEIR at 9-30, 31. As we explained, the DEIR correctly acknowledges that impacts to public transportation would be significant but errs because it fails to: (1) effectively describe current transit operations; (2) identify the Project's increase in transit demand; and (3) evaluate the effect that this increase in demand would have on local and regional transit service.

Unfortunately, the FEIR fails to rectify these deficiencies. Instead, rather than conduct the necessary impact analysis, the EIR asserts that the Project's impacts

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would be reduced to a less than significant level by making a fair share contribution to the local transit agency or creating a Community Services Area. However, several members of the public, including Sierra Watch, already explained that the DEIR lacked the evidentiary basis that making a financial contribution would effectively reduce the Project's impacts. See e.g., FEIR at 3.2.4-109 (Comments 03-13, 14). Moreover, rather than include the required performance standards that *might* allow for this deferred analysis, the FEIR explains that the performance metrics have not yet been established. (See FEIR at 3.2.4-120 (Response 03-14, explaining that the performance metrics would be established by TART).

06-22
(cont)

Finally, the FEIR tries the "trust us" approach. It asserts that an EIR traffic engineer conducted "one evaluation" of the Project's fair share funding contribution and this evaluation indicated that it would be sufficient to provide two additional buses, one serving Truckee and one serving Tahoe City. FEIR at 3-27. Yet, the FEIR does not identify the traffic engineer and does not include any details about the evaluation. Thus, the EIR provides no explanation, let alone evidence, as to how the engineer determined two additional buses would be sufficient to resolve the Project's impact on local and regional transit service. Consequently, the FEIR, like the DEIR, lacks the evidentiary basis to conclude that the Project's impact on public transit would be less than significant. This is a fatal flaw requiring recirculation.

e. The EIR Fails to Adopt Feasible Mitigation Measures for the Project's Significant Transportation Impacts.

The DEIR determined that the Project would result in numerous significant and unavoidable transportation impacts. See DEIR at 9-55 – 9-63. When an EIR makes a finding of significant environmental harm from a project, as it does here, CEQA requires the public agency carrying out the project to adopt all feasible mitigation measures to lessen that harm, or to adopt a feasible alternative that would do less environmental damage. Pub. Res. Code §§ 21002, 21081 & 21081.5. If the public agency rejects a mitigation measure or alternative as infeasible, the agency must make specific findings, supported by substantial evidence, that a mitigation measure or alternative is not feasible. Pub. Res. Code §§ 21081 & 21081.5.

06-23

In our comments on the DEIR we requested that the FEIR evaluate several mitigation measures included in the DEIR's air quality chapter because those measures

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would also reduce the Project's transportation impacts.¹¹ See FEIR at 3.2.4-389—391. Despite these seemingly reasonable and certainly feasible¹² suggestions for mitigation, the FEIR ignores the vast majority of the suggested measures. Where a commenter suggests a "mitigation measure considerably different from others previously analyzed [that] would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it," an EIR must be recirculated. CEQA Guidelines § 15088.5(a)(3).

Apparently recognizing the flaws in its approach to mitigation, the FEIR offers a few other strategies that would purportedly reduce private automobile use. FEIR at 3.2.4-500. Tellingly, the FEIR still uses such terms as "will be considered" and "where feasible" and therefore provides no assurance that the strategies would be effective to reduce the Project's transportation impacts. *Id.* Indeed, the document does not even attempt to explain the circumstances as to when a strategy would be considered or the criteria for determining the strategies' feasibility. In addition, it would appear that the applicant has ulterior motives for suggesting certain of these strategies. For example, the FEIR suggests that the Project could offer night skiing and encourage the use of the indoor water park and ice skating rink. Yet, these lackluster "trip reduction" strategies would appear to be more effective in increasing revenues rather than reducing traffic. Moreover, while encouraging visitors to participate in these activities after hours may reduce some vehicular trips during peak hours, the FEIR offers no indication as to how many trips might be removed from the roads.

Faced with the conclusion that traffic in Olympic Valley and beyond would be greatly exacerbated under the proposed Project, and with the finding that the mitigation proposed would not reduce impacts to insignificant levels, the County is obliged under CEQA to adopt additional measures that are enforceable or, alternatively, to provide substantial evidence that additional measures are infeasible. The FEIR does neither.

¹¹ The DEIR explains that these trip reduction measures are not mandatory to reduce the Project's air quality impacts to a less than significant level. Thus, not all measures would be implemented by the Project applicant.

¹² The measures are clearly feasible as they were developed by the Placer County Air Pollution Control District, the California Air Pollution Control Officers Association, and the California Attorney General's Office. See FEIR at 3.2.4-389—391.

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4. The EIR's Analysis of, and Mitigation for, the Project's Air Quality Impacts Remain Inadequate.

06-24
 In our prior letter, we explained that the DEIR glossed over the Project's numerous air quality impacts. Rather than thoroughly evaluate, for example, the Project's health risks, the FEIR simply defends the lackluster approach of the DEIR. Instead of providing detailed responses to comments that are supported with factual information, in many instances the FEIR provides unsupported, conclusory assertions or merely reiterates information already contained in the DEIR. This approach runs afoul of CEQA's mandate that in responding to comments, an agency must provide a reasoned analysis supported by factual information. CEQA Guidelines § 15088(c). Where an agency fails to provide analysis and data in response to a comment regarding a specific environmental issue, the response is inadequate. *See Santa Clarita Org. for Planning the Env't v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 722. Our comments remain valid. We believe it is particularly important to elaborate on one of the EIR's key deficiencies – the failure to adequately analyze the Project's health impacts.

As the DEIR explains, construction and operation of the Project would result in emissions of diesel particulate matter ("DPM"). DEIR 10-22, 10-23. DPM is a well-known health hazard and a known human carcinogen.¹³ Given the Project's proximity to numerous residences and schools, we explained that the EIR should include a quantitative analysis of health effects to determine whether the Project would result in a significant health risk impact. *See* FEIR at 3.2.4-391 (Comment 09-135). Unfortunately, the FEIR does not include a health risk assessment ("HRA") and suggests that such an analysis is unnecessary. *Id.* at 3.2.4-500 (Response 09-135—139). Specifically, as regards construction-related DPM, the FEIR states that the DEIR's analysis took into account parameters such as the type and intensity of construction activity and equipment, the proximity to sensitive receptors, the duration in which TAC-emitting construction activities would occur, the transient occupancy characteristics of most sensitive receptors and the highly dispersive properties of DPM. *Id.* at 3.2.4-501 (Response 09-136) and DEIR at 10-23.

¹³ *See, e.g.*, Diesel Exhaust/Diesel Particulate Matter -- Hazard Alert, U.S. Department of Labor, Occupational Safety & Health Administration, available at: https://www.osha.gov/dts/hazardalerts/diesel_exhaust_hazard_alert.html; accessed April 28, 2016.

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The problem, however, is that neither the DEIR nor the FEIR provide the necessary evidentiary support for these assertions. First, the EIR does not include *any* information as to the intensity of construction equipment, let alone the amount of emissions that would be expected to be generated by each type of construction equipment. Construction would require operation of all-terrain vehicles, fork lifts, cranes, compressors, loaders, backhoes, excavators, dozers, scrapers, pavement compactors, welders, concrete pumps. DEIR at 3-38. If the EIR's "analysis" did, in fact, take into account the type and intensity of construction equipment, the document must actually disclose how this accounting resulted in a determination that DPM emissions from construction equipment and activities would not harm public health. Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123 (*Laurel Heights II*). To accomplish this purpose, an EIR must contain facts and analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley*, 52 Cal.3d at 568.

Second, the EIR explains that the decision was made to *not* include emissions from on-road diesel-powered haul trucks traveling to and from the construction areas suggesting that they "would not stay on the site for long durations." DEIR at 10-22 (emphasis added). Here too, the EIR provides no evidentiary analysis for this assumption. It does not identify the nature of the haul trips, i.e., the number of haul trips expected on a daily basis, the length of the trips, or the duration that they would be expected to be on-site.

The EIR's third and fourth excuses for not conducting an HRA relate to the proximity and nature of residences. The EIR implies that the vast majority of residences are not close enough to be impacted by the Project's construction emissions and many of these residents are "transient" and generally do not reside longer than a typical weekend or week-long stay." DEIR at 10-23. These excuses are also unavailing. By the EIR's own admission some single-family homes are within 50 feet from construction sites. *Id.* and DEIR at 11-22. Yet, the EIR provides no evidence, whatsoever, that 50 feet is a sufficient distance to not experience health effects from exposure to DPM. The EIR does explain that DPM is highly dispersive and can decrease by 70% at 500 feet (DEIR at 10-22), yet it never tells us the expected DPM concentrations at a distance of 50 or 75 feet.

Nor does the EIR provide any information to support its assumption that an HRA is unnecessary because residents are "transient." Certainly, some of the residents in the area would be expected to occupy their homes on a full-time basis. Unless the EIR

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provides documentation that there are no full-time residents in the area, it cannot simply assume that residents are transient and therefore would not experience sustained exposure to DPM emissions. Moreover, students and faculty at the schools in the Project vicinity, and employees of Squaw Valley, certainly cannot be considered transient occupants. Thus, because the EIR lacks evidentiary support, its conclusions that the Project would not be expected to have a significant health impact cannot be sustained.

Moreover, there is ample evidence in the EIR that the increase in DPM from the Project's operations would be far greater than the EIR discloses and therefore could pose a significant health risk. The EIR acknowledges that the Project would include operational sources of DPM but downplays their potential to cause a significant health risk suggesting, for example, that certain equipment would only operate for brief periods of time and only a nominal amount of diesel-powered trucks would operate on any given day. DEIR at 10-23. What the EIR does not tell us though is that the Project would generate substantial particulate emissions—about 225 pounds per day—from the Project's area, energy and mobile sources. DEIR Appendix H at pdf 104. This amount greatly exceeds the Placer County Air Pollution Control District ("PCAPCD") emission threshold of significance of 82 pounds per day, which is the threshold the EIR appears to rely on when determining that the amount of Project emissions do not rise to the level that would warrant preparation of an HRA. See FEIR at 3.2.4-502 (Response at 09-139).

The sizable amount of DPM that would be generated by the Project on an on-going basis could certainly pose a risk to public health. Given the increase in DPM that would result from both construction-related and operational DPM emissions, the EIR should have prepared an HRA to evaluate the Project's health risks. In addition, since there will be cumulative sources of DPM emissions in the Project vicinity – such as the simultaneous construction of the PlumpJack Squaw Valley Inn project – it is even more imperative that an HRA be prepared.

Finally, it is important to point out that the FEIR is particularly disingenuous when it suggests that the exemplar we provided –an HRA prepared for a residential project in San Jose—is merely “anecdotal” and “not relevant to the VSVSP DEIR.” FEIR at 3.2.4-501 (Response 09-137). That HRA is entirely relevant as it provides evidence that other agencies recognize the need to provide a quantitative evaluation of health risks for residential projects that are smaller than the VSVSP and where sensitive receptors are located much further away than they would be here. Furthermore, the FEIR states that Placer County is not privy to information regarding the City's rationale for requiring the HRA and that Placer County has different guidance about how potential air quality impacts should be evaluated. *Id.* Here too, the EIR omits

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important information. Placer County’s own air district (PCAPCD) specifically contemplates the need to prepare HRAs for new residential developments and has even published guidance for such HRAs. See CEQA Handbook, Appendix E-1 (Preparing a Health Risk Assessment for Land Use Projects), PCAPCD, attached as Exhibit 20. This Guidance identifies various screening tools that should be employed to determine if a significant risk may result from a project. *Id.* at E-2. Based on the results of the screening, the PCAPCD Guidance recommends that refined modeling should be conducted to quantify the potential health risks. Here the VSVSP EIR does not even conduct this initial level of screening.

Given the Project’s 25-year construction timeframe, the substantial DPM emissions from the Project’s construction and operation, and the fact that the construction of the PlumpJack Squaw Valley Inn project would occur at the same time as the VSVSP, the EIR’s failure to prepare an HRA constitutes a fatal flaw.

5. The FEIR Adds New Information Regarding Greenhouse Gas Emissions that Requires Recirculation, and also Exacerbates Deficiencies in the DEIR.

a. The FEIR’s New Analysis of GHG Emissions Must Be Recirculated.

06-25

Sierra Watch presented extensive comments on the DEIR’s greenhouse gas emissions analysis, noting that it improperly relied on business-as-usual (“BAU”, also referred to a no action taken or “NAT” in the DEIR) as a threshold, in violation of CEQA’s standards. The FEIR correctly notes that the California Supreme Court has recently issued a decision holding that an agency reviewing a development project may not rely on a standard statewide reduction formula from the BAU GHG emission scenario to claim less-than-significant project-related GHG emissions, unless it can provide substantial evidence of a link between the statewide reduction below BAU and the needed reductions for the project. See FEIR at 3-92–3-93 (discussing *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (“*CBD v. CDFW*”). The FEIR also correctly notes that the DEIR failed to provide the required substantial evidence of such a link, and that local air quality agencies no longer recommend relying on the BAU standard. FEIR at 3-94. The *CBD* decision, which affirms Sierra Watch’s comments on the DEIR, thus invalidates much of the approach utilized in the DEIR for evaluating GHG emissions. FEIR at 3.2.4-398–3.2.4-400 (SMW comment letter).

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We commend the County for recognizing the *CBD* decision and removing the BAU standard as a threshold of significance from the EIR. Unfortunately, the FEIR fails to recognize the import of this change. Rather, it incorrectly claims that “[t]he DEIR’s significance conclusions remain unchanged, including the way it used the PCAPD Tier II threshold of 21.7% below BAU.” FEIR at 3-94. This statement entirely ignores the analysis in the DEIR, as well as the alterations the FEIR makes to this analysis. The DEIR used the 21.7 % below BAU as a threshold for 2020, and found that operational GHG impacts at that time would be less than significant. The FEIR deletes this language, and instead finds a significant GHG impact for 2020. *See, e.g.*, FEIR at 3-103 (deleting “operational GHGs would not exceed the GHG efficiency based Tier II threshold recommended by PCAPCD for 2020”), 3-108 (deleting “the proposed project would achieve a reduction in greenhouse gas emissions of 24.7% by 2020, which would be a less than significant impact”). As the FEIR notes, recirculation is required when the FEIR reveals a significant impact that was not discussed in the DEIR. FEIR at 3-109. This is precisely what happened here.

06-25
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The FEIR provides two main excuses for why the “DEIR’s significance conclusions remain unchanged” (FEIR at 3-94), both of which must fail. First, the FEIR claims that, even though the conclusions regarding impacts in 2020 have changed, the DEIR’s overall conclusion that the Project would have significant and unavoidable operational impacts at full-build out remains unchanged. FEIR at 3-94. This is irrelevant. Clearly, as revealed by the changes referenced above, the DEIR found operational GHG impacts in 2020 to be “less than significant” and the FEIR finds these impacts “significant.” As discussed, that is a change requiring recirculation. Further, even if the EIR lumps all operational GHG impacts into one impact category, CEQA requires recirculation where there has been a substantial increase in the *severity* of an impact. CEQA Guidelines § 15088.5(a)(2); FEIR at 3-109 (quoting same). Here, even if the overall conclusion of significance remains unchanged, because the DEIR claimed that operational impacts in 2020 would be less than significant, the FEIR’s revelation that those impacts are indeed significant results in an increase in severity of operational impacts requiring recirculation.

Next, the FEIR claims it is “doubtful that much of the project would be constructed prior to 2020” (FEIR at 3-108) and that the “2020-based target [is] moot at this point.” FEIR at 3.2.4-504. Yet, the FEIR goes on to admit that, with 2-year construction phases, the first phase could be completed by 2018 (FEIR at 3-95), and then logically the second phase could be completed by 2020. With potentially two phases of the Project to be completed by 2020, evaluation of environmental impacts in 2020 is not

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moot in the least bit. The FEIR does not state what the first phases of construction would entail. However, the DEIR states that a maximum of 20% of the Project construction could occur in one year. DEIR at 3-33. Moreover, since at full buildout the Project would generate roughly 40,000 MT CO_{2e} per year (FEIR at 3-104-3-105), only about 3% of the Project would need to be built by 2020 to exceed the FEIR's established threshold of 1,100 MT CO_{2e}/year. This is entirely plausible and foreseeable. Indeed, under the FEIR's new threshold of significance, the GHG threshold could be exceeded as early as 2017. Thus, unless the Project includes a condition that construction would not start until after 2020, the County cannot claim that GHG impacts in 2020 (or before that) are moot. It must recirculate the EIR to discuss this new impact.

In sum, in light of recent California Supreme Court precedent, the FEIR correctly alters a threshold of significance for the Project. The FEIR accordingly deletes a prior finding that GHG impacts in 2020 would be less than significant to state that those impacts are indeed significant and unavoidable. The County must now recirculate the EIR so that the public may adequately comment upon the Project's significant GHG impacts under the FEIR's new threshold of significance, and suggest ways to avoid or mitigate them (see discussion *infra* re GHG mitigation).

b. The FEIR Fails to Adequately Respond to Comments that the DEIR Contains Misleading Information Regarding GHG Emissions; Indeed, the FEIR Exacerbates the Problem.

06-26

Sierra Watch commented that the DEIR included misleading information by claiming the Project would not result in significant climate change impacts in 2020 because it reduces GHG emissions by 25% compared to NAT (or BAU). See FEIR at 3.2.4-397-3.2.4-399 (SMW comment letter). As discussed above, the California Supreme Court has validated this comment, stating that an agency cannot claim a single project is doing its part to reduce GHG emissions by meeting a generic statewide standard. This is because, as the FEIR recognizes, new projects are much more capable of achieving reductions than pre-existing uses and therefore will likely be required to implement more reductions to meet the State's goals. While the FEIR does delete the NAT/BAU standard as a threshold of significance, specifically noting that it is not supported by substantial evidence as applied to this Project, it maintains the discussion of this standard "[t]o help characterize the nature of the impact." FEIR at 3-104.

Indeed, the FEIR now claims the Project would produce a 29% reduction in GHG emissions (instead of 25%), and adds further discussions essentially claiming that

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the Project is beneficial to the climate because it would supplant older, less efficient uses. See FEIR at 3-105, 3.2.4-507. The FEIR even goes so far as to claim the Project “is consistent with many of the principles used for infill development, a hallmark of SCSs [Sustainable Communities Strategies] and GHG reductions projects.”¹⁴ FEIR at 3-95. The EIR provides no evidence whatsoever to support the conclusion that the Project is beneficial to the climate. Indeed, the EIR ultimately concludes, as it must, that the Project would result in *new* emissions of roughly 40,000 MT CO_{2e} per year, about 40 times the County’s adopted threshold. Additional characterizations of the Project’s GHG impacts as actually beneficial to the climate conflicts with the significance conclusion in the EIR and can only serve to confuse and mislead the public. *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 844 (“speculative and contradictory conclusions” do not support analysis of GHG impacts). Even if it does not alter a threshold or an ultimate significance conclusion, an EIR may not provide misleading information. *Communities For A Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 322; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1123.

Here, the Project involves construction of a 4-season resort community of vacation rooms/residences. The entire point of the Project is draw people out to a “world class” attraction. While there may be a portion of visitors that switch from other local resorts, the Project’s proponents make no bones about the fact that they are trying to get people who wouldn’t ordinarily visit the Tahoe area at all (including visitors from all over the world) to come to Squaw, and that they are especially trying to attract people that wouldn’t ordinarily leave their homes to go to a resort in the summer to get out and to go Squaw. While this may be a strategy to generate more profits, it has environmental consequences for the region and the climate. This is absolutely not the case where a current livable use is being retrofitted to be more energy efficient. It is *new* resort construction generating *new* GHG emissions. To claim otherwise is misleading and violates CEQA. While under a “business as usual” scenario the state may need to keep generating homes for people to live in as population grows, there is no similar need to produce luxury vacation residences and indoor water parks. The EIR must be recirculated to remove any claims that the Project will or may benefit the climate.

¹⁴ This claim is particularly disingenuous as, discussed *infra*, the Project is flatly inconsistent with the SCS for the area. See FEIR at 3.2.4-511.

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c. The FEIR Fails to Adequately Respond to Comments About the Project's Consistency with Applicable Plans.

Sierra Watch commented on the DEIR's failure to analyze whether the Project complies with applicable plans and policies for GHG reduction, including AB 32, SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy ("MTP/SCS"), Executive Order S-3-05, and Executive Order B-30-15. See FEIR at 3.2.4-399-3.2.4-402 (citing CEQA Guidelines § 15064.4(b)(3)). Sierra Watch even provided a road map for how to conduct such analyses. The FEIR responds with a parade of excuses, citing agency discretion and that analysis would require speculation. However, for a long-term project such as this one, some amount of foresight is required, and as Sierra Watch pointed out, other agencies have been able to conduct the analysis.

While the EIR does contain some discussion of these plans, its analysis is incomplete at best and, as discussed above, misleading in some instances. For example, although EIR recognizes the Project would be *inconsistent* with SACOG's MTP/SCS because it is in an area that is not slated for development under the Plan, it refuses to explore what this might mean in terms of setting the Region back in its ability to obtain climate objectives. Even worse, it misleads the public by elsewhere claiming that the Project is "consistent" with reduction goals identified in SCSs. FEIR at 3-95. Moreover, it fails to reveal that non-compliance with an MTP could mean the Project is ineligible to receive local, state, or federal transportation funding for road and transit improvements, which could affect the feasibility of Project components and mitigation measures.

Similarly, while the FEIR provides a generic description of statewide GHG reduction targets, it fails to provide the public with an understanding of how a new major regional source of GHG emissions from a resort development such as this could throw the State off the steep emissions reductions trajectory needed to help correct course to avoid some of the most catastrophic impacts from climate change. Sierra Watch's letter on the DEIR provided conservative methods to conduct the necessary analyses (such as using 1990 emission levels as a target for 2020, as set forth in AB 32; comparing Project or vehicle emissions to the regional targets set for 2020 and 2035 by the MTP/SCS; and using SANDAG's approach to analyzing consistency with 2050 reduction targets). The FEIR is correct that the GHG analysis for SANDAG's RTP/SCS is currently pending before the state Supreme Court. However, the County is on notice that the requested analysis is feasible. Thus, if/when the Supreme Court affirms the Court of Appeal's decision that an analysis of consistency with the state's long-term GHG reduction targets is required for long-term projects, the County will have no defense for its lack of analysis. See FEIR at 3-93 (noting that Supreme Court in *CBD v. DFW* admonished that

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(cont.)
 “especially for long-term projects” an EIR “may in the near future need to consider the project’s effects on meeting longer-term emissions reduction targets.”).

d. The FEIR Fails to Adequately Respond to Comments About the DEIR’s Underestimation of GHG Emissions.

06-27
 Sierra Watch commented that the DEIR underestimated the Project’s increase in GHG emissions because it relied on an inaccurate estimation of the Project’s vehicular trips and vehicle miles traveled (“VMT”). FEIR at 3.2.4-402, 403 (comment no. 09-155). We explained, for example, that the DEIR used unreasonably short vehicular trip lengths in its calculation of VMT. *Id.* Rather than respond to this comment, the FEIR asserts that we provided no evidence to support our assertion. FEIR at 3.2.4-514 (response no. 09-155). The FEIR does however address this issue in its response to MRO Engineers’ report (at 3.2.4-334 response no. 08d-110); yet, this response confirms that the DEIR underestimated the Project’s vehicular trip lengths, and therefore VMT and GHG emissions.

Specifically, the FEIR explains that it identified the Project’s VMT by relying on a trip length of 30-miles (rather than the more accurate trip length of 92-miles) because the analysis is used solely to support the assessment of air quality impacts within Placer County and the local air basin. FEIR at 3.2.4-334 (response no. 08d-11). The FEIR goes on to explain that due to the size of the air basin, “it is not possible to obtain the substantially longer trip lengths” raised by MRO Engineers. *Id.* In other words, the EIR suggests that it need only identify the vehicular emissions that would be generated by vehicular trips within the local air basin. The EIR errs in its approach. The Project’s vehicles do not stop generating criteria air pollutants or GHG emissions once they reach the County or air basin borders. The EIR all but admits that the average vehicular trip length associated with the Project is about 92-miles. Yet, because it relied on a trip length of 30-miles, the EIR appears to have accounted for only 1/3 of the Project’s vehicular-related VMT, criteria air pollutants, and GHG emissions.

The FEIR asserts that the DEIR likely overestimated regional and global CO2 vehicular emissions because they have already been quantified in the sustainable communities strategies (“SCSs”) prepared for the San Francisco and Sacramento regions. FEIR at 3.2.4-515 (response no. 09-156). Clearly, the EIR is reaching for straws. If these SCSs included the increase in GHG emissions from the Project’s vehicles, the EIR must provide some evidence of this fact. See *Emmington v. Solano County* (1987) 195 Cal. App. 3d 491, 502-03 (outside reports do not support environmental document where they are not adequately summarized and analyzed). CEQA also requires that an agency

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relying on an EIR prepared for a different project or program must comply with specific procedures, including notifying the public about where a copy of the previous EIR can be obtained. CEQA § 21094(e); CEQA Guidelines §§ 15152 & 15153. The VSVSP EIR contains no such information about the San Francisco or Sacramento SCSs.

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Finally, the FEIR fails to make any attempt to quantify the Project's aircraft-related GHG emissions despite our request for this analysis. See FEIR at 3.2.4-403 (comment no 09-156). Here, the FEIR asserts that any attempt to identify the GHG emissions associated with air travel would "involve intense speculation." *Id.* at 3.2.4-515 (response no. 09-156). The County may not evade its obligation to analyze the Project's impacts simply because the task may be difficult. See Guidelines § 15144 ("Drafting an EIR ... necessarily involves some degree of forecasting ... [and] an agency must use its best efforts to find out and disclose all that it reasonably can"); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 96 ("difficulties caused by evolving technologies and scientific protocols do not justify a lead agency's failure to meet its responsibilities under CEQA ..."). This is especially true in light of the fact that Squaw Valley advertises air travel as a way to access the resort. See, e.g., Exhibit 21 (Squaw Valley bulletin "Announcing New Nonstop Flights From Atlanta to Squaw Valley on Delta Air Lines").

For the reasons explained above, the EIR fails to adequately account for the Project's increase in GHG emissions from vehicular and air travel. These errors constitute a fatal flaw.

e. The EIR's Mitigation of Significant GHG Impacts Remains Inadequate.

06-29

Sierra Watch commends the County for acting upon the group's comments that mitigation is needed for GHG significant impacts in the early phases of development, and, accordingly, removing the condition that mitigation only be imposed "after December 31, 2020." FEIR at 3-107. However, the EIR's mitigation for GHG impacts remains woefully deficient for several reasons.

First, now that the FEIR has employed a different threshold of significance for GHGs, the mitigation provided is completely divorced from the impact identified. The FEIR states that significant GHG impacts result where the Project results in annual emissions greater than 1,100 MT CO_{2e}/year. The logical conclusion is that this impact would be mitigated if Project emissions are reduced to below 1,100 MT CO_{2e}/year. Yet, the mitigation provided in the EIR is entirely framed around consistency with GHG

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reduction targets adopted by the State that are based on a substantial linkage between the Project and the statewide reduction goals. FEIR at 3-107. But the FEIR admits elsewhere that no such statewide reduction targets that are linked to individual projects currently exist, and they may never exist. *See, e.g.*, FEIR at 3-103 (“There are no current mechanisms available to determine the level of GHG-efficiency needed on a single project in order to determine if it fits within the State’s Scoping Plan targets.”). Nor does the EIR offer a contingency plan if there are no such statewide goals in place. Thus, the mitigation is not only unrelated to the identified impact, it is illusory.

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This mitigation result is unacceptable under CEQA, especially where the County has at its fingertips a host of potentially feasible mitigation measures to reduce GHG emissions. Rather than defer mitigation measures and tie them to an uncertain statewide reduction plan, the EIR must require feasible mitigation *now* for the Project’s identified significant GHG impacts. The EIR claims that “the cost and feasibility of certain policies that would be mandated as mitigation are not known.” FEIR at 3-109. But it is the EIR’s job to assess the feasibility of mitigation measures. Such measures are not unknown. Indeed, they are spelled out very specifically in the Appendix G to the FEIR and in Sierra Watch’s and others’ comment letters.¹⁵ The FEIR offers no valid rationale as to why the measures can’t be evaluated now and required as conditions of approval for the Project, and why offsets cannot be required if any of the identified measures prove infeasible or incapable of reducing the Project’s significant GHG impacts.

As explained in our comment letter on the DEIR, CEQA only allows deferral of mitigation where (1) practical considerations preclude development of the measures at the time of project approval, (2) the EIR contains criteria to govern the future actions implementing the mitigation, and (3) the agency has assurances that the future mitigation will be both “feasible and efficacious.” *Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17. These criteria are not met here.

¹⁵ In its response to comments, the FEIR claims that it evaluates measures “similar” to those proposed by Sierra Watch. FEIR at 3.2.4-515–3.2.4-515 (response to comments nos. 09-158, 09-159). However, because the FEIR still lists the GHG impact as significant and unavoidable after mitigation, it must consider *all* feasible mitigation that might reduce the impact. There are many measures proposed by Sierra Watch and others that the EIR has yet to consider. These include, for example, using zero emission vehicles for construction and people movement, reducing the use of pavement and impermeable surfaces, and providing educational resources on energy and vehicle uses.

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Specifically, as discussed above, there is no practical impediment to developing mitigation as specific measures have already been identified. Further, the criteria provided are vague and illusory as no eligible statewide reduction goals have been identified that can be translated to sufficient Project-level reductions. Thus, there are certainly no assurances that the identified mitigation will be feasible or efficacious since the identified mitigation may never come to fruition.

In short, the EIR must evaluate any/all potentially feasible mitigation measures or alternatives to reduce the significant GHG emissions identified. Further, if it decides to approve the proposed Project, it must adopt any/all feasible measures as an enforceable part of the Project approval.

6. The EIR’s Analysis of, and Mitigation for, the Project’s Noise Impacts Remain Inadequate.

06-30

Given the location of the Project—in a mountain environment where peace and quiet are valued and expected, noise is a particularly important issue. Unfortunately, as we explained in our comments on the DEIR, the document failed to adequately analyze or mitigate the noise impacts that would result from: (1) construction-related equipment and activities; (2) the Project’s stationary sources of noise; and (3) the traffic that would be generated by the Project. See FEIR at 3.2.4-407 (Comment no 09-166). Rather than substantively address these comments, the FEIR inappropriately asserts that the level of detail in the DEIR is appropriate for a programmatic EIR. See FEIR at 3.2.4-517 (response no 09-166) and Master Response: Noise, FEIR at 3-40. This excuse is unavailing.

As we explained in Part I.A(1) of this letter, the label attached to an EIR is unimportant. Program EIRs are not exempt from the requirement that agencies must analyze a project’s impacts with reasonable detail when the agency “has ‘sufficient reliable data to permit preparation of a meaningful and accurate report on the impact’ of the factor in question.” *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1238 (citation omitted); *Al Larson*, 18 Cal.App.4th 729, 743. CEQA also requires that environmental impacts be mitigated at the earliest possible date. As we explained in our prior letter, and as we reiterate below, the County has sufficient data to provide a thorough analysis of, and mitigation for, the Project’s noise impacts. We highlight certain of the most egregious violations below.

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a. The EIR's Analysis of Noise Impacts is Hamstrung by Its Failure to Consider All of the Impacted Receptor Locations.

Our prior letter commented that although the Project would impact countless sensitive receptors, the DEIR did not provide any specific information about these receptors. FEIR at 3.2.4-408 (Comment 09-167). We explained that if the DEIR under-represented the number and type of potentially affected receptor locations, it also necessarily underestimated the Project's noise impacts on these receptors. *Id.* Rather than actually identify the location of each sensitive receptor that could potentially be subjected to elevated noise levels, the FEIR simply directs the reader back to the same DEIR exhibits that we had found to be deficient. For example, while the FEIR states that sensitive receptors are identified in Exhibit 11-1, this is not the case. Exhibits 11-1 and 11-2 identify locations where noise measurements were purportedly conducted. Neither of these exhibits show the locations of sensitive receptors, e.g., religious facilities, residences, hotels and the schools within the Project area. The FEIR also directs the reader to DEIR pages 11-5 and 11-6, explaining that these pages "define and describe the sensitive land uses." FEIR at 3.2.4-518 (Response 09-167). But these pages do no such thing. Instead, they casually assert that there are "scattered residences" located around the Project site, such as the residences on Indian Trail Court. Worse yet, DEIR page 11-6 directs the reader to Exhibit 11-1, suggesting that this exhibit identifies the specific locations of sensitive receptors. Consequently, the FEIR fails as an informational document as it does not include the information needed for members of the public to determine how noise from the Project would affect them.

b. The EIR Fails to Effectively Mitigate the Project's Significant Construction-Related Noise Impacts.

We criticized the DEIR for its failure to provide any indication, let alone evidence, that the mitigation measures would effectively reduce the Project's construction-related noise impacts. The FEIR concedes that the EIR does not quantify the expected effectiveness of its measures suggesting that it would be too difficult, e.g., construction activities would occur at different locations, noise will move as equipment moves throughout the site, etc. FEIR at 3.2.4-519 (Response 09-172). CEQA does not permit an agency to evade its obligation to mitigate environmental impacts because the Project is too large or complicated. Following this convoluted reasoning, the greater the environmental harm contemplated by an agency, the lesser the obligation of conducting environmental review. As explained by the Court in *Laurel Heights I*, 47 Cal.3d at 399,

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“[w]e find no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency’s task may be difficult.”

06-31
(count)

It is clearly possible to identify effective mitigation measures for the Project’s noise impacts. The FEIR includes a new component in Mitigation Measure 11-1a that calls for the construction of the East Parcel, to be “designed to avoid intrusive noise” at the Squaw Valley Academy. FEIR at 3-41. This measure also includes performance standards which state that the Project shall avoid noise levels exceeding 45 dBA Leq/65Lmax during times when activities take place at the school. *Id.* The FEIR identifies the specific methods that the applicant shall undertake to achieve these standards, such as replacing windows, increasing insulation as needed, etc. *Id.* While this measure pertains only to the East Parcel’s impacts on the Squaw Valley Academy, the EIR could have developed similar measures to effectively reduce the Project’s impacts on residential receptors in the Project area. Of course, in order for the County to determine which receptors would require mitigation, the EIR must first identify the receptors that would be impacted.

c. The EIR Fails to Identify Effective Mitigation for the Project’s Significant Vibration Impacts.

We commented that the EIR lacks the necessary evidence to support its conclusion that the Project’s vibration impacts would be mitigated to a less than significant level. The FEIR suggests that its mitigation measure is adequate as it includes a performance standard. *Id.* But this is not the case. According to the EIR, the applicant is allowed to breach its 300 foot setback requirement if a ground vibration study indicates the buildings would not be exposed to ground vibration levels in excess of 80 VdB and ground vibration measurements performed during construction confirm that the buildings are not being exposed to levels in excess of 80 VdB. *Id.* This is not an acceptable performance standard as there is no explanation as to the specific approach the applicant would take to achieve this vibration limit. *See* CEQA Guidelines § 15126.4; *see also* *Sacramento Old City Assn.*, 229 Cal.App.3d at 1034.

The EIR defers altogether this important step as it calls for the eventual preparation of a vibration control plan that describes the “various measures, setback distances, precautions, monitoring programs, and alternative methods to traditional pile driving activities with the potential to result in structural damage or excessive noise.” DEIR at 11-23. These are the precise measures that must be identified now if the EIR intends to rely on its performance standard. Moreover, the EIR fails to provide any indication that the mitigation measure would be fully enforceable through permit

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conditions, agreements, or other legally-binding instruments as CEQA requires. Because the EIR’s mitigation measures do not meet CEQA’s clear standards, the EIR is legally deficient and our comments on the DEIR remain valid.

d. The EIR Fails to Adequate Analyze or Mitigate the Project’s Operational Noise Impacts.

We commented that notwithstanding the numerous sources of noise that the Project would generate on an on-going basis, the DEIR provided no specific analysis of how this noise would affect nearby sensitive receptors. FEIR at 3.2.4-412 (Comment 09-176). The FEIR excuses itself from this analysis suggesting that we did not explain why the analysis of stationary noise was insufficient.

06-32

As an initial matter, a legally adequate EIR “must contain sufficient detail to help ensure the integrity of the process of decision making by precluding stubborn problems or serous criticism from being swept under the rug.” *Kings County Farm Bureau*, 221 Cal.App.3d at 733; CEQA Guidelines § 15151.) The EIR fails to provide sufficient detail. More specifically, the EIR’s analysis is insufficient for the following reasons. First, the DEIR did not identify the specific locations of the Project’s myriad stationary noise sources despite the fact that most of these sources would generate extremely loud noise.¹⁶ Second, the DEIR did not identify the specific locations of sensitive receptors (i.e., those that would be impacted!) in the Project area. Third, the DEIR did not identify the existing ambient noise levels at sensitive receptor locations. Fourth, the DEIR did not identify the predicted noise levels that these receptors would experience on an on-gong basis each and every day. Fifth, the DEIR never described the effect that this increased noise would have on receptors, i.e., how would it affect sleep, speech, stress, and annoyance levels.¹⁷

¹⁶ The DEIR explains, for example, that sources such as loading dock and delivery activities could generate noise levels up to 82 dB Leq to 86 dB Lmax at a distance of 50 feet. DEIR at 11-26. The Project would also generate excessive noise from its mechanical HVAC equipment, electrical generators, loading dock and delivery activities, parking lots, and outdoor activities such as outdoor concerts. *Id.* at 11-24 -- 11-27.

¹⁷ It is important to acknowledge here that the EIR explicitly recognizes the need to evaluate the actual effect that noise has on individuals when it acknowledges that “noise standards are intended to protect people from unwanted disturbances and noise levels

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We also identified the numerous flaws in the DEIR’s approach to mitigation explaining that the DEIR lacked the evidentiary basis to conclude that the measures would effectively reduce impacts to less than significant levels. *See* FEIR at 3.2.4-412, 413 (Comments 09-177 – 09-180). Here too, the FEIR states that it need do no more because it is a programmatic EIR and because it includes performance standards. FEIR at 3.2.4-520 (Response 09-179, 180). Both excuses are unavailing. As discussed previously, the programmatic nature of an EIR does not excuse an agency from evaluating the Project’s impacts or identifying feasible and enforceable mitigation.

06-32
(comment)

As regards the EIR’s so-called performance standards, the EIR does not identify the specific approach the applicant would take to ensure that standards are met. Similar to the approach taken to “mitigate” the Project’s vibration impacts, the EIR states that the applicant would ultimately prepare a “specialized noise study” to evaluate Project design and to ensure that the Project complies with the County’s noise standards. DEIR at 11-28. This noise study must be prepared now—rather than after Project approval—as it may determine that it is not possible to operate the Project within the noise levels set forth in the EIR’s “performance standards.”

Furthermore, the EIR’s “performance standards” pertain only to noise associated with loading docks and parking lots. *See* DEIR at 11-28. There are no performance standards for the Project’s myriad other sources of noise such as the HVAC units or noise from the Project’s outdoor activities. Consequently, the EIR lacks the necessary evidence that the Project’s increase in noise from on-going operations would be reduced to a less-than-significant level. Our comments on the DEIR remain valid.

e. The EIR Fails to Correct the Deficiencies in the DEIR Relating to the Project’s Traffic Noise.

Our letter identified numerous deficiencies in the DEIR’s analysis of traffic-related noise impacts. The FEIR fails to adequately response to these comments or to resolve the deficiencies in the EIR’s analysis. Rather than reiterate each deficiency, we focus on the most egregious flaws below.

06-32

First, we explained that the DEIR underestimated traffic noise because the EIR underestimated the amount of traffic that would be generated by the Project. FEIR at 3.2.4-414 (Comment 09-181). The FEIR fails to address this comment.

during times where increased noise levels can disrupt sleep or other activities where quiet is essential.” FEIR at 3.2.4-520 (Response no. 09-182).

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Second, we explained that the DEIR erred when it determined that traffic noise during the summer would be unlikely to affect residences suggesting that they likely have dual pane windows and insulation that effectively attenuates noise to below the 45 dBA Ldn noise standard for interior spaces. See FEIR at 3.2.4-414 (Comment 09-183). The FEIR now acknowledges that since not all residents choose to keep their windows closed during the summer and because not all residences have insulation or dual pane windows, noise from the Project's traffic could exceed standards. FEIR at 3-45. Notwithstanding this acknowledgement, the FEIR does its best to suggest this impact is not significant. See *Id.* at 3-45, stating: "this is not considered a substantial occurrence because it happens infrequently and for a short time on those few days it would occur." The EIR fails to provide any support for this assertion. Nor could it since the Project's increase in traffic would occur throughout the summer, when residents are likely to have their windows open.

06-33
(Cont.)

The FEIR goes on to suggest that it has revised and clarified its mitigation (the EIR now proposes the installation of rubberized hot mix asphalt or an equivalent surface treatment along Squaw Valley Road), which would purportedly "eliminate" the Project's increase in traffic-related noise. *Id.* and FEIR at 3-47, 48. Once again, the EIR fails to provide the necessary evidentiary support that this mitigation would reduce the Project's impacts to a less than significant level, let alone eliminate the impact altogether. Similar to other mitigation measures, the FEIR asserts that the Project would be designed to reduce traffic noise levels by 4-6 dB. *Id.* But the document does not identify how the rubberized asphalt (or equivalent treatment) would ensure this level of noise reduction, especially because the EIR admits that actual noise reduction levels would vary depending on travel speeds, meteorological conditions, and pavement quality. *Id.* Given this vague and ambiguous language, the EIR provides no basis to judge the effectiveness of this measure. Rather it is a "mere expression[] of hope" that the County will be able to devise a way around the problem of the Project's excessive traffic noise. *Lincoln Place Tenants Assn. v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508. CEQA requires more than that to mitigate significant impacts. Equally important, an EIR that identifies new significant impacts requires recirculation.

06-34

The addition of this new mitigation measure also compounds the EIR's CEQA violations because the installation of new pavement along Squaw Valley Road would result in new significant impacts that have not been analyzed. CEQA Guidelines § 15126.4(a)(1)(D) (when "a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed"). As the EIR clearly admits, the Project would

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already impact traffic conditions along Squaw Valley Road. Repaving this roadway would substantially worsen traffic conditions as it would require segments of the roadway to shutdown altogether. Repaving would necessarily have to occur during the non-snowy season when the area is also at risk of wildfires. Thus this mitigation measure would also interfere with emergency access and wildfire evacuation. Repaving would also result in increased criteria and toxic air pollutants from the trucks carrying the asphalt and from traffic from the application of the asphalt itself.¹⁸ Asphalt paving can also lead to odors in the community (*Id.*) and has the potential to degrade water quality if appropriate best management practices are not implemented. The EIR's failure to analyze the environmental impacts that would result from this mitigation measure is another fatal flaw.

7. The EIR's Analysis of, and Mitigation for, the Project's Impacts on Visual Resources Impacts Remain Inadequate.

06-35

This firm's letter on the DEIR included extensive comments documenting the failure of the EIR to adequately identify, analyze or mitigate the Project's impacts on visual resources. These comments remain relevant, and have yet to be adequately addressed by the County. One of the EIR's most deficient analyses pertains to the Project's impact on dark skies. We discuss this issue below.

a. The EIR's Analysis of Light and Glare Remains Legally Deficient.

The FEIR's treatment of the Project's light and glare impacts remains particularly deficient. In our comments on the DEIR, we explained that, given the paramount importance of maintaining dark skies in the Sierras, any project that results in a marked increase in light pollution warrants extensive environmental analysis. The FEIR's response to this far-reaching concern has not been to correct the DEIR's flaws

¹⁸ See Fact Sheet – Environmental Regulations for Hot Mix Asphalt Plants, available at: https://www.colorado.gov/pacific/sites/default/files/AP_Hot-Mix-Asphalt.pdf; accessed May 17, 2016. See also, Commonwealth of Virginia State Air Pollution Control Board regulations for the Control and Abatement of Air pollution: emission standards for asphalt paving operations, available at <http://www.deq.virginia.gov/Portals/0/DEQ/Air/Regulations/4507.pdf>; see also: Fact Sheet Hot Mix Asphalt Emissions, available at: <http://www.deq.state.or.us/aq/factsheets/09aq022.pdf>, accessed May 17, 2016.

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but, rather, to make excuses for them. For example, we explained that in order to accurately evaluate light and glare impacts, one must first establish a nighttime light baseline assessing the quality of dark skies. It is certainly possible to monitor the quality of the night sky and light pollution. As the attached article authored by the International Astronomical Union explains, cameras that are able to save images in an unaltered raw format can be calibrated to get measurements of the luminance of the sky in a physical scale. Then the photo of the night sky can be converted to false color impacts, which represents the distribution of sky brightness. See Using a Digital SLR Camera to Monitor Light Pollution, Dark Skies Awareness, International Astronomical Union, attached as Exhibit 22.

06-35
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Once a proper baseline is established, the EIR must then evaluate how the Project's lighting sources would impact dark skies. As we explained previously, the analysis must take into account three aspects of lighting: (1) shielding of fixtures; (2) spectrum of light sources; and (3) amount of light. FEIR at 3.2.4-419, 20 (Comments 09-191 –09-195). We provided detailed methodological guidance for evaluating light and glare impacts prepared by the Dark-Sky Association, a recognized authority on light pollution and the leading organization combating light pollution worldwide. Yet, the FEIR offers no credible justification for refusing to conduct this analysis. Instead, it asserts that there are no state or local regulations that require application of this methodology and "rather than rely on the Dark Skies criteria to make a determination about whether or not the project would have a significant effect, the approach taken in the DEIR conservatively assumes that adding light sources would be a significant and unavoidable change to current condition." FEIR at 3-35, 3-36.

While the EIR is undoubtedly correct to conclude that this impact is significant, a conclusion of significance cannot take the place of description and analysis of the impact. See *Stanislaus Natural Heritage Project*, 48 Cal.App.4th 182 (invalidating EIR that had failed to adequately analyze water supply impacts but found them to be significant and unavoidable). This superficial approach also violates another fundamental tenet of CEQA. An EIR must accurately and effectively gauge the severity and extent of the Project's effect on night skies. In this regard, the County has a duty to "painstakingly ferret out" the Project's impacts. *Env't'l Planning and Information Council of W. El Dorado County v. County of El Dorado* (1982) 131 Cal.App.3d 350, 357. It is true that the County need not rely on the specific methodology outlined by the Dark-Sky Association, but it cannot simply skip the analysis altogether.

The EIR is loaded with repetitive statements concerning the generalized impact of the Project: "the project would [...] potentially increase skyglow conditions in

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the area;" "development would have exterior lighting and indoor lighting that would cause light spill to the outside;" "nighttime views from Resort at Squaw Creek would include additional lighting;" and "[t]he project would remove some existing light sources and add new lighting: the result would be a net increase in the light emitted from the property." DEIR at 8-59; FEIR at 3.2.4-524 (Response 09-195). These vague and cursory statements provide no basis for determining the extent of impact on the physical environment, and they certainly do not demonstrate that the County has used its "best effort to find out and disclose all that it reasonably can." *Citizens to Preserve the Ojai v. Ventura* (1986) 176 Cal.App.3d 421, 431; see also *Laurel Heights I*, 47 Cal.3d at 399 ("We find no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency's task may be difficult."). Indeed, it is impossible to glean what the impacts would be from the information provided.

A comprehensive analysis of the Project's light pollution is all the more important given the site's extraordinary setting. The Project's light and glare would extend beyond the Village of Squaw Valley; it would affect the greater Tahoe Basin. We explained that a regional analysis is particularly important because the Project would undoubtedly affect the federally-designated Granite Chief Wilderness Area. See FEIR at 3.2.4-420 (SMW letter at page 84, Comment 09-195). The FEIR inexplicably side-steps the need to analyze impacts to the Wilderness Area, initially stating that trail users would have limited views of the Valley. FEIR at 3.2.4-524 (Response 09-195). The document then reverses itself and concedes that lighting and associated sky glow may be perceived as a *significant change* from locations such as the Granite Chief Wilderness. *Id.* (emphasis added). Since the FEIR now acknowledges that impacts to the Wilderness Area would be significant, the EIR must be recirculated. The recirculated EIR must provide a full analysis of, and mitigation for, impacts to the Wilderness Area, especially because the FEIR never actually describes how the views of the night sky would change for visitors at this location.

b. Mitigation for the Project's Light and Glare Impacts Remains Inadequate.

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The EIR also violates CEQA because its proposed mitigation measures are vague, ineffective and unenforceable. The initial measure (MM 8-5a) calls for the installation of landscaping to screen night lighting for nearby residents. DEIR at 8-59. The DEIR offers no indication that landscaping would shield residents from light, let alone reduce the Project's contribution to sky glow. Moreover, given that the Project includes massive buildings (e.g., residential towers upwards of 100-feet tall and a 108-

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foot tall aquatic center), most trees, and especially immature trees, would not be tall enough to screen light from these massive structures.

The second measure (MM8-5c) calls for designing the Project's parking structures to block direct illumination of nearby residents. DEIR at 8-60. This measure *may* potentially shield neighbors from some lighting, but it does nothing to address the lighting from the other Project components such as street lights, pedestrian paths, building corridors, landscape lighting, service areas, headlights, or the lighting of the village commercial core areas.

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The final measure (MM 8-5b) calls for the applicant to comply with the VSVSP design guidelines and to develop a detailed lighting plan. DEIR at 8-59. As an initial matter, a mitigation measure calling for the applicant to comply with the design guidelines developed by the applicant himself is meaningless. The design guidelines *are* the Project.¹⁹ Thus, this measure calls for the applicant to mitigate the Project's light pollution impacts by implementing the Project. An applicant's promise to implement his own project would do nothing to reduce the Project's severe light and glare impacts.

As regards the promise to prepared a detailed lighting plan, CEQA allows a lead agency to defer mitigation only when: (1) an EIR contains criteria, or performance standards, to govern future actions implementing the mitigation; (2) practical considerations preclude development of the measures at the time of initial project approval; and (3) the agency has assurances that the future mitigation will be both "feasible and efficacious." *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94-95 ("CBE"); *San Joaquin Raptor Rescue Center*, 149 Cal.App.4th at 669-71; CEQA Guidelines § 15126.4(a)(1)(B). Here, the EIR meets none of these requirements. The EIR does not identify any performance standards against which the mitigation's actual implementation can be measured. Nor does the document explain why the detailed lighting plan could not have been prepared now, prior to Project approval. It also does not provide any evidentiary support as to how the plan would be capable of meaningfully addressing the Project's light pollution impacts.

Largely because the existing measures were so deficient, we identified specific measures such as requiring that light sources be shielded, requiring the use of yellow light sources, and placing a cap, or at least a reasonable limitation, on the total

¹⁹ The design guidelines are included in the Village at Squaw Valley Specific Plan, and the Specific Plan is the Project.

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lighting for the Project. We provided evidentiary support of the effectiveness of these measures to reduce light, glare, and skyglow. See FEIR at 3.2.4-421 (Comments 09-196—09-199). The FEIR largely dismisses these comments, and instead reiterates the claims made in the DEIR without supporting facts or substantive analysis. Our comments on the DEIR remain valid.

8. The FEIR Fails to Adequately Respond to Comments About the Project's Impacts to Historic Resources.

In its prior comments, Sierra Watch noted that the DEIR failed to adequately analyze the Project's impacts to historic and cultural resources. FEIR at 3.2.4-422–3.2.4-426. However, the FEIR fails to adequately respond to those comments. Several of the most egregious examples are discussed below.

06-37

First, while the FEIR acknowledges, as it must, that Squaw Valley has been designated as a State historic landmark (Pioneer Ski Area of America, site No. 724), it refuses to analyze whether the Project would destroy or alter the area in such a way as to impact this designation. Rather, the FEIR claims that analysis of destruction of two buildings used in the Olympics on the Project site is an adequate substitution for this analysis. FEIR at 3.2.4-525 (response to comments No. 09-200). The FEIR further claims that because the Office of Historic of Preservation will review the designation at some point, that the landmark need not be evaluated. *Id.* The FEIR is wrong on both counts.

The County may not unilaterally alter the State historic landmark designation. Moreover, the FEIR provides no evidence whatsoever that the two Olympic buildings on site provide anywhere close to a proxy for the more than a century and a half of history associated with organized alpine skiing in the Project area. The initial landmark designation indicates that the site is eligible for listing in the California Register of Historical Resources, for example because it is "associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage." See CEQA Guidelines § 15064.5(a)(1) & (3)(A). Eligibility for listing on the California Register is all that is required. Therefore, that at some point the Office of Historic preservation may review the designation so that it may be *automatically listed* in the California Register does not change the fact that the Office of Historic Preservation initially determined its eligibility by designating the site as an official landmark. See California State Parks Office of Historic Preservation, California Historical Landmarks by County (http://ohp.parks.ca.gov/?page_id=21387), attached hereto as Exhibit 23.

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Second, instead of providing substantial evidence that other historic buildings on the site are not significant, the FEIR simply responds that such information is “confidential.” FEIR at 3.2.4-526 (response to comment 09-201). Yet, the FEIR fails to explain why the County’s assessment of the integrity of these buildings would be confidential. The DEIR identifies the buildings and makes claims about them. The FEIR cannot hide behind confidentiality rules to escape providing substantial evidence for its conclusions.

Third, the FEIR entirely fails to address, much less respond to, Sierra Watch’s comment that the Placer County General Plan prohibits the damaging or destruction of “important historical, archaeological, paleontological, and cultural sites and their contributing environment.” FEIR at 3.2.4-424–3.2.4-425 (citing Policy 5.D.6). The County must revise and recirculate the EIR to analyze the Project’s inconsistency with this provision.

Finally, the FEIR does not fix the lack of substantial evidence for the conclusion that potential impacts to archaeological resources will be mitigated to a less than significant level. The FEIR only repeats the unsubstantiated conclusion in the DEIR. While the EIR elsewhere admits that mitigation to a less than significant level can only occur if the resource is avoided, mitigation measure 7-3(c) recognizes that avoidance may not be possible. DEIR at 7-22. Further, none of the mitigation provides for “contingency funding and a [sufficient] time allotment” to allow for avoidance or appropriate mitigation, as required by CEQA Guidelines section 15064.5. FEIR at 3.2.4-526 (quoting same).

9. The FEIR Fails to Correct the Deficiencies in the DEIR’s Public Safety Analysis and Mitigation.

In our comments on the DEIR, we informed the County of the inadequacies of the DEIR’s analysis and mitigation of impacts to public safety from the Project, including risks from wildfire, earthquakes, avalanches, and propane storage. See FEIR at 3.2.4-426–3.2.4-431. As discussed below, the FEIR fares no better.

With respect to wildfire risk, the FEIR combines its response on this with its response regarding emergency access. Therefore, we address this issue above (*supra*, Part I.B(3)(b)) with our comments on emergency access.

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a. The EIR's Analysis and Mitigation of Seismic and Avalanche Hazards Remain Inadequate.

With regards to earthquake and avalanche risks, our prior comments noted that the DEIR improperly deferred mitigation by stating the impacts would be addressed in later studies and plans. FEIR at 3.2.4-426. The FEIR claims this is approach is justifiable due to the "programmatic" nature of the document. FEIR at 3.2.4-529 (response to comment no. 09-207). As discussed, this does not excuse preparation of analysis that is appropriate for the proposed development plan.

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For example, the EIR defers preparation of a final fault analysis, which would include a "written text addressing existing conditions, evidence suggesting recent fault activity, all appropriate calculations, logs, cross sections, testing, and test results, fault trace location map(s) overlaid with proposed on- and off-site improvements, and site maps showing applicable building setbacks, or possible setbacks, based on various scenarios resulting from the final investigation." FEIR at 3.2.4-528. There is no reason the EIR could not conduct this analysis and propose appropriate mitigation (such as setbacks) based on the current proposed site plan for the Project. If the Project needs to be altered based on the fault analysis, the public and decision-makers should be apprised of this situation *now*, before a final vote on the Project application, which includes entitlements for a given level of development.

The FEIR claims a report has already been prepared regarding avalanche hazards that contains performance standards, but fails to provide that report. This information must be included in the EIR, especially in light of the FEIR's acknowledgement that if mitigation measures are not properly implemented, "project development could increase the number of persons at significant risk in the event of an avalanche." FEIR at 3.2.4-529 (response to comment no. 09-207).

The FEIR also fails to heed concerns that the EIR's determination that seismic and avalanche hazards will be reduced to a less than significant impact with mitigation is not supported by substantial evidence due to the nature of the impact. The FEIR responds that it is up to Placer County to determine what is an acceptable level of risk, and that there are risks "from walking on a sidewalk to riding a bicycle or driving to the grocery store." FEIR at 3.2.4-530 (response to comment no. 09-208). While Placer County has some discretion in setting thresholds of significance, it abuses that discretion when it compares siting a development on a known fault line and in a known avalanche hazard area to quotidian activities such as walking on a sidewalk. This is especially true when the development would exacerbate such risks by inducing growth in the area,

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including in high avalanche zones (such as in White Wolf). Given that mitigation is not known at this point, much less proven, to reduce seismic and avalanche hazards, the EIR's conclusion that such hazards result in a less than significant impact is unsupported.

b. The FEIR Provides Only a Conclusory Response Regarding the Impacts from Propane Storage on the Project Site.

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Even though the Project would involve on-site storage of 165,000 gallons of propane, stored in "propane farms," the EIR baldly asserts that impacts from such storage would be less than significant because all safety regulations would be followed. See FEIR at 3.2.4-532 (response to comment no. 09-217). However, as explained in our prior comments, accidents happen, and the EIR must analyze and protect against such incidents. For example, what happens to water quality, soils, and safety if the underground tanks leak? What happens in the event of an earthquake, which the EIR admits is very possible in this vicinity? How will emergency access routes/response times be impacted in the event of an emergency? See *supra* Part I.B(3)(b). The EIR's failure to examine these issues results in a prejudicial abuse of discretion.

The EIR's deficiency is further exacerbated by the fact that the FEIR alters the propane storage plan, adding a new storage location at the entrance to the resort (Lot 28). FEIR at 2-5. Adding this third location only increases the odds that Project visitors could be impacted by hazards associated with the propane storage. Lot 28 is particularly ill-suited for propane storage due to the increased risk of explosion to guests, residents, and emergency responders this location creates in the event of a fire. Lot 28 is a triangular lot bordered by Squaw Valley Rd, Far East Road, and Squaw Creek. Directly across the Creek is Lot 11 which would house the largest of the proposed parking structures. Village at Squaw Valley Specific Plan (April 2016) at B-21. The result is that the Project now proposes to locate tens of thousands of gallons of explosively flammable gas alongside a bottleneck in the only evacuation route out of the valley in the event of a wildland fire, and adjacent to the largest, and most conveniently located, of the parking areas where the FEIR suggests people could "shelter in place." FEIR at 3-23. As with the prior locations, the EIR entirely fails to analyze the impacts at the new storage location.

The new location would clearly have additional impacts from that originally proposed, as in the original Project proposal Lot 28 was proposed to be zoned forest recreation and open space, where uses including the siting of explosive gases that

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would create threats to evacuation routes and shelters would be prohibited. *See* FEIR at 2-6. Rather than analyzing this inconsistency and increased risk to public safety in a recirculated document, as required, the FEIR attempts to slap an overlay zone on the parcel and call it a day. *Id.*; CEQA Guidelines § 15088.5(a) (requiring recirculation when there is new information regarding a new or increased significant environmental effect). CEQA does not countenance such a conclusory result.

The County must revise and recirculate the DEIR to include a full analysis and mitigation of the Project's public safety impacts.

10. The FEIR Fails to Adequately Evaluate the Project's Inconsistency with the County's General Plan and the Squaw Valley General Plan and Land Use Ordinance.

As we explained in our prior letter, the Project is in many ways inconsistent with the Placer County General Plan and the Squaw Valley General Plan and Land Use Ordinance ("SVGPLUO"), and the EIR's analysis of these inconsistencies is deeply inadequate. It is important to keep in mind the distinction between these flaws. The CEQA issues may potentially be resolved if, for example, the County finds, based on substantial evidence, that (1) the conflicts constitute a significant and unavoidable impact, and (2) the Project's benefits outweigh that impact. *See* Public Resources Code § 21081. However, no amount of CEQA analysis or disclosure could cure the obvious conflicts between the proposed Project and the County's General Plan and SVGPLUO. Because the Project conflicts with fundamental planning provisions so as to result in significant environmental impacts, and because the FEIR has failed to adequately identify these conflicts in the EIR, approval of the Project would violate not just CEQA, but also the California Planning and Zoning Law, Government Code § 65000 et seq., and the Subdivision Map Act, Government Code §§ 66473.5, 66474.

We will not reiterate each of the inconsistencies we raised in our prior letter. Instead, we will focus on a few of the most egregious violations.

a. General Plan Policy 3.A.7

Because the Project would result in severe, unmitigated traffic congestion and degraded intersection and roadway operations, we explained that the Project would be flatly inconsistent with General Plan Policy 3.A.7, which calls for the County to maintain levels of service ("LOS") D or higher on roadways and at intersections. FEIR at 3.2.4-432 (comment no. 09-223); DEIR at 9-59-63. As we noted, Policy 3.A.7 does

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allow exceptions to the LOS standards, but requires that factors such as increased air and noise pollution, general safety, and quality of life be taken into account. *See* General Plan Circulation Element at 71, 72. Rather than acknowledge this conflict, and more importantly, resolve it, the applicant proposes to adopt a new policy, Policy CP-1, that would make LOS F an acceptable LOS within the Specific Plan area. *See* FEIR at 3.2.4-334 (response no. 08d-12; FEIR at 3.2.4-533 (response no. 9-223); FEIR at 3-89. This proposed policy change represents bootstrapping at its best. The policy amendment would do nothing to change the fact that the Project would create gridlock conditions on area roads and intersections. It simply absolves the County of any responsibility for facilitating such degraded conditions. But the reality of congested roadways, increased traffic noise, increased air pollution and greenhouse gas emissions, and risks to public safety (due to protracted emergency response and evacuation times) would remain. Put simply, the applicant's proposed approach demonstrates a disturbing disregard for the County's General Plan provisions intended to protect the environment and human health and well-being.

The FEIR manufactures a spurious rationale when it suggests that the Project's circumvention of this protective policy is somehow acceptable because of the State legislature's passage of SB 743. Specifically, the FEIR states that LOS and its relationship to environmental impacts has always been a policy issue and in certain instances LOS D, E, or F may not be considered significant because some agencies consider traffic congestion acceptable. FEIR at 3.2.4-533 (response no 09-223). The EIR authors are correct that, in certain circumstances, degraded levels of service are considered acceptable. This is largely because mitigation for increased vehicular delay often involves increasing roadway capacity which, in turn, may increase auto use and emissions, and discourage alternative forms of transportation. The purpose of SB 743, however, is to encourage mixed-use transit-oriented development, to reduce GHG emissions, and to support development of multimodal networks. It is particularly disingenuous that the VSVSP EIR looks to SB 743 as a rationalization as to why traffic gridlock in a mountainous area should be considered acceptable. The proposed Project is not transit-oriented development, is virtually 100% auto-oriented, and would actually increase, not decrease, GHG emissions.

Moreover, the EIR errs because it does not evaluate the environmental impacts that would result from the adoption of Policy CP-1. Because this policy would make LOS F acceptable at intersections in the Specific Plan area, traffic would no longer be a constraining factor for future development proposed within the study area. In other words, future land use projects in the area could generate massive amounts of traffic, yet

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the impacts caused by this traffic would inevitably be considered a less than significant land use impact. The VSVSP EIR ignores this reasonably foreseeable scenario. Consequently, the document must be revised to evaluate the ways in which removing this obstacle to development could foster additional growth. The revised EIR must also evaluate the environmental impacts that would result from this growth including, but not limited to, traffic, air quality, noise, GHG emissions, biological resources, water supply and water quality.

b. General Plan Policy 3.A.8

Like the FEIR, the DEIR also glosses over the Project's glaring inconsistency with General Plan Policy 3.A.8. This policy states:

"The County shall work with neighboring jurisdictions to provide acceptable and compatible levels of service and joint funding on the roadways that may occur on the circulation network in the Cities and the unincorporated area."

The FEIR reasons that this policy "simply requires that the County work with neighboring jurisdictions on solutions for the circulation network" and that the policy does not preclude development that would affect roadways in neighboring jurisdictions. FEIR at 3.2.4-534 (response no 09-224). This conclusion is absurd. The intention of the General Plan is unambiguously to avoid local and regional impacts to area roadways. This policy clearly indicates that the County and neighboring jurisdictions are to work together to achieve acceptable and compatible levels of service. The FEIR provides no evidence that the County or the applicant has made any attempt to work with local jurisdictions to provide acceptable levels of service. Consequently, the proposed Project would result in significant impacts in contravention of this policy.

c. General Plan Policy 1.G.1

As we explained, it is indisputable that the Project is inconsistent with Policy 1.G.1, which calls for the County to support the expansion of winter ski and snow play areas where the transportation system capacity can accommodate the expanded uses and where environmental impacts can be adequately mitigated. The Project would result in numerous significant and unavoidable transportation impacts, but the FEIR authors boldly assert that the Project would not result in exceedance of transportation system capacity. FEIR at 3-59. Not only does the FEIR's assertion belie common sense, it is also contradicted by the DEIR itself. The DEIR uses volume to capacity as the

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