



April 21, 2011

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

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

Re: Homewood Mountain Resort DEIS/EIR/Master Plan

1 [The League to Save Lake Tahoe appreciates the opportunity to submit comments on the Homewood Mountain Resort (HMR) DEIS/DEIR/Master Plan. The League has several concerns, including the integrity of the DEIS, the proposed amendments to current TRPA regulations and unmitigated impacts to the TRPA environmental threshold carrying capacities. The DEIS/EIR does not sufficiently analyze environmental impacts and a new DEIS/EIR must be drafted. The current DEIS inadequately analyzes impacts to the TRPA environmental threshold carrying capacities; a new DEIS must include a robust analysis of impacts to the thresholds. We hereby incorporate the comments provided by Michael Lozeau, the Friends of the West Shore, and the Tahoe Area Sierra Club. We hereby incorporate previous letters regarding the 2009 land capability challenge. We hereby incorporate our previous comments on the CEP, which are attached.]

2 [The scale of the proposed project is too large for the proposed location. Homewood is a rural area and the project site is located on two-lane Highway 89 between the Tahoe City "Y" and Emerald Bay. The proposed project would transfer development allocations to magnify urbanization in an area that was never intended for such a large scale development. The project is far too large with 349 units, two new lodges, a parking garage, 203,700 cubic yards of cut and fill, 77 foot high buildings, and hundreds of thousands of square feet of hard coverage.]

3 [***Soils and Coverage***

Coverage Details not Included in DEIS

The coverage section in the DEIS is incomplete and lacks clarity. What is the total proposed hard coverage footprint? How much soft coverage will be transferred to hard coverage for the proposed project? Hard and soft coverage need to be clearly differentiated in the document because different impacts are associated with soft and hard coverage.]

4 [It is essential that the EIS adequately analyzes the details of coverage at Homewood because the soil conservation TRPA environmental threshold carrying capacity is out of attainment. The threshold indicators, impervious coverage and naturally functioning SEZ are both in non-attainment (per the TRPA's last five year Threshold Evaluation from 2006). The proposed project must not cause the soil threshold standards to be exceeded. Naturally functioning soil that allows the growth of native vegetation and the infiltration of precipitation and stormwater runoff is closely linked to water quality and Lake Tahoe clarity. Naturally functioning soils are important to vegetation, another TRPA threshold, because vegetation needs sufficient functioning soil to grow in. Soil supports vegetation needed to provide clean air and buffer noise. Natural soils with native vegetation is necessary for scenic quality and provides an environment for high quality recreation. The cumulative impact of the permanent loss of soils for this project need to be analyzed as soft coverage is relatively easy to restore compared to hard coverage.

While both hard and soft coverage can create impacts to water quality, soft coverage is less likely to create as many impacts to trees, noise, wildlife, scenic resources and would create different impacts to air quality. Hard coverage is also much more difficult to restore than soft coverage. In terms of water quality, soft coverage is an impervious surface in which pieces of soils can be carried within stormwater runoff. Hard coverage creates water quality impacts through the addition of traffic; a large building that accommodates hundreds of people whose cars will create fine sediment as the vehicles grind up particles on the roadway. Hard coverage in the form of pavement can act as a surface where cars grind up fine particles. The traffic that accompanies hard coverage also creates air quality impacts. Hard coverage disturbs tree root systems in trees adjacent to new hard coverage, where soft coverage, especially in the form of the existing dirt roads at Homewood, is unlikely to disturb nearby trees. Hard coverage also permanently impacts scenic resources; a dirt trail through a forest looks much different than a 77 foot high building in front of mountains and trees. Hard coverage in the form of pavement and buildings also impact wildlife differently than a dirt trail or road. Wildlife may still be able to use a habitat that is intersected by dirt roads, but wildlife is unlikely to use habitat that is filled with large buildings and pavement with cars. Hard coverage creates more noise impacts than soft coverage because hard coverage that is planned would be accompanied with traffic and tall buildings that will reflect and project noise from as high as 77 feet.

The TRPA process to verify soft coverage is not transparent. The process has led to discrepancies in the amount of verifiable soft coverage because evidence used to claim soft coverage can be easily manipulated. For example, a pre-1972 aerial photo can easily be manipulated using Photoshop where dirt roads can be easily added.]

5 [Soft Coverage

The DEIS states that, "Soft coverage describes compacted areas without structures, improvements or coverings and includes uses such as the parking of cars and heavy and repeated pedestrian traffic that compacts the soil so as to prevent substantial infiltration" (14-18). This definition of soft coverage is incomplete. Soft coverage is defined in Chapter 2 of the TRPA Code of Ordinances:

2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at

least 75 percent of the normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. Common terms related to land coverage are:

- 1) Hard Coverage – man-made structures as defined above.
- 2) Soft Coverage—compacted areas without structures as defined above.”

In other words, “soft coverage,” under the TRPA Code of Ordinances, must have been created before February 10, 1972. “Soft Coverage” created after February 10, 1972 is not recognized as existing coverage under TRPA Code.

Hard coverage footprint

The document states, “Existing land coverage is approximately 1,781,000 square feet (including public ROW), which includes approximately 271,000 square feet of coverage at the North Base area and approximately 117,000 square feet at the South Base area. Across the Project area, approximately 288,000 square feet is hard coverage consisting of parking and ski facilities, lodges, etc. and the balance is roadways and trails” (3-8). Although not clearly stated in the alternative preferred by the developer, the proposed hard coverage footprint of the project is at least 653,213 square feet (Table 15-9, page 15-83). A new DEIS must clearly identify the total hard coverage footprint of the project in each alternative. How much hard coverage would result from each alternative? How much soft coverage would result from each alternative?

6 The DEIS must provide clear details on how much soft coverage is proposed to be used for the proposed hard coverage footprint. The dimensions and location of the soft coverage must be clearly identified in the environmental analysis. TRPA code limits the transfer of soft coverage, “Soft Coverage:§ Soft land coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities” (TRPA Code of Ordinances, Section 20.3.C (2) (b)). The proposed project alternative proposes a large number of TAUs and commercial floor space. What is the total amount of hard coverage that is directly or indirectly associated with TAUs and commercial space with the proposed project?

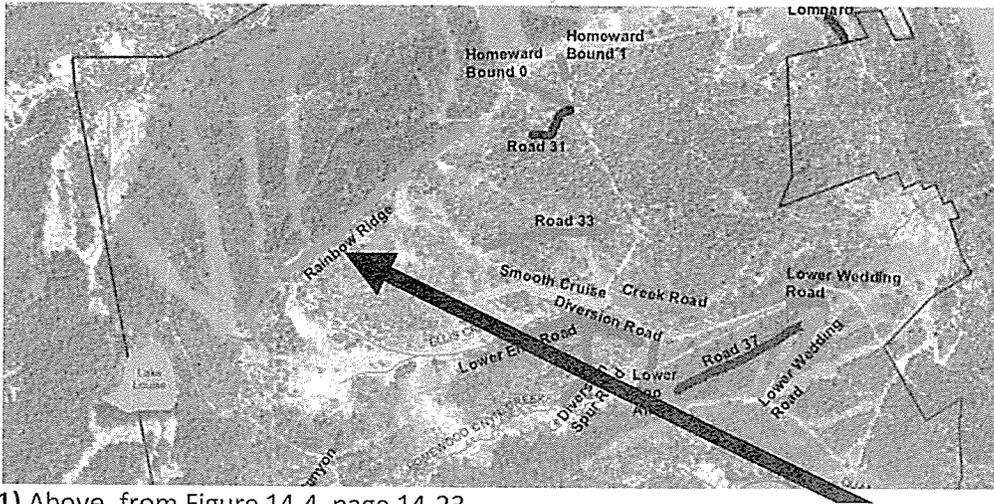
A complete inventory (in the scale of square footage) of the soft coverage in the project area is needed, that clearly identifies if the coverage meets the TRPA definition (i.e. existed prior to February 12, 1972, etc...), parcel origin, state of restoration (fully restored, partially restored, treated, pending, etc...), state of BMP compliance, banked, planned for “transfer” from one parcel to another within the project area and intended to be converted to hard coverage. Apparently, dirt roads on the mountain are being converted to hard coverage (building footprints, roadways, parking lots, and other impervious surfaces). The TRPA threshold impacts need to be compared for these different uses.

7 The DEIS states that, “Since 2006, approximately 19,000 linear feet of dirt access roads ranging from 7 to 18 feet in width have been treated and removed from within the Project area as part of sediment source control projects that removed and restored soft land coverage and disturbance associated with dirt access roads” (14-20). There is a large variation between 7 and 18 feet. More detailed, precise and specific information needs to be provided on this “soft coverage” restoration. How much of this existed prior to February 10, 1972? What constitutes “treatment?” Of the 19,000 linear feet of dirt access roads, how much has been “treated”, but not removed? How many linear feet of dirt roads on the project area have not received BMPs? What is the requirement?

What direct evidence exists to support whether the soft coverage actually existed before February 10, 1972 in the same dimensions (a ten foot width road versus an 18 foot wide roadway) and configurations? Page 14-23, Figure 14-4, "Homewood Mountain Resort Sediment Source Control Projects" shows roads and trails that were "treated." What is the square footage of these roadways and trails that have been or is intended to be transferred, banked, or converted to hard coverage?]

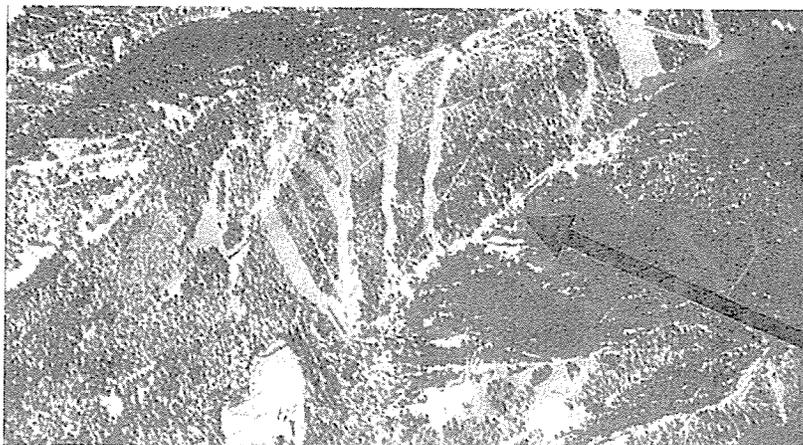
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[Figure 14-4 shows that "Rainbow Ridge" was treated in 2007. What is the square footage of coverage from this area that that has been or is intended to be transferred, banked, or converted to hard coverage? How much vegetation, including trees, will be allowed to grow on "Rainbow Ridge"? Historical data from Google Earth show that this road did **not** exist in 1969. Was it created between 1969 and February 10, 1972? What evidence is there to support this? Many of the historic dirt roads do appear on the 1969 Google Earth Aerial photos, so it seems unlikely that another road would have been created during the short period between 1969 and early 1972. If it was created during that time, is there evidence to support its specific width and configuration? Below is a close-up of Rainbow Ridge 1) from Figure 14-4, 2) 2011 Google Earth Aerial, 3) 1969 Google Earth Aerial, 4) zoomed 1969 area:



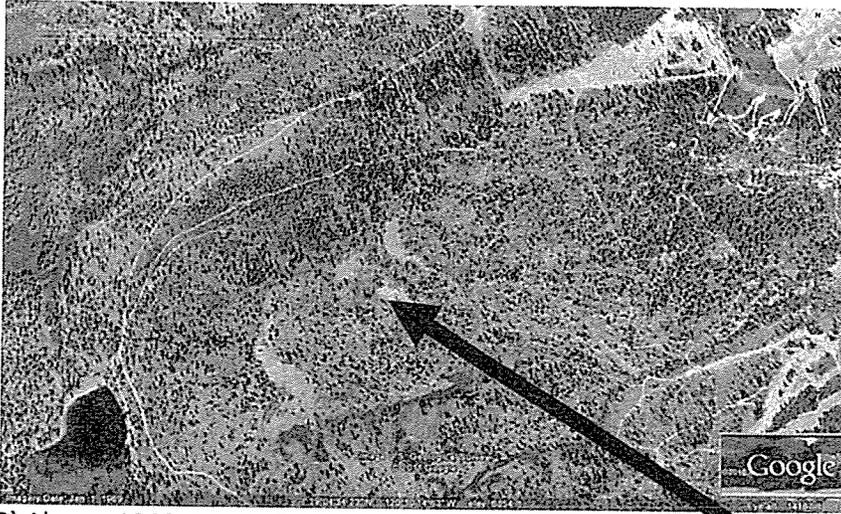
1) Above, from Figure 14-4, page 14-23.

Rainbow Ridge Trail

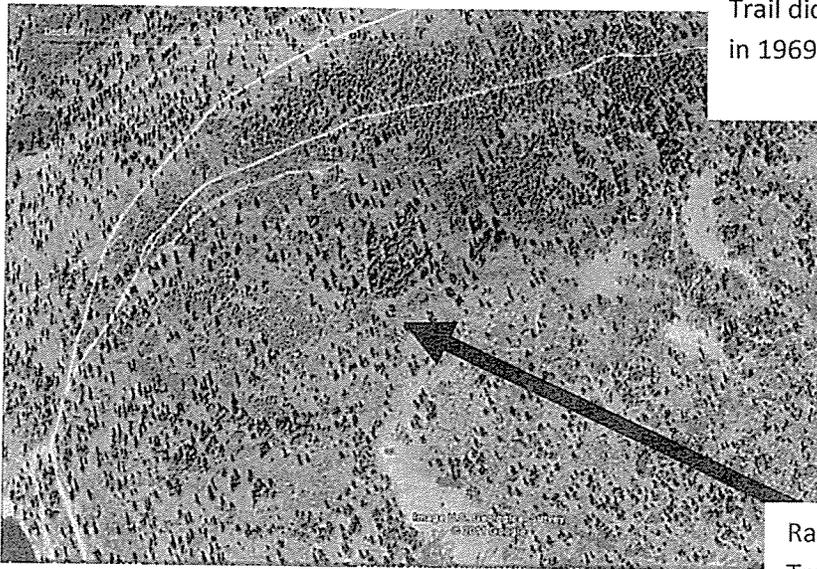


Rainbow Ridge Trail

2) Above, 2011 Google Earth aerial photo.



3) Above, 1969 Google Earth aerial photo.



Rainbow Ridge
Trail did not exist
in 1969.

4) Above, zoomed 1969 Google Earth aerial photo.

Rainbow Ridge
Trail did not
exist in 1969.

9 [Additional ambiguity exists relating to the dimensions and configuration of the dirt roads and other soft coverage at Homewood Mountain Resort as claimed in the DEIS: "The unpaved (dirt) roaded area, used in the original TMDL modeling effort, under-estimated the actual dirt roaded areas found in the Homewood area. As such the dirt road land use category area is increased by approximately 958,311 square feet or 22 acres to reflect field-measured land use and land coverage conditions while adjoining vegetated land use category areas were reduced by an equivalent amount. This correction results in a more realistic representation of existing conditions" (15-10 and 15-11). Why did the original TMDL modeling effort report less area than the HMR CWE analysis or alternatively, why did the HMR CWE analysis indicate more? The HMR CWE analysis was conducted by IERS, who was hired directly by HMR.

What was the data and analysis were used for each of these calculations? Is there evidence in the record to support that this "soft coverage" existed prior to February 10, 1972?]

[The DEIS is unclear about the amount of total existing land coverage due to discrepancies on whether ROW coverage should be included in calculations. The DEIS states:

10 "The total existing land coverage in the approximately 1,253-acre Project area is verified at 1,781,447 square feet. It is unclear if land coverage beneath the public rights-of-way (ROW) was included or excluded from the analysis completed for the boundary line adjustments for the Project area. HMR must coordinate with TRPA to determine if ROW has been considered and if not, formally apply to have coverage figures adjusted accordingly. To present the most conservative land coverage calculations for existing conditions, the land coverage totals have been revised to reflect the exclusion of land beneath public ROWs located within the South Base area per TRPA Code of Ordinances Section 20.3.D(1)(b) by 20,110 square feet to equal 1,761,337 square feet. If this land coverage was previously excluded, then the existing land coverage analysis is conservative by 20,110 square feet. If this land coverage was not previously excluded, the existing land coverage analysis conforms to the TRPA requirements to exclude lands beneath public ROWs from allowable base land coverage determinations" (14-19 and 14-20).

Have the public rights-of-way been included or excluded from the analysis completed for the boundary line adjustments for the Project area? ? The FEIS must provide an accurate figure of the existing coverage and retain consistency throughout the document.]

11 [The location of soft coverage to be transferred needs to be explained and analyzed in detail in the EIS because it appears that public funds have been used to restore soft coverage at Homewood. The Homewood NOP states, "Up to 500,000 square feet of existing coverage is planned to receive BMP retrofits and water quality improvements. State grant monies in the amount of \$650,000 have been awarded to Homewood to study potential mitigation measures for reducing sediment runoff in the Homewood watersheds. The monies will be used to continue the on-mountain restoration and revegetation projects." Is coverage restored with public funds being transferred for additional development in the form of building footprints? Additional details on soft coverage restoration and conversion need to be disclosed to the public. Land restored using public funds must be deed restricted and must not be available for transfer.]

12 [The DEIS states that significant environmental improvement, especially in water quality, would result from the dirt trail and road restoration. The DEIS states, "Reductions in land coverage are expected to result in reductions in sediment loading. Sediment loading was modeled for the North Base, South Base and Mid-Mountain areas and for Tahoe Ski Bowl Way (redevelopment areas)" (15-61). Sufficient evidence showing that restoration is occurring on legal soft coverage, rather than improper dirt compaction, must be clearly provided in the EIS and information about soft coverage needs to be clearly inventoried, so that compacted coverage that does not meet TRPA grandfathering provisions is not improperly converted into hard coverage.]

13 [Soils – Cut and Fill Appendix N outlines the amount of cut and fill for the proposed project. The total cut and fill according to Appendix N totals 203,700 cubic yards. Page 11-81 shows 92,300 cubic yards being hauled away from the project site. If ten cubic yard trucks are used to haul away this material, 9,230 trucks would be needed. To put the total amount of cut and fill into perspective, 111,400 cubic yards of material is equal to over 11,000 ten cubic yard dump trucks. What will be done with the remaining 111,400 cubic yards of material? Will the redistribution of material change the slope angle at the site? Will material be placed on top of currently functioning soils? How will the redistribution of this much material impact surface and ground water flows? How will this large scale grading and redistribution of material alter the geology and soils of the site? At the base of the mountain, will this massive redistribution of soils create any hazards or undermine the stability of the slopes above? Will digging affect faults in the area? How will this large amount of cut and fill impact vegetation, especially native tree root systems?]

14 [**Transferring Allocations**

The proposed alternative includes transferring a variety of allocations while current code does not allow it. For each type of proposed transfer, at least one regulation prohibits the transfer. For example, the TAUs cannot currently be transferred into areas that do not exist within community plans and soft coverage cannot be transferred to be used for TAUs. In addition, HMR is proposing an amendment to Code Chapters 33 and 35 to allow for use and distribution of additional tourist accommodation units in Ski Area Master Plans, as well as Community Plans.” TRPA code limits the transfer of soft coverage, “Soft Coverage:§ Soft land coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities” (TRPA Code of Ordinances, Section 20.3.C (2) (b)). Since a detailed breakdown differentiating between soft and hard coverage transfers is not disclosed in the DEIS and a large majority of the Homewood’s coverage is soft coverage, there is not sufficient evidence showing that soft coverage would not be used for TAUs for the proposed project. A new DEIS must disclose this information.]

15 [The DEIS states, “The Project Applicant currently has 152 Tourist Accommodation Units (TAUs) available for the Project associated with the North Shore Lodge/Sierra Tahoe (13) and the Tahoe Inn (139). TAUs are required for the 155 proposed traditional hotel units, condo-hotel units and fractional (e.g., timeshare) units” (6-36). Here, the project proposes 155 TAUs, but states that only 152 TAUs are available for the project; a new DEIS must include more information about these three units that the project applicant does not have TAUs for. Page 6-36 of the DEIS states that, “the average TAU size under the Proposed Project (Alternative 1) and Alternatives 3 and 6 is approximately 637 square feet”. What is the **exact** number of square feet for **each** proposed TAU and what was the square footage of the original TAU? Units as large as 1,250 square feet are also proposed; what sized TAUs would be transferred for these units? A table should be included in the new DEIS which includes information for each original unit, including the original square footage, original land capability, original building height, original location and original traffic impacts. The table should also include the same information for each proposed unit. The table should include information on the land coverage being used for each proposed unit and whether the coverage proposed for transfer is hard or soft and what the original land capability was. The morphing of TAUs creates additional threshold impacts that must be analyzed in the environmental analysis.]

[The DEIS states, “In addition, under the CEP application, Homewood has applied for 50 bonus TAUs from the TRPA special project’s pool available based on restoration of low capability lands associated with 50

16

units at the Tahoe Inn property (located on Class 3 land). These 50 bonus units will replace 50 TAUs from the Tahoe Inn that Homewood is proposing to convert to ERUs under the provisions of TRPA Code Chapter 33.7" (6-36). This type of conversion and transfer magnifies threshold impacts, which is not reflected in the DEIS. The original size of each TAU and the size of each ERU must be clearly disclosed to reflect how the square footage is morphed and the environmental impacts are being increased. With respect to the Tahoe Basin, what additional traffic would be produced with the conversion of these small TAUs to large ERUs? Table 6-4, page 6-37 shows that an additional 105 ERUs are needed for the project. Where would these ERUs come from? Why are more residential units being proposed than residential allocations are available for this project? What would the environmental impacts associated with the transfer of these ERUs?]

17

[The DEIS states, "With this conversion and transfer included, Alternatives 1 and 3 will have 76 ERUs and development rights available, resulting in a demand for 105 additional ERUs to accommodate total buildout. However, Alternatives 1 and 3 require 66 ERUs for Phase 1 (North Base) development and therefore additional ERUs would be needed for Phase 2 (South Base) development. Under Alternative 6, there would be a remaining demand for 83 additional ERUs, but 33 of those additional ERUs would be needed for Phase 1 (North Base) development, leaving Alternative 6 short for both Phase 1 and Phase 2" (6-38). The environmental impacts that would result from all phases of development need to be thoroughly analyzed in a new DEIS.]

18

[The DEIS states, "However, transferring the TAUs to the HMR Project area would eliminate potential impacts (e.g., trip generation, land coverage, etc.) that could result within the sending Plan Area or Community Plan because the transferred TAUs would not be rebuilt at the sending location in the future" (6-36). Will the sending sites be deed restricted so that nothing can be built on the site? Since the TAUs are being morphed and are being moved from a more appropriate location (more urbanized and in a Community Plan) to a less appropriated location (non-urbanized and not in a Community Plan) the impacts created at the receiving site still far outweigh any improvements that occur at the sending site.]

[**Water Quality**

19

Naturally functioning soils are necessary to protect Lake Tahoe's water quality. The TRPA environmental threshold carrying capacity water quality is currently out of attainment. The threshold indicators, winter clarity, phytoplankton, tributary water quality, runoff water quality and ground water were not in attainment as of the last TRPA 5-year Threshold Review. Lake Tahoe's near shore clarity is demonstrating a worsening condition, even though the standard is technically in attainment. The Homewood EIS must include a robust analysis of water quality impacts that would result from this large development project in the context of the TRPA environmental threshold carrying capacities and the TRPA Compact, which orders, "the wise use and conservation of the waters of Lake Tahoe".

One of the purposes of the EIS is to provide an unbiased analysis of the environmental impacts of the proposed project to the TRPA Governing Board. This DEIS, and especially the Water Quality section contains a substantial amount of information mixed in from consultants hired by the developer

The developer's consultant, Integrated Environmental Restoration Resources, provides the Homewood Mountain Resort Cumulative Watershed Analysis to the DEIS Water Quality section. The League has several questions that arise from this analysis.

DEIS must Analyze Impact to TRPA Thresholds

The DEIS states that, "The HMR CWE analysis evaluates the relative impacts of the Proposed Project (Alternative 1) and Alternative 3, 4, 5 and 6 as compared to existing conditions (No Project or Alternative 2 and Thresholds of Concern (TOCs)" (15-9). The DEIS must evaluate the impacts to the TRPA environmental threshold carrying capacities, more often referred to as "thresholds". Using a different definition of "thresholds," the document confuses the standards that the impacts the project may pose must be measured by. The DEIS continues by defining TOC: "TOC's are conceptual thresholds that describe a point beyond which a relatively irreversible trend of increasing degradation to 'beneficial uses' occurs. The TOC concept is roughly analogous to the TRPA Environmental Thresholds and the ecological concept of carrying capacity. For purposes of the HMR CWE analysis a TOC is defined as "the point at which the watershed would undergo irreversible degradation supported by a positive environmental feedback loop (IERS 2010)." (15-9). The DEIS needs to evaluate impacts to TRPA thresholds and not replace them with TOCs. Throughout the document where "thresholds" are mentioned, this distinction needs to be made clear.]

20 [Within the Cumulative Watershed Effects analysis, several questions arise. The DEIS states, "The modeled existing sediment yields . . . are used as the baseline to describe existing conditions" (15-11). Why are modeled conditions used rather than actual existing conditions used as a baseline? In terms of sediment, what size particle does the model examine? Does the model include sediment greater than 16 microns? In terms of Lake clarity, fine particles – those 16 microns or less - are the most damaging because of their inability to settle out of the water column as compared to larger, heavier particles. Fine particles (not large particles) cloud Lake Tahoe, and fine particles account for over two thirds of the lake's clarity decline. The June 2010 TMDL Technical report notes that, "It is estimated that approximately 60-70 percent of clarity loss is the result of fine particle interaction with light and water" (page 4-1) and "of inorganic particles, the finer fraction (0.5—16 µm) has the greatest impact on light attenuation" (page 3-14).]

[Fine Sediment is 16 Microns or Less

21 The analysis of the dirt road and trail treatment does not clearly distinguish between fine and non-fine particles. For example, the DEIS states, "At Road 31, Tier 3 treatments were completed and sediment yield decreased by seven times after treatment, from 381 to 54 pounds per acre per inch (lbs/acre/in). This data suggests that restoration treatments applied at Road 31 were successful in controlling sediment at the source" (15-16). Does the 381 pounds of "sediment" include the runoff of larger particles of dirt, pine needles, pine cones, stones, pebbles, rocks, etc., that would probably not reach the lake? It is important to distinguish between fine particles (<20 microns) so that the water quality improvements are not exaggerated. The road and trail treatment in many instances included fertilizer application (15-16). Have the impacts from this practice been accounted for?]

22 [Homewood is required to meet certain water quality standards set by the Lahontan regional Water Quality Control Board discharge permit. The discharge permits are mentioned by the DEIS: "Lahontan previously established WDRs for the Project area under Board Order No. 6-79-51, which was adopted September 19, 1979, and Board Order No. 6-88-174, which was adopted November 9, 1988. The current Board Order No. 6-95-86 updated WDRs to be consistent with requirements placed on other ski resorts within the Region and established specific compliance dates, which extend those in Board Order No 6-88-174" (15-34). How much of the road and trail restoration contributed to Homewood's mandated

compliance with its discharge permit and how much additional restoration went above and beyond these *required* standards? How much fine sediment is being reduced above and beyond what is required? To calculate the amount of fine sediment that is being reduced above and beyond what is required, the following needs to be deducted from the total sediment reductions claimed:

- non-fine sediment (>16 micron)
- reduced sediment that comes from land coverage that will be banked or transferred
- the amount of sediment reduced required to meet discharge permit limits]

[DEIS Must Distinguish Between Improvements & Requirements

It appears that the DEIS does not distinguish between environmental improvement required by the Community Enhancement Program (CEP) and environmental protection required by state regulations and the TRPA.

23 The DEIS further confuses discharge requirements by stating that the No Project Alternative would violate the waste discharge permit: "HYDRO-1: Will the construction or long-term operations of the Project violate existing waste discharge permit provisions or result in discharges into surface waters (streams, SEZs or Lake Tahoe) so that beneficial uses and water quality standards are not maintained? Analysis: Significant Impact; No Project (Alternative 2)" (15-48). Here, the DEIS states that the No Project Alternative would violate the discharge permit limits. Homewood must comply with its discharge permit, whether any project is approved or not. The DEIS inaccurately states that "No mitigation is available" to mitigate the No Project Alternative violation of the discharge permit. The DEIS implies approval and construction of a large development project, such as the proposed alternative, is required to install BMPs and restore dirt roads and trails to come into compliance with discharge limits. The new DEIS needs to evaluate an alternative with a project consistent with all current TRPA Code requirements (such as BMP compliance) and does not cause threshold impacts.]

24 [The CEP requires that the project "goes above and beyond" what is needed to be in compliance with the current regulations. The DEIS notes that, "In 2006, stormwater treatment systems were installed and in 2007 a snow management plan was implemented in the North and South Base areas in compliance with the requirements of the Cease and Desist Order issued by Lahontan on December 23, 2005. Stormwater monitoring is inconsistent because of the absence of overflow from the systems and thus the results for stations P-1 (North Base parking lot) and P-2 (South Base parking lot) do not report trends"(15-48). Environmental improvement and environmental compliance must be clearly distinguished.]

[SEZs

25 As stated above, the TRPA soils environmental threshold carrying capacity is out of attainment, which is reflected by the non-attainment status of the naturally functioning SEZ threshold indicator. It is imperative that the proposed project does not impact SEZs. SEZs are essential ecological systems that filter water, contain unique and sensitive plant and wildlife species and have special soil functions. The DEIS states that, "There is an SEZ at the south end of the parking facility. In this area, snow removal operations are minimized and the following precautions are taken: . . . Blade levels are set to a minimum of 2 inches above the surface of the parking facility to ensure no gravel or base material are transported into or out of the SEZ and that underlying soils are not disturbed" (15-22 & 15-23). Who and how will snowplow blade heights be monitored and enforced? What mechanism will guarantee

that this will actually protect the SEZ? How realistic is it to plow a parking area leaving 2 inches of snow and ice on the surface?]

26

[The document also states that, "Snow is stored in the SEZ only during large snow events (greater than 12 inches) where clean snow can be harvested and safely stockpiled in the SEZ, but never the stream channel. Clean snow is defined as snow more than six inches above the surface layer of the parking facility. At all times, dirty snow (snow within six inches of the surface layer of the parking facility and any other snow that contains sediment, deicing material, abrasives or other debris, is stored outside the SEZ boundary and setback" (15-23). The west shore of Lake Tahoe receives more snow than the east shore, and likely receives more than 12 inches of snow frequently during the winter. Snow must not be stored in an SEZ because abrasion materials and vehicle pollutants can damage these sensitive ecosystems. Snow cleared from parking areas and roadways contains pollutants including fine sediment, that once transported to a stream environment zone contaminates the watershed and can flow directly into the Lake. Also, snow piles on top of SEZ's would change the time that the area would be completely free of snow, which would change the time that sensitive vegetation in the SEZ would start growing back in the spring.]

27

[SEZs must be properly characterized in the DEIS. The document states, "The gravel parking lot south of the North Base parking lot contains seasonal high groundwater at depths ranging from 0.89 to 5.95 feet bgs in a lake depositional environment. The slopes above the North Base and between the North and South Base contain groundwater at depths ranging from 9 to 18 feet bgs" (15-24). Ground water that exists 0.89 feet below the surface (about 10.5 inches) should be re-evaluated by an un-biased expert to determine if this is an SEZ. We hereby incorporate our previous comments provided at the time of the 2009 land capability challenge. Unresolved discrepancies in land capability exist in the area of the gravel parking lot.]

28

[Snowmaking
In case Homewood does not receive natural precipitation in the form of snow, snowmaking facilities will be used. The DEIS states, "Existing snowmaking systems apply up to 14.2 million gallons of water in the form of snow across the Project area" (15-25). How much water will be used for the proposed project's snowmaking? What additives will be used in the snowmaking? What impacts will snowmaking have on water supply and water quality once the snow melts? What impacts will snowmaking have on soils and vegetation? How will the configuration of snowmaking near trees impact trees? Will old growth trees or sensitive species be impacted?]

29

[Hard Coverage
The soils conservation threshold includes both impervious cover and stream environment zones. Hard coverage impacts naturally functioning soils by preventing water to filtrate and vegetation from growing. Hard coverage eliminates soil's function to decompose matter, cycle nutrients, filter fine sediment and store water. Hard coverage creates an impervious surface that increases the force of water running across it and can create erosion on the soils adjacent to it. Hard coverage also eliminates wildlife habitat space and is accompanied with other scenic impacts, noise and traffic. The soils threshold was created to protect functioning soils and limit the amount of imperious coverage and the accompanying impacts to the other thresholds. Soil conservation is essential to protect water quality in the Tahoe Basin.]

[BMPs

30 Since the proposed project poses significant impacts to water quality due to large areas of hard coverage, much of the project depends on mitigations to reduce the overall impact to water quality. The DEIS does note that, "Conclusive results concerning effectiveness of compliance measures cannot be adequately stated without inspection, monitoring and maintenance of the proposed treatment systems and permanent BMPs" (15-64). Both unbiased monitoring of mitigation effectiveness and financial assurances are necessary to ensure that if mitigations fail, the system would be adjusted to protect water quality. Mitigation measure, "HYDRO-1e. Apply Project Security Fee Towards BMP and Stormwater System Improvements and/or Restoration Projects if Discharge Limits are Not Met" must specify the dollar amount of the security fee to reflect whether the fee would be adequate or not to fix unforeseen BMP problems and make adequate repairs.]

31 [A rigorous maintenance schedule for BMPs must be included in a new DEIS. The DEIS states that, "The degree of surface water quality improvement is based on engineering design objectives (e.g. Vortech treatment vault and Contech Stormfilter specifications), sediment models" (15-72). How easily can these vaults become clogged? How often must they be cleaned and pollutants removed? What schedule and process for maintenance of these vaults will occur? A specific and detailed BMP maintenance schedule must be included in a new DEIS. BMP failure could create significant impacts to water quality by allowing fine sediments and nutrients to escape to the watershed and the Lake, clouding the lake. BMP failure can also cause erosion of soils thereby impacting the soils threshold. Failed BMPs resulting in soil erosion can also reduce the thin layer of soil needed for sensitive and native vegetation to grow. It is also possible that failed BMPs, such as clogged vaults, could lead to significant flooding downstream. The proposed large impervious development can increase the velocity of stormwater runoff; if this runoff cannot enter a functioning BMP system, overflow could result in flooding downstream.]

32 [Additionally, the DEIS states that, "Construction and operation of the Proposed Project (Alternative 1) or Alternative 3 will not cause increased runoff resulting in flooding or stream bank erosion or contribute runoff in rates or volumes that will exceed the capacity of existing or planned storm water drainage systems so that a 20-year, 1-hour storm runoff (approximately one inch per hour) cannot be contained on the site" (15-73). Climate change research forecasts increased flood frequency and volume and increased frequency of rain on snow events in the Tahoe Basin. BMPs should be designed for greater than a 20 year one-hour storm event to protect water quality. In the event of more frequent and voluminous flooding, stormwater not contained by BMPs would carry fine particles, nutrients and other pollutants beyond the project area to the lake, clouding clarity. Additionally, BMPs need to be designed to handle and treat stormwater for a range of soil saturations and soil types, with secondary/tertiary filtration methods. HMR's steep terrain, high precipitation regime, high water table, and proximity to the Lake make these high priorities.]

[BMP Effectiveness is Overestimated

33 BMP effectiveness is overestimated in the DEIS; for example, the DEIS states, "Compared to existing conditions, long-term contributions from the Project area to stormwater runoff, snowmelt and atmospheric deposition will be reduced and minimized through installation of stormwater treatment systems, bioretention areas, reductions in land coverage, and continued revegetation of disturbed areas and ski trails" (15-65). How would "stormwater treatment systems, bioretention areas, reductions in land coverage, and continued revegetation of disturbed areas and ski trails" reduce a significant amount

of atmospheric deposition? The likely increase in vehicle traffic to the large development would grind and stir up fine particles and particulate on sections of highway 89 near the lake shore, which would deposit into the lake. Additional vehicles going to and from the proposed development would also create additional emissions that would contribute to atmospheric deposition. Atmospheric deposition is also a significant contributor to the decline in lake clarity. Atmospheric nutrient loading is a TRPA environmental threshold carrying capacity that is not in attainment. Traffic that contributes fine particles to the atmosphere also carry nutrients (such as phosphorus and nitrogen), which are then deposited into the lake. Nutrients feed algae which clouds the lake.]

34 [Groundwater

The proposed project would affect groundwater in three main ways: through groundwater interception, large amounts of urbanization linked directly to detention basins and by permanent impacts to naturally functioning soils in the form of permanent hard coverage. Groundwater is a TRPA environmental threshold carrying capacity standard that is out of attainment per the last TRPA Threshold Review. Groundwater is itself an important resource for human consumption and is also closely linked to the health of the overall watershed, as groundwater interacts with the Lake itself and stream environment zones. Groundwater interception and drawdown can pull water from stream environment zones. Naturally functioning SEZ is a TRPA threshold that is out of attainment; SEZs must be protected from groundwater drawdown and redirection. Sensitive plant and wildlife species could be impacted by SEZ disturbance.]

35 [Groundwater in the Lake Tahoe Basin has been found to act as a conduit for nutrients and other pollutants to Lake Tahoe; in the Lake Tahoe Total Maximum Daily Load (TMDL) Technical Report (June, 2010), sources are cited to have found "total dissolved nitrogen and total dissolved phosphorous loading to Lake Tahoe from groundwater to be approximately 50,000 kg/yr and 6,800 kg/yr, respectively" (page 4-15). The report notes, of particular relevance to the Homewood project, that, "the highest loading comes from the west shore aquifers. These loads are high primarily because the groundwater discharge rate is the highest of all subregions" (page 4-15). The report shows about 61% of both Nitrogen and Phosphorous loading through ground water comes from the west shore (Table 4-7, page 4-16). Nutrients feed algae in Lake Tahoe, which is a significant contributor to the decline in water clarity.]

36 [The TMDL Technical report finds that "infiltration basins and urban infiltration can also contribute nutrients to groundwater" and explains, "Infiltration basins are constructed specifically to collect stormwater runoff and allow it to slowly percolate into the groundwater aquifer(s) below. These basins are intended to prevent untreated nutrient loads from directly entering the lake via sheet flow or storm drainage outfall, and to prevent concentrated nutrient loads from entering streams that flow into the lake" (page 4-19). Although detention basins can reduce the amount of fine sediment flowing from urban areas along the surface of the earth, nutrients can follow a path to the Lake through detention basins, then to groundwater, and then to the Lake. The TMDL Technical Report (2010) notes that, "analyses suggest that a nitrate plume may pulse into shallow groundwater from dry detention basins during spring snow melt conditions" (page 4-19). Homewood proposes to build multiple detention basins to contain stormwater runoff from proposed new construction. At the South Base, Homewood proposes to construct five infiltration basins (DEIR, 15-20). Other proposed "catch basins", "vegetated swales", "water quality basins" (15-68), may reduce some surface pollutant loading, but may also route nutrients into groundwater. The sum of the proposed treated coverage from Table 15-9 (15-83) is 653,213 square feet. The large amount of proposed urban hard coverage reduces soil function,

including the uptake of nutrients, in key areas. BMP functions cannot fully replace the functions of natural systems, such as naturally functioning soil.]

37

[The DEIS includes mitigation measure "HYDRO-1d" – "Inspections, Operations, Maintenance and Monitoring for Stormwater Treatment Systems and Permanent BMPs" (15-69). The DEIS states, "The Project Applicant shall prepare and implement an Inspection, Operations, Maintenance and Monitoring Plan for Stormwater Treatment Systems and Permanent BMPs. This plan shall comply with TRPA Code of Ordinances Chapter 25 and Chapter 81 and Lahontan's updated WDRs. TRPA, Lahontan, and Placer County shall review the plan prior to issuance of final Project approval" (15-69). The DEIS also states, "A long-term maintenance program shall be developed as based on monitoring results" (15-70). Why are these Plans not included in the DEIS? A flawed or inadequate Inspection, Operations, Maintenance and Monitoring Plan or Long-Term Maintenance plan could lead to BMP failure and significant impacts to both ground water and surface water quality. BMP effectiveness is directly related to proper and frequent maintenance of the BMPs. To avoid a conflict of interest, an unbiased third party or TRPA enforcement representatives should conduct the BMP inspection and monitoring. The DEIS states that, "A qualified consultant or trained HMR staff (Note: completion of the TRPA contractor certification training is recommended) shall monitor restoration progress" (15-69), which presents a conflict of interest.]

38

[Monitoring must include analysis of nutrient input into groundwater through infiltration basins. The DEIS states the standard for nutrients in ground water as a concentration: "Surface water that is infiltrated onto groundwater shall not exceed the TRPA and State discharge to land treatment limits: • Total Nitrogen as N: 5 mg/L; • Total Phosphorus as P: 1mg/L" (15-70), which may be an inadequate measure of nutrient loading. Both concentration and the total amount of nutrients needs to be considered when evaluating the effectiveness of BMPs that filter surface water to ground water sources. Concentration is a measure of the amount of pollutants per the amount of water so when there is a large amount of water, the total concentration is small, even if the total amount of nutrients is large. Measuring solely by concentration can lead to the underestimation of total nutrient loading when nutrients are diluted. Nutrients contribute to the decline in clarity even when diluted with large amounts of water.]

[*Flawed Analysis of Alternatives and Inadequate Range of Alternatives*

39

All of the alternatives presented are too large (except the No Project Alternative) and would create too many impacts to the TRPA environmental threshold carrying capacities. The new DEIS needs to evaluate an alternative project consistent with all current TRPA Code requirements (such as BMP compliance) and does not cause threshold exceedence. The new DEIS also needs to evaluate an No Project Alternative that brings the site into compliance with TRPA regulations and does not cause threshold impacts. Alternative 4 consists of large residential homes; how does this alternative not violate the two-step subdivision rule?]

40

[The League has several questions and concerns regarding the range of alternatives presented in the DEIS. The DEIS states, "this environmental document includes an analysis of alternatives that would feasibly attain most of the Project's objectives but would avoid or substantially lessen any of the significant effects of the Project" (3-9). Would the alternatives presented in the DEIS all of the project objectives?]

41 [Alternatives are Not Objectively Analyzed

The alternatives are not objectively portrayed or analyzed in the DEIS, which can be seen by examples of the “No Project” alternative written as if it creates “significant impacts” and is not compliant with current TRPA regulations. The DEIS portrays the No Project Alternative as an alternative that would create significant environmental impacts. The Homewood ski resort can be made with an appropriate scale and manner that does not impact the TRPA environmental threshold carrying capacities. If the current situation is not in compliance with current regulations, a No Project Alternative which brings the site into compliance needs to be included in the environmental analysis.]

[The DEIS uses flawed logic to argue that the No Project Alternative will create “Significant Impact.” The DEIS states:

6.4 ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION

Impact: LU-1. Will the Project be consistent with the land use plan or zoning plan, or land use goals, policies, and provisions of the TRPA Regional Plan, including the Goals and Policies, Code of Ordinances, Plan Area Statement, or Ski Area Master Plan Guidelines, and the Placer County General Plan and West Shore Area General Plan?

Analysis: *Significant Impact; No Project (Alternative 2)*

42 *Analysis: Significant Impact; No Project (Alternative 2)*

The No Project (Alternative 2) does not result in any changes to existing conditions. The current ski facilities and associated uses will continue to operate and are in compliance with permissible uses specified in TRPA and County land use plans. No Code or Plan Amendments are required for this alternative. However, this alternative would not result in proposed Master Plan development intended to comply with special policies contained in the County or TRPA PAS. Both County and TRPA PAS 157 states that access for cross-country skiing should be improved and that upgrading and redevelopment of the base areas should be encouraged, including multi-use of ski area base facilities. While the No Project (Alternative 2) will not prevent future improvements, it will not advance the listed improvement policies. Although this documentation indicates the ski area would continue to operate under Alternative 2, it should be noted that the ski area has been documented as losing money for a number of years and the current owner has indicated that it cannot continue to operate at a loss indefinitely, leading to eventual closure with current operations (see Alternative 4). (6-13)

First, the DEIS supports its assertion that the No Project Alternative would not be consistent with TRPA regulations by saying that it would “not result in the proposed Master Plan development”. The proposed Master Plan development is the Proposed Alternative, so the DEIS is saying that the No Project Alternative is not compliant with regulations because it would not result in the proposed development project. The proposed alternative would result in multiple inconsistencies with current regulations – which can be seen by the proposed regulation amendments. In other words, the DEIS argues that the no project alternative would create a significant impact by, “not result[ing] in [the] proposed Master Plan development”. The DEIS cannot argue that the No Project Alternative creates significant impacts

because the proposed project would not be built. The DEIS argues that the Master Plan development would result in compliance with “special policies contained in the County or TRPA PAS”. The DEIS argues that the cross country ski facilities expansion and base area upgrades and redevelopment could not occur under the No Project Alternative, which is incorrect. Development of the cross-country ski facilities and base area upgrades and redevelopment can occur even if the proposed project is not approved. While the DEIS argues that the “Master Plan development [is] intended to comply with special policies contained in the County or TRPA PAS,” multiple significant amendments to the TRPA PAS, Goals and Policies and Code of Ordinances are being proposed under the Proposed Project alternative.

Additionally, the CEQA definition of “significant impact” rests on *change*. The No Project Alternative does not create change, therefore it cannot create significant impacts. The DEIS argues that the “improvements” proposed under the proposed alternative would not occur under the No Project Alternative, therefore the No Project Alternative poses significant impact. This is a flawed argument. The DEIS also argues that financial losses have been incurred operating the ski area in its present form and that the No Project Alternative would lead to the closure of the ski resort, which, the DEIS argues, also would lead to significant impact. There is not sufficient evidence to support the assertion that the *only* way the resort can be profitable is through the proposed alternative. The DEIS argues that the No Project Alternative would cause significant impact because it would lead to the resort’s closure. The DEIS reiterates the developer’s threat to close the resort if approval for the proposed project is not obtained. The new DEIS must focus on threshold impacts.

The DEIS continues a flawed analysis by arguing that the proposed alternative would be in compliance with regulations and create environmental improvement by comparing the Proposed Alternative against *proposed* code changes, instead of compliance with the current TRPA Code. The DEIS states: “The project includes removal and restoration of existing on mountain roadways no longer needed to operate the ski resort. To earn additional building height under the **proposed** TRPA Code Chapter 22 amendment, HMR has agreed to permanently retire a minimum of ten (10) percent of existing verified land coverage within the Project area, which equates to an approximate 178,000 square foot reduction in land coverage within the HMR Project area” (6-23). The DEIS is stating that to be in compliance with regulations that the developer suggests, the developer will be willing to permanently retire existing verified land coverage. First, projects cannot trade environmental impacts to suit their projects. Second, since coverage details have not been revealed to the public, any claims of improvement based on these figures are called into question.]

[The DEIS also argues that non-compliance with current regulations for the proposed project is a less than significant impact because the changes, “best regulate such uses”. The document states:

Analysis: Less than Significant Impact; Alternatives 1, 3 and 6

The Proposed Project (Alternative 1) and Alternatives 3 and 6 require changes to the boundaries and content of County and TRPA Plan Areas 157, 158, and 159, because some proposed land uses, such as interval ownership units (residential timeshares), are not permitted in Plan Area 157, but are permitted in Plan Area 159. Expanding the tourist plan area (159) boundary to include these land uses places the appropriate mix of land uses with the Plan Area that most represents and best regulates such uses, as

43

well as the West Shore General Plan. As documented in Chapter 3, these alternatives will expand the boundary of Plan Areas 158 and 159 to encompass the base areas of Homewood Mountain Resort, reducing the size of the recreational Plan Area 157. Appendix E includes the proposed amended text for Plan Areas 157, 158, and 159. Figures 6-2 and 6-3 show the proposed changes to existing Plan Area boundaries at the North and South Base areas under each of the HMR MP Alternatives. (6-15)

The proposed regulation changes are significant, and the DEIS incorrectly qualifies these changes.]

[*Proposed Amendments to TRPA Goals & Policies, Plan Area Statements and Code of Ordinances*

A federal district court judge recently reminded TRPA of its fundamental mission to attain and maintain the environmental threshold carrying capacities. The judge poignantly stated, "More fundamentally, however, TRPA misunderstands the nature of the obligation to achieve and maintain the thresholds. It is not enough to show that the Amendments do not make the problem worse. TRPA must ensure that the ordinances, as amended, implement the regional plan in a way that will actually achieve the thresholds. With regard to thresholds not presently in attainment, TRPA's finding that the Amendments will not aggravate the problem is inadequate" (Ruling, page 11). The TRPA may not amend the Regional Plan or the Code of Ordinances unless the changes are shown to lead to the attainment and maintenance of the environmental threshold carrying capacities.

Findings

Chapter 16 of the TRPA Code of Ordinances lists the following findings required for approval of a Master Plan:

"16.9 Findings For Approval: Before approving or amending a specific or master plan, the Governing Board shall find:

- (1) The plan is consistent with the Goals and Policies;
- (2) The plan is consistent with the Code;
- (3) The plan is consistent with the adopted plan area statement or community plan applicable to the area;
- (4) The plan does not propose development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs, or other limitations in excess of the limits set forth in the Regional Plan for the plan area.
- (5) The plan is consistent with the attainment and maintenance of environmental threshold carrying capacities."

None of these findings can be made for the Proposed Alternative.]

[*Compliance with Current Regulations*

The DEIS must use current TRPA regulations to determine impacts. TRPA Code of Ordinances Chapter 6, section 6.3A(1) states that before projects are approved findings must be made that show that, "The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs." If the project is compared to the proposed code amendments, proposed Plan Area

Statement amendments and the proposed Goals and Policies Amendments, then the TRPA and the DEIS cannot find the project to be in compliance with current regulations.]

46 [Table 3-7 on page 3-42 titled "Proposed Project (Alternative 1) Building Heights and Setbacks" lists heights of each proposed building, with the footnote, "Allowable Height as calculated using the proposed TRPA Code of Ordinances Chapter 22 height amendment. ** Proposed Height based on the method for calculating height included in the proposed TRPA Code of Ordinances Chapter 22 height amendment (Appendix F)" (3-42). This presentation is misleading because without careful review, the table makes it appear that building heights are much shorter than they actually are. The DEIS references code which makes it appear that the heights limits are actual regulations, when, in fact, they are **proposed by the developer**. The tallest building height listed on the table is 49 feet, but the DEIS briefly mentions that the tallest building proposed will be 77 feet (10-29) almost 40% higher. There is no easy way to determine the heights of the other buildings listed in Table 3-7 because they are dependent on the slope and size of each building. The DEIS contains roof pitch, slope and height as measured by TRPA code for Alternative 3 (Table 10-6), but does not contain the same information for any of the other alternatives, including the Proposed Alternative. The failure of the DEIS to disclose this information must be remedied in a new DEIS. The new DEIS must include a table for each alternative that includes roof pitch, slope, base allowable height under TRPA existing code and the proposed height of each building as measured under TRPA existing code. The DEIS is flawed in that the height of structures is misrepresented and does not reflect current TRPA Code requirements.

The scenic analysis mischaracterizes the proposed height measurement methods to portray them as a way to better represent heights, when, in fact, the proposed method misrepresents heights and masses of buildings covering hillsides. The DEIS misleadingly states:

"Revising the height calculation methodology to use the average slope to roof pitch instead of the lowest grade to roof pitch, results in a similar overall visual effect, but would allow one large building rather than smaller buildings stepped up the hillside. Therefore, the amendment will not allow greater visual impact or overall height, rather it revises the calculation methods to better reflect the true height of large footprint/attached buildings on sloped areas" (10-29 & 10-30).

The DEIS must use current TRPA height measuring methods and regulations, rather than developer-proposed regulations that would allow for taller buildings. Limiting the height of buildings is important to multiple TRPA environmental threshold carrying capacities. Bulk and mass is dependent on building height. A greater building height allows for a more bulky building, which can accommodate a larger number of people, who would come to Homewood in their personal vehicles, increasing VMT, a threshold that is currently out of attainment. VMT impacts water quality through the grinding and suspension of fine particles that end up in the lake. Taller buildings also block views, and impact scenic resources. Tall buildings that can be seen from the lake, nearby mountains and roadways not only impact scenic resources and block views but also create an urban feel that is incompatible with the rural west shore. More massive buildings lead to more noise because they require large heating and cooling (HVAC) systems and taller buildings allow the projection of noise across a greater distance. Lake Tahoe must be protected from spreading urbanization that the HMR project proposes.]

47

It is clear from the proposed changes to the Plan Area Statements and Goals and Policies that the proposed project is too large and dense. Additionally, the TRPA Regional Plan states, “the number of development rights that may be transferred is limited to one unit for undeveloped parcels, or to the number of residential units existing on a developed parcel” (VII-15). Are the multiple townhomes that are being proposed for currently undeveloped land in compliance with this rule? Do the multi-residential units that are being proposed in the form of timeshares, condos or fractional units in compliance with this rule?

48

The Plan Area Statements and regulations on transferring TAUs limit the amount of development to be spread out into undeveloped areas in the Basin. Further the 1987 Regional Plan states, “The scale of structures should be consistent with surrounding uses” (II-48); the scale of the proposed structures, including the numbers of buildings and units, density and height are not consistent with the surrounding uses, but rather the scale and number of units are far too large.

Proposed Amendments to the TRPA Goals and Policies

TRPA’s Goals and Policies must not be changed to accommodate a project, but rather the Goals and Policies must serve to guide projects in the Lake Tahoe Basin so that the TRPA environmental threshold carrying capacities are attained and maintained. The project proposes to amend the Goals and Policies to allow TAU’s to be transferred into ski area master plan areas that are not within the boundaries of an adopted community plan. Page 3-69 of the EIS states that the Goals and Policies should be amended as follows:

49

Amendments to TRPA Goals and Policies

Chapter II Land Use Element – Amend Land Use Goal 2, Policy 5, Subparagraph “Tourist Accommodation” to allow for use and distribution of tourist accommodation bonus units in **Ski Area Master Plans** as well as Community Plans as follows:

Tourist Accommodation: There is a limited need for additional tourist accommodation units. Based on demonstrated need, projects may be permitted additional units as specified within a community plan or **Ski Area Master Plan** and as provided for in Goal #3, of the Development and Implementation Priorities Subelement. The total number of additional tourist accommodation units shall not exceed 400 units. (See Goals #2 and #3 of the Development and Implementation Priorities Subelement for more detail.)

Chapter VII Implementation Element – Amend Development and Implementation Priorities Goal 3, Policy 2.B, to allow for use and distribution of tourist accommodation bonus units in **Ski Area Master Plans** as well as Community Plans as follows:
As provided in Goal #2 of this subelement and Goal #2 of the land Use Subelement, up to 400 additional units may be granted as bonus units in conjunction with transfer of development. Ordinances shall establish detailed provisions which shall allow bonuses of varying amounts in relation to a unit transferred, depending on the public benefits being provided by the project. No bonuses shall be allowed for projects outside adopted CPs or **Ski Area Master Plans**. Benefits to consider shall include extent of coverage planned, transportation improvements, water quality improvements, scenic improvements, and accessory services provided.

First, appropriate adopted Regional and community plans should be informing the size and characteristics of proposed development projects, but instead, what is being proposed is to change Goals and Policies to suit the proposed development plan. What would the environmental impacts be if TAUs were allowed to be transferred to Ski Area Master Plan areas? If this change was made, would Heavenly follow suit and build hotels at the Boulder and California Lodges as well as up the mountain? What characteristics or needs does a Ski Area Master Plan area possess to warrant the transfer of TAU's? It appears that transferring TAUs to Homewood would be spreading urbanization to a rustic and rural area of Tahoe, that is incompatible with the current community character (bulk, height, etc.)]

[Chapter 6 of the TRPA Code of Ordinances, "Findings" states that one of the findings that must be made include, "The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs" (Section 6.3.A.(1)). The DEIS outlines proposed changes to these guiding regulations, including the TRPA Regional Plan Goals and Policies, Plan Area Statements and the Code of Ordinances. The DEIS does not sufficiently evaluate the impacts to the current regulations, but rather attempts to justify changes to the current regulations to accommodate the project.

TRPA Code of Ordinances Chapter 6 also clearly states that any changes made to the Regional Plan must show that the thresholds will be attained:

50

"6.4 Findings Necessary To Amend The Regional Plan, Including The Goals And Policies And Plan Area Statements And Maps: To approve any amendment to the Regional Plan, TRPA must find, in addition to the findings required pursuant to Subparagraphs 6.3.A(2) and 6.3.A(3) and Subsection 6.3.B, and in accordance with Sections 6.1 and 6.2, that the Regional Plan, as amended, achieves and maintains the thresholds."

Increasing tourist accommodation use and traffic to Homewood on highway 89 would likely create impacts to the thresholds rather than lead to attainment. The DEIS does not provide sufficient evidence to support that the proposed changes will not exceed the environmental threshold carrying capacities.]

[*Proposed Amendments to TRPA Code of Ordinances*

Height

According to Appendix F of the EIS, the project proposes to amend the height section of the TRPA Code of Ordinances including the following:

51

22.4.G Additional Height for Adopted Ski Area Master Plan Projects: The maximum height specified in Table A may be increased to a maximum height of 50 feet for projects located in special areas within the Homewood Ski Area Master Plan designated for additional height. In these special areas, the maximum height may be measured from average natural grade, which is the average grade between the lowest point and highest points of natural grade along an exterior wall of the building. The maximum height of a building is the difference between the point of average natural ground elevation along an exterior wall of the building, and the elevation of the ridge of the

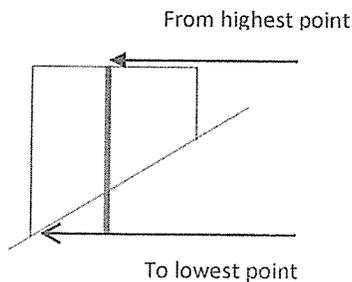
highest hip, gable, gambrel, shed, or other pitched roof, or parapet wall, whichever is highest. To be eligible for this method of measurement the project and buildings shall be designed to step up the slope; shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes and the use of earth tone colors consistent with the Design Review Guidelines; and TRPA must find that: A. The project meets findings 1, 3, 6 (amended #6 to add “or ski area master plan” after “community plan”), 8 and 9 as set forth in Subsection 22.7; B. The additional height is necessary to reduce land coverage, provide underground parking pursuant to Subsection 64.7(A)(i), and maximize permissible density within the designated project area; and C. The project is consistent with Resolution 2008-11, the special policies outlined for the Homewood Village Resort Ski Area Master Plan special areas, and the environmental improvements for special projects pursuant to Code Subsection 33.3.D(3)(a-d); and D. the project meets the security requirements of Subparagraph 22.4.D(5).

The TRPA currently measures height from the lowest natural ground elevation of the building to the highest point of the building. The Code states:

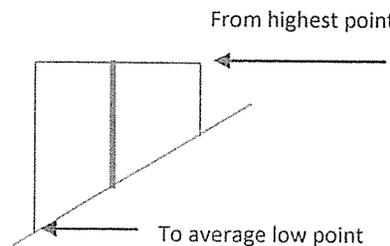
“22.2.A Maximum Height: The maximum height of a building is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and the elevation of the coping of the highest flat roof, the deck line of the highest mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest. The maximum height of a structure other than a building is the difference between the point of lowest natural ground elevation along the exterior foundation of the structure and the elevation of the highest point of the structure.”

The difference in measurement method is illustrated below:

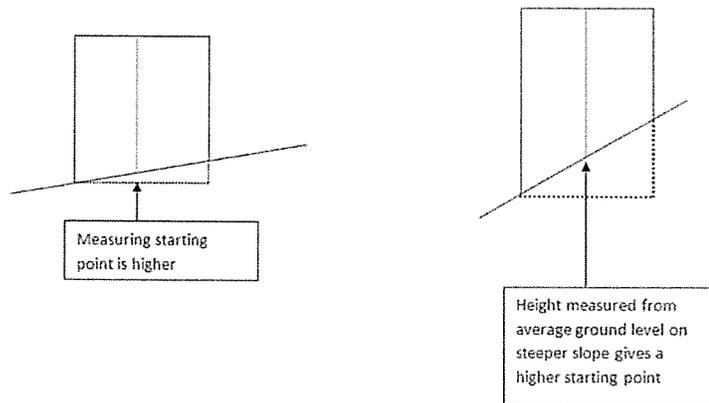
TRPA:



Proposed:



It is clear that the proposed method of measurement would allow taller buildings. In addition the proposed method of measurement would also provide an incentive to build on slopes because this method of measurement allows taller and more massive buildings. The proposed method of measurement also provides incentive to build up steeper slopes, as well, because with a steeper slope, the starting point of measurement would be higher, as illustrated below:



The TRPA code of ordinances method of measuring height attempts to protect mountain and lake views from intrusively tall buildings. The DEIS states that changing the method of measurement to allow for 77 foot high buildings will not impact scenic resources and states, "The height amendment, if approved, will allow building heights up to 77 feet as currently measured using TRPA Code Chapter 22 height measurement methods" (10-29). The proposed method of measuring height would allow taller and more voluminous buildings than currently allowed. The DEIS states:

"As shown in Figure 10-14, the visual impact of large attached buildings located on a slope is similar to detached buildings located on the same slope. Revising the height calculation methodology to use the average slope to roof pitch instead of the lowest grade to roof pitch, results in a similar overall visual effect, but would allow one large building rather than smaller buildings stepped up the hillside. Therefore, the amendment will not allow greater visual impact or overall height, rather it revises the calculation methods to better reflect the true height of large footprint/attached buildings on sloped areas" (10-29).

The TRPA Code of Ordinances attempts to limit building height up slopes with its method of measurement. The DEIS describes a method of current TRPA Code avoidance by breaking up the buildings with space in between them as the go up the slope. By breaking up buildings, additional walls and thereby footprint would have to be used rather than creating a continuous building up the slope.

DEIS Figure 10-14:

Figure 10-14 Height Calculation Examples

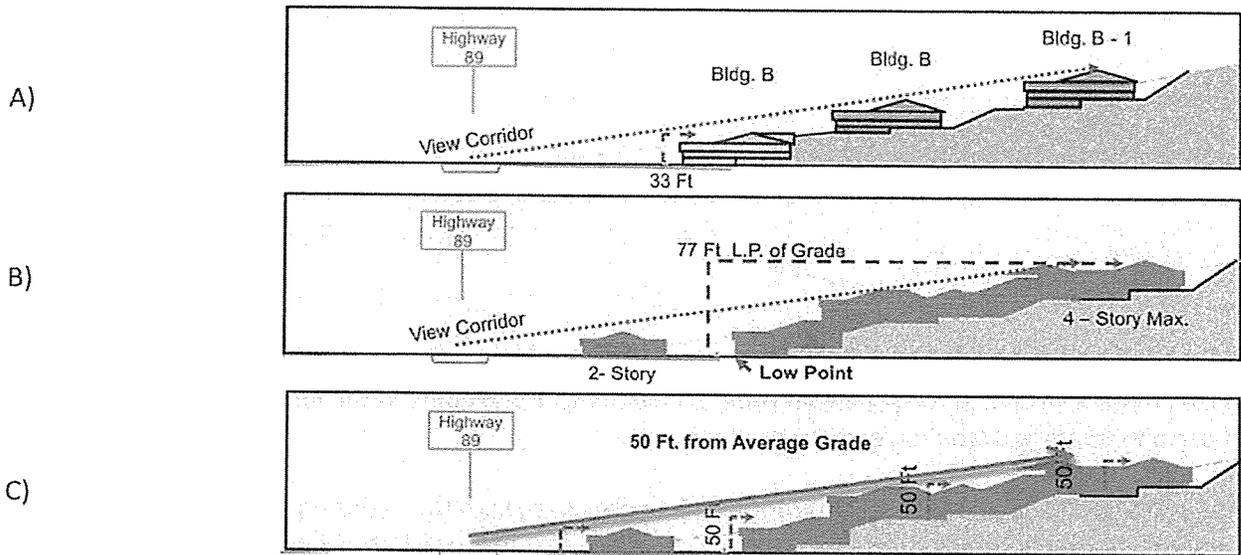
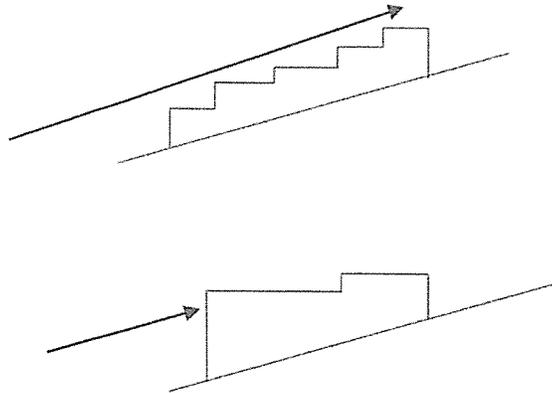


Figure 10-14 is misleading because the DEIS's rationale is that A) would create a larger footprint; this is not reflected in the figure, but rather B) and C) show larger footprints. If the entire footprint from B) had to fit along the slope in A), then the buildings would extend much further up the slope. How much additional coverage would this configuration require? Considering the land capability, amount and type of coverage, would this configuration be allowed under current regulations? Would this configuration affect scenic resources? Would buildings extended further up the slope be seen from the Lake? The DEIS asserts that the front view would be the same, whether the building is continuous or broken up, but does not discuss scenic impacts from the side-view. From the side, a continuous building up a slope may block more of the view than buildings separated with space. Secondly, C) shows the "average" bottom elevation at random places within the building, rather than the middle. There are three starting points to measure height shown in C). Figure 10-14 shows that the view corridor from the bottom to the top of the slope would be the same under the proposed height code amendment, because it shows the building stepping up the slope. The proposed code amendment outlined in Appendix F of the DEIS, states that, "buildings shall be designed to step up the slope" (page 2). "Stepping up a slope" could mean multiple configurations that would allow excess height. For example, both of the following drawings of buildings show that they "step up a slope".



The view is affected by the height of each step up the slope as well as the number of steps up the slope, which is not specified in the proposed code amendment. The second figure, above, obviously allows for more bulk/mass and would create more scenic impact.

The proposed code of ordinance amendment proposes to change the method of measurement and increase allowable height to 50 feet under its proposed method, which is higher than the current TRPA code allows in most situations. Table A in TRPA Code of Ordinance Chapter 22 "Height Standards" lists 42 feet as the height limit for buildings with a roof pitch of 10:12 or greater. Additional height on top of the maximum is currently allowed for view enhancement (9 additional feet), increased setback (10 feet), landscaping public areas (15 feet), for additional public access (10 additional feet), tree preservation (10 additional feet). The proposed code amendment proposes allowing at least an additional 8 feet for free, and any additional feet that the angle of the slope would allow (as shown above, the steeper the slope, the higher the starting point of measurement, therefore the more additional "free" height the building would be allowed.)

Much of the proposed development would be built on slopes, including the proposed 77 foot tall lodge and the mid-mountain lodge. The 1987 Regional Plan intended to limit heights to protect scenic mountains and states, "Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed" (II-48). The project is proposing to allow much taller buildings than the current code allows; there is not sufficient evidence to support the claim that these tall buildings will not violate the 1987 Regional Plan statement cited above.

Proposed Grading Amendments

52

The proposed alternative includes 203,700 cubic yards of cut/fill. To put this massive amount of material into perspective, this equals 20,370 ten cubic yard capacity dump trucks. Phase 1a alone proposes 1,040 cubic yards of cut/fill material per day. Not only would the construction machinery and traffic create ozone precursors and other air pollutants, but this large amount of soil disturbance will also permanently impact the soils in the area.

53

The project proposes to amend TRPA Code of Ordinances Chapter 64, section 64.7.A(2) to allow "below grade parking for project qualifying for additional height under Subsection 22.4.D or 22.4.G, to achieve environmental goals including scenic improvements, land coverage reduction, and area-wide drainage systems . . ." (Appendix F, page 1). TRPA Code subsection 22.4D pertains to special height districts within adopted redevelopment plans; chapter 22 section 22.4.G pertains to ski area master plans. The intent of the code section 64.7.A(2) is to allow underground parking within the south stateline

redevelopment area, which lead to an environmental net gain. The intended geographical location to allow for underground parking was a largely urbanized area that needed to be redeveloped. Homewood is the opposite, a largely undeveloped area that needs environmental restoration and is not an adopted redevelopment area. Section 22.4.G, ski area master plan areas and are not equivalent to section 22.4D, special height districts in adopted redevelopment areas. How would ground water interception or interference impact the natural flow of groundwater under the proposed project? Would SEZ re-charge be impacted by the proposed groundwater interference? Findings cannot be made to show that the proposed grading amendments would lead to the attainment and maintenance of the environmental threshold carrying capacities.]

54 [**Proposed Amendments to Plan Area Statements**

The project proposed changes to Plan Area Statement boundaries so that “special” rules will apply to the project. The DEIS states, “Under Alternatives 1 and 3, the South Base development area will be entirely located within Plan Area 158 and this expanded area will be identified as a “Special Area” within Plan Area 158 in which an additional set of rules and conditions apply. This will allow a different set of permissible land uses only within the “Special Area”. The uses proposed in this area include multi-family dwelling and skier services” (6-18). This project should comply with TRPA rules and regulations rather than special rules.]

55 [The DEIS also states that, “The proposed Plan Area boundary adjustments will increase the amount of land within the urban area. TRPA Code Chapter 2 defines “urban area” as follows: ‘Urban areas are those areas designated as residential, tourist, or commercial/public service, by the plan area statements’” (6-18). The DEIS further states, “increasing urban area typically allows for a greater intensity of urban uses at the expense of conservation and recreation uses” (6-18). The Compact specifically states that urbanization is a main threat to Lake Tahoe: “increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands” (Article I (a) (5)).

The project proposes to make multiple changes to TRPA Plan Area Statements (PAS). The DEIS states that the proposed project would be consistent with zoning because they propose to change zoning. This is flawed circular logic and reflects an inadequacy in the DEIS. The DEIS states:

Impact: LU-1. Will the Project be consistent with the land use plan or zoning plan, or land use goals, policies, and provisions of the TRPA Regional Plan, including the Goals and Policies, Code of Ordinances, Plan Area Statement, or Ski Area Master Plan Guidelines, and the Placer County General Plan and West Shore Area General Plan? Analysis: Less than Significant Impact; Alternatives 1, 3 and 6

The Proposed Project (Alternative 1) and Alternatives 3 and 6 require changes to the boundaries and content of County and TRPA Plan Areas 157, 158, and 159, because some proposed land uses, such as interval ownership units (residential timeshares), are not permitted in Plan Area 157, but are permitted in Plan Area 159. Expanding the tourist plan area (159) boundary to include these land uses places the appropriate mix of land uses with the Plan Area that most represents and best regulates such uses, as well as the West Shore General Plan. As documented in Chapter 3, these alternatives will expand the boundary of Plan Areas 158 and 159 to encompass the base areas of Homewood Mountain Resort, reducing the size of the recreational Plan Area 157.

Appendix E includes the proposed amended text for Plan Areas 157, 158, and 159. Figures 6-2 and 6-3 show the proposed changes to existing Plan Area boundaries at the North and South Base areas under each of the HMR MP Alternatives.

Note that the DEIS states that changes to the PAS, "places the appropriate mix of land uses with the Plan Area that most represents and best regulates such uses." A development project cannot determine the best zoning regulations. How does allowing "interval ownership units" in PAS 157 lead to the attainment of thresholds? In fact, the traffic and coverage these would produce would likely impact air and water quality thresholds.]

56 [**Proposed Changes to Plan Area Statement 157**

PAS 157 calls for scenic restoration and skiing. The Homewood project would consist of a large increase in tourist and residential units. The project proposes to change one of the policies to the following, "1. A coordinated Homewood Community Plan and/or Ski Area Master Plan should include this Plan Area as well as Plan Area 158 and 159" (page 2). TRPA has not yet created a community plan for this area, which should be done first, before a large and transformative project is considered. The above quotation reflects the intent for the proposed ski area master plan to override community input in the form of a ski area master plan. PAS 157's Planning Statement is, "This area should continue to provide opportunities for downhill skiing within guidelines prepared through ski area master plans and scenic restoration plans." The PAS zoning specifically limits the ski area master plan area to PAS 157 and PAS 159. By including PAS 158 would create a larger ski resort and would create too many impacts and could lead to potential additional future growth not intended at the time the PAS were created.]

57 [The project proposes to alter the PAS to read, "New commercial facilities are limited to the base areas of the existing facilities and Special Area 1." What is "Special Area 1"? The project proposes to reduce the winter day use PAOT from 4,000 to 1,100. Are the additional forecasted overnight users counted as day-use users? The proposed project would create additional residential and tourist units that would accommodate more people. These people would likely be skiing at Homewood. Are these additional skiers being accounted for in the PAOT of 1,100? How would this reduction in users be enforced and monitored?]

58 [The project proposes to add the commercial use, "Personal Services (S)". It is unclear what "personal services" would consist of. In addition, the project is proposing to add "Participant Sports Facilities (S)" to PAS 157. The TRPA Code of Ordinances states that special uses can only be added to Plan Area Statements if findings are made that it is an appropriate use, it will not disturb neighboring properties, the environment and it will comply with the character of the neighborhood. The Code reads as follows:

18.1.B Special Uses: Uses listed in applicable plan area statements, community plans, redevelopment plans, or specific or master plans as "special" ("S") may be determined to be appropriate uses for the specified area, and projects and activities pursuant to such uses found to be appropriate may be permitted. To allow a special use, TRPA shall conduct a public hearing according to the procedures in the TRPA Rules of Procedure. Before issuing an approval, TRPA shall, make the following findings: (1) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located. (2) The project, to which the

use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners. (3) The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

Can the specified findings be made for the proposed additional use, especially when the proposed use is vague and unclear?]

59 [**Proposed Changes to Plan Area Statement 158**

The project proposes to allow the area the "Special Designation" to be a "TDR Receiving area for: 1. Existing development, 2. Multi-Residential Units". The TRPA Two-step subdivision regulations do not allow new streets or subdivisions in the Tahoe Basin. One of the ways that this is regulated is through the Plan Area Statements. By changing the Plan Area Statements, unintended ramifications can occur. The TRPA Two Step Subdivision References, August 22, 1995 Memo: "TRPA's Two-Step Subdivision Process for Post-1987 residential Projects" states that the "two-step subdivision process was designed to be consistent with the policy of no new development potential" and "no new street networks . . . be established" and achieves its goals by, in part, "limiting subdivisions of post-1987 projects to PASs which permit multi-residential and single-family uses". The project proposes to add multi-family uses to PAS 158 which already allows single-family use. This would mean that the PAS would be changed to allow both multi-family and single-family uses, expanding the area that subdivisions are designated to be allowed. Changing the PAS in this way undermines the two-step subdivision rule. The goals of the Two-step subdivision rule include, "promoting infill of development on high capability (non-sensitive) lands [and] redirecting development to more suitable area." This project proposes to do the opposite, to redirect development to a primarily rural area; the development proposed is too large and is inappropriate for the proposed location.]

60 [The project proposes to add "skiing facilities" to this PAS. Does this mean that the overall capacity of the ski area is being proposed to be expanded? Does this mean an expanded number of PAOT? The Project also proposes to add an allowed density of 15 units per acre for multiple family dwellings, but does not show any increase in overnight PAOT. The addition of such a large development seems to conflict with the additional PAOT listed on both the current and proposed PAS 158 that states that zero PAOT should be added for summer day use, winter day use and overnight use.]

61 [**Proposed changes to Plan Area Statement 159**

As in the proposed PAS 158, the project proposes to allow multi-residential units in PAS 159. In the same way, the result would be a second Plan Area Statement that allows both Single-Family Residential and Multi-Family residential units, which expands the area for subdivisions under the two-step subdivision rule. The intent of the two-step subdivision rule and the original plan area statements was to limit development in these areas. The project proposes to de-regulate the area and create a large development. The project proposes to increase density from 8 units per acre to 15 units per acre for both multiple and employee housing. The original plan area statement did not intend for the density and increase in population that the project is proposing. The summer, winter and overnight additional

POAT in the proposed and the current PAS 159 are all set at zero. How does the proposed increase in allowed density not affect the amount of POAT?]

62 [The project is proposing to change the "uses" in PAS 157, PAS, 158 and PAS 159. TRPA Code of Ordinances states, "The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be"(Section 18.1.B 3). Additionally Master Plans are to fall within the context of the Plan Area Statements and Master Plans should not change PASs. TRPA Code of Ordinances require that "master plans to augment plan area statements or community plans" (Purpose, 16.0). The TRPA Code further specifies, "Specific or master plans shall supplement, but shall not replace, plan area statements and community plans" (16.5) and goes on stating, "Where part or all of a specific or master plan falls within a plan area boundary, that portion of the specific or master plan shall be subject to the plan area statement limitations set forth for special designations, special policies, permissible land uses, density, bonus units, additional outdoor recreation limitations, and improvement programs" (16.5A). The TRPA Code of Ordinances references the authority of the Plan Area Statements over any subsequent Master Plans again in Chapter 16: "Before approving or amending a specific or master plan, the Governing Board shall find : (3) The plan is consistent with the adopted plan area statement or community plan applicable to the area" (16.9) and further, "Before approving or amending a specific or master plan, the Governing Board shall find: (4) The plan does not propose development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs, or other limitations in excess of the limits set forth in the Regional Plan for the plan area" (16.9). The number and distribution of residential units, tourist accommodation units, commercial floor area, recreational PAOTs are outlined in the Plan Area Statements under the Regional Plan. These cannot be changed to accommodate a project.

The DEIS states that certain findings must be made to approve changes to the PAS:

- (2) If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:
 - a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or c) The amendment is needed to protect public health and safety and there is no reasonable alternative. (6-20)

63 [These findings cannot be made. [The DEIR continues, "to allow the proposed amendment of Plan Area 158 and 159 boundaries, TRPA must determine that the amendment will satisfy criteria "b", and will help make progress towards one or more of the environmental thresholds without degrading other thresholds as measured by the Chapter 32 indicators. Table 6-2 identifies Project elements proposed by HMR in the Master Plan to achieve environmental improvements and benefits" (6-20). For many of these "improvements" listed in Table 6-2, there is not sufficient evidence to support the

assertion they will actually lead to a real improvement. Further, the proposed project will lead to significant impacts, most notably by increasing traffic.]

[The following is a summary of the League's questions and concerns with Table 6-2:

- 64 • Table 6-2 includes, "Project Number 855 - Tahoe City "Y" Realignment (fair share participant)". This cannot be included because it is not a project implemented by Homewood and the project is in its most preliminary stage. There is not sufficient evidence to support that a net gain in the air quality environmental threshold carrying capacity would be achieved once all of the traffic that would be produced by the proposed project is added to the area. Even if the realignment lead to improved traffic flow, emissions of carbon monoxide, particulate, ozone precursors would result from increased VMT. Atmospheric nutrient loading results from vehicle emissions, which is a large factor in the decline of Lake Clarity. Additionally, vehicular traffic grinding up fine particles along Highway 89, in close proximity to the Lake would impact Lake clarity.]
- 65 [• The table includes, ""Project Number 725 – Design a stormwater treatment system to treat the 50 year/1hour storm event within the north and south base areas" and "Project Number 996 – SR 89 stormwater treatment" (page 6-21). How much of this is being used to treat the proposed additional development and/or meet discharge permit requirements? How much of this will be used to treat additional fine particles coming from traffic from Homewood?]
- "Treatment of the 50 year/1 hour Storm Event for proposed redevelopment areas (EIP 725). Capture of water runoff planned through a series of vaults and infiltration galleries. Treatment of the 50 year/1 hour Storm Event for proposed redevelopment areas (EIP 725). Capture of water runoff planned through a series of vaults and infiltration galleries" BMPs are required in the Tahoe Basin and Homewood is required to meet its discharge permit standards. Are these vaults and or the stormwater runoff they would catch required under BMP or stormwater discharge requirements?]
- 66 [• "Substantial land coverage reduction and restoration on the upper mountain areas (there is a commitment in the Master Plan for a total of 500,000 square feet of total land coverage restoration, – all of which must be verified by TRPA for potential relocation, banking or retirement)." Since details on soft and hard coverage and transfers have not been disclosed in the DEIS, there is not sufficient evidence to support that this coverage restoration does **not** include coverage that does not meet certain TRPA regulations. What evidence is there to support that this is legal soft coverage? How much of this coverage restoration was funded with public funds? If coverage is restored and then banked, it can then be transferred and that does not consist of an environmental improvement because additional subsequent impacts will result from the new development/coverage.]
- 67 [• "A majority of building footprints to be located on land capability classes 4 and Higher". Although coverage on higher capability land results in *less* impact to soils and water quality, how does this lead to threshold improvement? Land capability challenges by Homewood have been disputed and there is evidence that not all of the land that Homewood is proposing to build on actually is high capability land.]
- 68 [• "By keeping the ski resort open, existing PAOTs assigned to Homewood would remain in operation and the 1987 TRPA Regional Plan assignment of 1,100 PAOTs to HOMEWOOD would remain available for potential use at the Resort (although the Master Plan does not propose to expand PAOT capacity)." It cannot be proven that the resort can **ONLY** be kept open if the

proposed development is passed. The free market system allows for endless innovation to create a viable ski resort while still protecting Lake Tahoe's most valuable asset, the lake itself.]

69 [• "Provide five miles of hiking trails within PAS 157. Trails include directional markings, mapping, and interpretive signs. Trails will also be linked to pedestrian access pathways at the North and South Bases." Of these trails – how many are already existing and how much net linear feet of trail is already existing? How much of this can be proven to be viable, legal soft coverage? How does this activity lead to threshold attainment?]

70 [• "New outdoor amphitheater at the North Base area for hosting outdoor concert events and use as the permanent home of the Lake Tahoe Music Festival." How does this activity lead to environmental threshold carrying capacity attainment or maintenance? How will this affect people enjoying the mountaintops hiking, are they still going to be able to hear the sounds of nature? How would this activity impact the noise and wildlife thresholds? The TRPA environmental threshold carrying capacity for noise is out of attainment. Single event and community noise levels both currently exceed TRPA standards. How would the construction of the amphitheater impact the TRPA noise threshold? Is the outdoor amphitheatre being counted as coverage? The area must be counted as coverage because the sensitive Tahoe soil and vegetation would not be able to withstand the foot traffic that would accompany the type of activities held here.]

71 [• "Winter VMT reduction (based on reducing existing weekend day visitors with residents and guests of the proposed resort facilities)." There is not sufficient evidence that the proposed development's increase in population will lead to a reduction in traffic. The flawed traffic analysis is discussed further in this letter under the "Traffic" section.]

72 [• "Pedestrian oriented plans with pedestrian access to neighborhood oriented retail and TCPUD bike trail connection to North Base area reduces VMT. On-site daycare to reduce vehicle trips." This cannot be considered an improvement when it only partially *mitigates* traffic impacts from the proposed project. The DEIS must clearly differentiate between mitigation and improvement.]

73 [• "Limitation of total maximum ticket sales during the winter season & limiting day skier parking to 400 on-site parking spaces; electronic signage at the Tahoe City "Y" alerting travelers when ski parking is full, alternative means of transportation. Plan calls for a limitation on ticket sales to those arriving via transit only once parking lot at site is full." What assurances and mechanisms would be in place for this to actually happen and be monitored? Even if actually implemented, this measure would only partially offset the negative impacts of traffic resulting from the proposed project.]

74 [• "Potential to stockpile excavated materials on-site for use by other area projects such as the Blackwood Creek Restoration Project. This would reduce truck trips and VMT caused by material hauling during construction." "Potential" benefits cannot be claimed as benefits. Where would this excavated material be stockpiled at Homewood? The construction of the proposed project would include 203,700 cubic yards of cut and fill material itself. Phase 1a alone proposes 1,040 cubic yards of cut/fill material per day. The construction emissions from this scale of grading would likely outweigh the VMT created by the Blackwood Creek Restoration Project.]

75 [• "Existing landmark trees integrated into landscape design." What measures would be taken to guarantee survival? With depths of excavation and multiple underground levels of structures, is it reasonable to claim that these trees' root systems would not be impacted? What definition is the DEIS using for "landmark tree"? The vegetation threshold indicator "Late Seral/Old Growth" must not be impacted. Not impacting the threshold indicator is not an environmental

improvement but rather is the minimum standard of protection. According to page 8-66 of the DEIS a total of 195 trees will be removed including 33 trees 30 inches or greater in dbh. How many of these, "landmark" trees are being protected? How many "landmark" trees are being removed?]

76 [• "Employee transportation (buses & shuttles) to be provided for off-site employee housing locations (Tahoma/Sunnyside)." What assurances would be in place to guarantee this would occur and how long would it be guaranteed to occur? In quantitative terms, how much VMT would be reduced due to this measure?]

77 [The overwhelming majority of items in Table 6-2, either do not have reasonable assurances, or would only partially mitigate impacts resulting from the proposed development. Most of the items would not provide any additional environmental benefit. Many claims of environmental improvement cannot be supported with sufficient evidence or use flawed evidence to support them.]

78 [The DEIS inadequately analyzes the impacts of amending the Plan Area Statements for the proposed development. For example, the DEIS states, "The addition of multi-family units and the increase in density confined to a special area are appropriate for a Plan Area classified as 'residential' The character of the area is maintained by limited higher density units to the area at the South Base where adjacent land uses include higher density and more commercial uses. This would not affect the overall density character of the Plan Area, but would allow for a greater range of residential options" (6-19). Although the DEIS states that the proposed changes would not affect the overall density or character of the area, the DEIS does not provide a quantitative comparison of existing and proposed densities. The DEIS makes a qualitative judgment on densities without quantitative evidence to support that judgment.]

79 [The DEIS also argues that the proposed Plan Area Statement changes to increase residential density will "support the 'tourist/recreation' designation criteria" for the area. The DEIS states, "Multi-family dwelling units will support visitors who seek second homes in the area and will support the continued viability of the resort, which draws recreational oriented tourism to this portion of the Basin" (6-20). Resolution 82-11 specifically states that the TRPA shall, "preserve and enhance the high quality recreational experience, including preservation of high quality undeveloped shorezone and other natural areas" (TRPA Resolution 82-11, page 15). The DEIS argues that increasing residential development and will improve recreation resources in the Basin, while Resolution 82-11 focuses on undeveloped, natural areas for *high quality* recreational experiences.]

[***First Community Planning, then Consider Projects***

80 Although the adopted Plan Area Statements provide guidelines on land use and population densities, a community planning process must not be *replaced* with the Ski Area Master Plan process. A community plan that involves community stakeholders and a robust public process should occur first and guide the Ski Area Master Plan process. The DEIS notes that, "TRPA Code Subsection 33.4.A(3) describes how TRPA allocates the development of additional tourist accommodation units (TAU). Code Subsection 33.4.A(3) states that TRPA shall allocate the remaining TAU bonus units to projects within community plans in accordance with Chapter 35" (6-9). Instead of amending the code to allow the transfer of development allocations into the Ski Area Master Plan at the rate desired by the developer, the rate of development must be consistent, not only with current regulations, but also with the rate desired by the community, which should be reflected by an adopted community plan.

The DEIS mentions that a community plan would have directed the rate of development and potential additional uses if a community plan had been created. The DEIS states, "A community plan for both Plan Areas would have likely addressed the future growth and use patterns of the Homewood base areas . . ." (6-18). The DEIS quotes TRPA Policy 9, "Any new or additional commercial uses shall be permitted only pursuant to an adopted Community Plan" and concludes that, "As such, this policy must also be amended to permit additional commercial uses pursuant to adoption of the proposed Ski Area Master Plan" (6-18 & 6-19). The need for an adopted community plan is clear, but instead, the community plan process is being proposed to be circumvented by a Ski Area Master Plan.

The DEIS argues that the proposed changes in uses to the Plan Area Statements are consistent with the community desires. The document states, "These neighborhood serving commercial uses (hardware store, deli, ice cream shop, etc.) are in response to input from the community residents who attended workshops held by the Applicant to seek public input on direction of the proposed Master Plan" (6-19). First, workshops held by the developer must not replace a robust community planning process and second, these workshops do not represent a consensus among community members currently. What mechanism would be in place to guarantee that these specific commercial businesses would be retained after project construction? Would a hardware store, deli and ice cream shop remain even if they were found to be economically unsustainable? The purpose of a community planning process would allow the community to provide input on the uses, densities, height restrictions, etc. Instead this "community input" reflects a highly specific sliver of community input and does not equate to the robust community planning process that is needed.

The TRPA Ski Area Master Plan Guidelines (1990) cite Chapter 16 of the TRPA Code of Ordinances, which requires that, "A steering committee shall be formed representing community interests, and shall include a designee of the Executive Director, a representative of the local government in whose jurisdiction the specific or master plan area is located . . . The steering committee shall establish a planning team to prepare the specific or master plan." The document cites section 16.7.A(2). Was a steering committee established? Were the community interests represented?]

81 [TRPA Code of Ordinances Chapter 5 Section 5.8.(B) requires every EIS include analysis of growth inducing impacts of the project. The proposed project would include a significant number of new residential and tourist units and increases in density. The project includes other upgrades to the ski area that would likely attract new day visitors. How much growth would this project create, and more specifically what increase in tourist, resident, seasonal ownership populations would result from the proposed project? Additionally, the proposed project includes an extension of Tahoe Ski Bowl Way. Under the two-step subdivision rules, the construction of new roads that create new development potential are prohibited. Would the construction of this road create development potential?]

81 [*Urbanization*

The proposed project includes construction of six new mixed-use buildings and eight new townhouse buildings. The project includes 36 residential condominiums, 16 townhouses, 20 fractional ownership units, 75 hotel rooms, 40 two bedroom condo/hotel units, 30 penthouse condos, 13 affordable housing units, a 4 story 272 space parking structure and 30,000 square feet of commercial floor space. In addition, the project proposes a 15,000 foot mid-mountain lodge and an additional 99 condos at the south base lodge. Currently Homewood is a tiny community with a small ski area. The project proposes

over 300 new units which can be multiplied by the number of bedrooms each unit will contain. The proposed project is too large and urbanizes an otherwise rustic part of Tahoe]

82 [The new DEIS must include a cumulative analysis of future ski area expansion and any other anticipated future projects that would result from the proposed project. A piecemeal review cannot be used to break up a larger planned project into smaller projects to avoid an environmental analysis of cumulative environmental impacts. The developer has expressed the desire to link Alpine Meadows and Homewood.]

83 [By creating additional tourist accommodation for the area, one of the requirements for ski facilities expansion may be fulfilled. The TRPA document entitled, "Regional Plan for the Lake Tahoe Basin Ski Area Master Plan Guidelines" dated November 29, 1990 discusses the 1987 Regional Plan Goals citing, "Expansion of existing ski facilities may be permitted based on a master plan for the entire ski area. The plan must demonstrate . . . (2) that the expansion is consistent with the availability of accommodations and infrastructures to support visitors when they are off the ski area . . ." (page 3 & 4). Numerous impacts to the TRPA environmental threshold carrying capacities would accompany ski area expansion between Homewood and Alpine Meadows. Adding lifts, lodges, clearing trees for ski runs and adding many more people to the area would create impacts to air and water quality, soils, vegetation, fisheries, wildlife, scenic resources, noise and high quality recreation. These environmental impacts and the cumulative impacts that would result from the expansion must be analyzed with the currently proposed project.]

[**Community Enhancement Program**

As shown above, many of the claims of environmental improvement cannot be sufficiently supported, yet the proposed project is being considered as a special project under the Community Enhancement Program. The proposed project does not provide sufficient benefit to enhance the community of Homewood, and its impacts outweigh the potential benefits.

84 The "TRPA Community Enhancement Program: A Collaboration between TRPA and Local Government Jurisdictions" August 2007 outlines the intent of the CEP. This document states that "The focus of the CEP is to implement projects that demonstrate substantial environmental, as well as, social and economic benefits through mixed-use development projects on existing disturbed and/or underutilized sites" and is "intended to accelerate the attainment of the environmental thresholds" (page 3). The document states that, "The CEP is not a code avoidance program. Community Enhancement Projects are intended to provide clear public benefit" (page 3). The proposed project does not clearly demonstrate substantial environmental gain. Although the proposed project claims to do substantial environmental improvement through the restoration of dirt roads and trails, there is not sufficient evidence to support that the improvement is not being converted to hard coverage and contributing to more significant additional environmental impacts to air quality, water quality, and scenic resources. Further, there is not sufficient evidence in the DEIS that the soft coverage being restored is legal soft coverage. The CEP document, cited above, notes that the CEP is intended for "underutilized sites." The DEIS does not provide sufficient evidence that the Homewood site is "underutilized" and a question remains whether the site, at its current location, already exceeds traffic capacities.]

[The CEP document cited above states, "The Program focuses on the more urban areas of the Basin" (page 4). The proposed project location is not urban, and should not be a target for such a large

85 development project. The CEP document also makes commodities such as Commercial Floor Area, Tourist Accommodation Bonus Units and Multi-Residential Bonus Units available for CEP projects. The proposed project requires a number of PAS amendments and amendments to the TRPA Goals and Policies to allow the transfer of these commodities for the development's use. Further, there is not sufficient evidence to show that the project is not transferring soft coverage for TAU or CFA uses, which is not allowed under the TRPA Code of Ordinances. Although the document states that the CEP, "is not a code avoidance program," commodities are being proposed to be transferred outside of the bounds of the TRPA Code of Ordinances. Additionally, the proposed project does not comply with current TRPA code.

The TRPA website states that, "The program is front-loaded to shape projects early in the design stages to ensure they meet the criteria, rather than react to projects that are completely designed before submittal" (<http://www.trpa.org/default.aspx?tabindex=0&tabid=335>). The proposed project does not conform to current regulations and goes as far as to propose to amend the regulations to accommodate the project.

86 [During the February 2008 Governing Board meeting 23,237 square feet of commercial floor space was approved for Homewood through the CEP program. The Homewood DEIS states on page 2-2 that 25,000 square feet of commercial floor space would be created for the proposed project. Where would the additional 1,763 square feet of commercial floor space come from? The DEIS states, "Since no additional CFA may be constructed without TRPA CFA allocation and approval, the project request currently exceeds the 2008 reservation and a reduction shall be required or additional CFA will need to be reserved" (6-40). What process will be taken to reserve this additional CFA? Should the amount of square footage of CFA exceed the square footage approved for the project through the CEP program?]

87 [During the 2008 Governing Board meeting 50 TAUs and 12 multi-residential bonus units were awarded to the Homewood project. The proposed project also includes many "accessory uses". Is the square footage for these "accessory uses" being counted in the 25,000 square feet of CFA? The February 2008 Governing Board meeting also approved 12 multi-family residential bonus units for the Homewood project through the CEP program, but the project is proposing 181 multi-residential units (listed as 36 condos, 16 townhomes, 30 penthouse condos, 99 condos in the DEIS) (2-2). Besides the allocations that are coming from the CEP program, where are these allocations coming from? Are they being transferred? Are they coming out of the existing allocation pool? Should the number of residential allocations for the proposed project exceed the number allocated through the CEP?]

88 [At the 2008 Governing Board meeting, 50 TAUs were approved by the Governing Board for the Homewood project. The proposed project includes 115 hotel units, including 40 two bedroom hotel units. The transfer of TAUs for the proposed project is not appropriate under the CEP because additional threshold impacts would result from morphing TAUs. What are the dimensions and land capabilities of the original TAUs? For two bedroom hotel units, at least two TAUs should be used, so the environmental impacts of the TAU are not morphed into much larger resulting impacts. The impacts of transferring TAUs and other allocations from one area to the Homewood area, which is currently a rural area, must be fully analyzed. What are the infrastructure (including road capacity) differences between the original locations of each TAU compared to the proposed location? Will more traffic congestion and emissions result from the transfer of the allocation to Homewood? If the original TAU was a one bedroom hotel room that would typically hold 1-2 people with one vehicle and the transferred TAU

consists of two bedrooms that can hold 2-4+ people with two vehicles, the impacts to air and water quality would be magnified.]

89 [One of the original goals of the CEP project was to “Maximize density to achieve transit oriented development by transferring existing units of use from outside the urban core” (page 5 of the Tahoe Regional Planning Agency Community Enhancement Program document, August 1, 2007). The proposed project does the opposite; it proposes to transfer development to an area that is currently rural and make it an urban area. The project is being proposed for an area that is not and “urban core,” which CEP projects were originally intended to be located. The CEP program was originally intended to have “standards in place to protect the community character” (page 7, TRPA CEP 2007); the proposed project would transform the community character of Homewood with its massive size and scale.]

90 [The August 2007 CEP document states that one of the goals includes making sure the “proposed project is compatible with the scale, massing with existing neighborhood character” (page 10). The proposed project would dwarf the Homewood community and is not compatible with the scale and massing of the community. A new DEIS must quantitatively compare the massing proposed with the mass of buildings currently located in Homewood. The CEP document also states that the project must be “compatible with existing planned uses in neighborhood/area” and “existing and/or planned land uses” (page 10), which is not the case for the proposed project]

91 [The CEP document (2007) also states the importance of CEP projects reducing the dependence on the private automobile (page 11). There is not sufficient evidence that the proposed project would reduce dependency on the private automobile; the site location is far from many areas that visitors to the proposed project would want to see, such as Emerald Bay. It is more likely that the nature of the project site location would increase the dependency on the private automobile.]

[**Transportation, Parking, and Circulation**

92 The preferred alternative is claiming that while adding 135 hotel/condo hotel units with 155 bedrooms, 185 condominiums and fractionals with 508 bedrooms, 13 workforce housing units with 34 bedrooms¹, 16 townhomes (number of bedrooms unknown), 19,155 sq. ft. of commercial and accessory floor area, additional skier services and an expanded day lodge, that somehow traffic will decrease in the winter and only increase by 1466 daily trips in the summer. The traffic analysis is flawed because of, but not limited to the following: it does not account for full occupancy, it does not measure peak traffic at correct times, it incorrectly assumes that people staying at the resort will not drive to other resorts, and it does not count accessory uses that will generate traffic. Increases in traffic will impact numerous air quality thresholds that are currently out of attainment. Furthermore, the mitigations are inadequate. Overall the preferred alternative creates a project that places a large number of visitors and residents in a remote area away from services and destinations (grocery store, pharmacy, other ski areas, etc). These visitors and residents will create increases in vehicle trips and associated air pollution.]

[**Summer Traffic Volumes - Friday PM Peak Hour- Summer**

¹ The number of units and bedrooms are referenced from page 4 of Appendix K-3 Homewood Mountain Resort Parking Study.

93 The League is concerned with the choice of the Friday PM peak hour for the traffic analysis. The consultant determined that there are more trips on Friday than Saturday by comparing traffic between 3PM to 6PM on Friday and 12 PM to 2PM on Saturday. The League is concerned that late Saturday afternoon may actually be the most congested time for this area during the summer. Sundays are also likely more congested than Fridays.]

[Winter Traffic Volumes

94 The League is concerned that winter traffic volumes were estimated instead of counted. It assumes that because other areas around SR 89/SR28 have a winter traffic count that is 75% of the summer count that Homewood also produces a winter traffic count that is 75% of the summer count. For Homewood, winter counts may actually be higher, but without a count it is impossible to know. Again, there is some concern that Friday PM values are being used instead of Saturday PM hours. Anyone leaving a destination ski resort in the Tahoe area such as Squaw or Northstar on Saturday or Sunday during peak ski season at 4Pm knows from experience that the traffic has extreme congestion during these times compared to a Friday evening. The DEIS states the reason for choosing Friday PM was because this is where the biggest change in traffic will occur. While the League agrees that it is important to know the changes in the Friday PM traffic, it does not predicate excluding information on Saturday PM traffic or even Sunday PM traffic. To thoroughly examine the environmental impacts of this project, the DEIS should examine and disclose the traffic information for both Friday Peak PM and Saturday Peak PM.

In fact, the 2008 report "Mobility 2030: Transportation and Monitoring Program" on pg 21 explains that traffic counts in Tahoe for winter are performed starting at 4PM on Saturdays (Tahoe Metropolitan Planning Organization and Tahoe Regional Planning Agency 2008). The Saturday of Presidents Day weekend is considered the peak winter travel day. The EIS must also look at Saturday at 4PM as the peak travel for the winter months.]

95 [There is concern that the winter traffic "counts were collected by a consultant hired by the Project Applicant at driveways and access roads to the Project Applicant at driveways and access roads to the Project during the AM and PM peak periods on Saturday December 30, 2006." It is not appropriate for the DEIS to base traffic analysis based on data collected by a party hired by the developer. The data should have been collected by a neutral third party consultant selected by the TRPA staff.]

96 [Parking counts were determined for Fridays. Again this is inappropriate because Fridays are not the biggest skier days. It is inappropriate to use data from Heavenly Mountain Resort to determine hourly variability for Homewood. The logistics of these two resorts are extremely different and data should be used from a ski area more similar to Homewood.]

[Existing Ground Transit Facilities

97 The DEIS states "The Tahoe Trolley Free Night Service runs from Squaw Valley USA to Incline Village. Hourly service is provided from 7:00 PM to 12:00 AM (midnight)." However, the DEIS does not specify whether this service is provided all year or just seasonally.]

[Accessory uses

98 The League is concerned that certain accessory uses to the hotel were not included for traffic analysis as some of these uses are likely to generate traffic not associated with hotel guests such as use of the

restaurant, the bar, spa and meeting facilities. It is also unclear how the public pool at mid-mountain is taken into the traffic counts.]

[*Summer trip generation estimates*

It is a concern that occupancy rates are determined based on data from Park City, Utah. Park City is a true destination resort area, where the Tahoe area is dominated by tourists visiting for the weekend.

99 The traffic analysis is based on assumptions with no validation to where the assumptions were derived. The DEIS says it was assumed that 50% of the guests will arrive at the resort on Friday and that 25% of guests will arrive during the Friday peak PM hour. There is no information given about how this assumption was made. The parking study determined that there would be 1.2 cars per hotel and condo-hotel unit. This seems unrealistic considering the most units have multiple bedrooms. Therefore the 1.5 trip generation rate for Friday PM (based on the 1.2 cars plus additional trips made after arrival) is also likely inaccurate because it is based on only 1.2 cars per unit.

There is an assumption that all Mid-Mountain day lodge and North Base Lodge will not generate any traffic in the summer and winter. Since this is where the public can swim and ice skate it seems unlikely that no traffic would be generated.

It is not clear from the DEIS how the assumptions were derived to determine the percentage of trips that are expected to be taken internally and externally by residential units. Also did the DEIS take into account that even though residential units may be called residential units, they will likely be used as second homes with more of a tourist based travel pattern?

The DEIS states, "The lodging units were analyzed under the assumption that 50% of the trips would be for social and recreational purposes and 50% would be for other personal business (e.g. shopping)." How was this assumption made?]

[*Alternative Modes of Travel*

100 The DEIS makes many assumptions regarding shuttle trips and it is unclear where these assumptions arise. The DEIS assumes a 50% shuttle occupancy during peak hours and 25% during off peak hours. The DEIS needs to demonstrate how these assumptions were derived. The DEIS also needs to show where the 1.82 average vehicle occupancy for visitors and 1.42 average vehicle occupancy for residents was derived. The DEIS makes similar assumptions for Dial-a-ride and for water taxis without an explanation to how these percentages were determined.]

101 [Also the DEIS needs to take into the account the emissions produced by the shuttles, dial-a-rides, and water taxi use. Getting people out of their cars does not help the environment if the alternative mode of travel is more harmful than a passenger vehicle. Not including these types of emissions incorrectly underestimates impacts to air quality standards from this project.]

102 [The method in daily trips are derived is suspicious. The method assumes 50% of trips arriving on Friday night only make 1.5 trips and does not show daily trips for a full day at full occupancy. The DEIS needs to show full occupancy for a full day. If so it appears that the numbers increase by 1918 trips in the summer and an increase of 1561 daily trips in the winter.]

[*Trip Generation Summaries – Winter and Summer*

After thoroughly reviewing Tables 11-9 and 11-13 as well as the associated appendix (Appendix K-2) the League is extremely concerned that the traffic analysis was done a way that incorrectly calculates at least half of the traffic resulting from the tourist units. The flaw is that the analysis does not assume full occupancy throughout an entire day. Trip generation assumes half of the guests are arriving on Friday and half the guests have arrived on a different day. While this would assume full occupancy on Friday night, it is not assuming full occupancy on Friday day. Regardless of whether the traffic analysis should be performed on a Friday or Saturday, the analysis must show full occupancy for the entire day, not just full occupancy for the afternoon/evening part of the day.

103 For example, in the Winter Trip Generation, the DEIS assumes that half the guests arrive on Friday and each unit is assigned a daily rate of 1.5 trips which assumes that each unit will have 1.2 cars that drive to Homewood and that enough of these cars will make a secondary trip to get groceries, see entertainment, etc. that the each unit can assume 1.5 trips per Friday arrival. The 1.5 daily trip rate applies for the hotel, hotel/condos, penthouse condos, and fractionals. The guests that do not arrive on Friday have a much higher daily rate. For example, instead of 1.5 daily trips per unit, the rate increases to 8.92 for hotel rooms and condo/hotel rooms, to 5.86 for penthouse condos and 10.1 daily trips for timeshares. If these rates are used assuming an all-day 100% occupancy then that increases the total new daily trip account in both summer and winter significantly. For example, the winter raw trip generation for the units with only 1.5 daily trips is 140 daily trips. If these units use the other rates described above for an all-day occupancy the new daily raw trip account for these rooms alone is 787. This is a significant discrepancy and will likely show that the project is increasing wintertime VMTs. The DEIS must perform a supplemental traffic study that examines an all-day 100% occupancy. The DEIS specifically states in Table 11-9 that half of the lodging units were calculated using typical TRPA and ITE trip generation rates. Table 11-9 does not state how the other 50% were calculated, but contains an asterisk, "50% of guests provide on Friday*" but does not provide an explanation of the asterisk. The EIS analysis must show the trip generation based on all lodging units being calculated using typical TRPA and ITE trip generation rates.

Also, the trip generation numbers are inaccurate because the hotel rooms, hotel condo units and condos should have utilized the Resort Hotel unit trip rate. For a Saturday the Resort Hotel daily trip rate is 13.43 trips per unit. 13.43 daily trips is significantly higher than the 8.92 and 5.86 daily trip numbers used in the DEIS. A traffic study must be performed that recognizes that these units are Resort Hotel units with a much higher trip generation number.]

[Winter Study Period

104 The DEIS incorrectly assumes that the preferred project will generate fewer trips than the existing conditions on a Saturday. This assumption is based on the idea that skiers will already be at Homewood so they will not have to commute to get to the ski resort. However, the study fails to take into account the number of new tourists that will now be residing at Homewood who will want to commute to other resorts in the area such as Squaw, Alpine, and Northstar on one or more days of their stay. This must be taken into account for the EIS analysis.]

105 [Although the EIS traffic analysis does not take into account the number of skiers that will drive to other ski areas in the region, the parking study prepared for JMA by LSC Transportation Consultants does examine this number for parking. This study is listed in Appendix K-3. The parking study estimates that 70% of visitors staying at Homewood will ski and of these visitors, 25% of them will choose to ski at another ski resort (Appendix K-3, p. 10). This means that if there are 697 bedrooms (not including the

townhomes) and one assumes three bedrooms per townhome (as the number of bedrooms per townhome is not provided for in the DEIS) there would be a total of 745 bedrooms. If one assumes there are two guests per bedroom, there are a total of 1490 guests on site. If 70% of these guests go skiing, the number of guests skiing would be 1043. This means that 261 guests will ski at offsite. If the number of guests per bedroom is increased to 2.5, then the number of skiers traveling to other resorts increases to 325 skiers. The parking study takes this into account (although where the numbers for the parking study were derived is unclear). The EIS traffic analysis must also take into account the number of daily trips and VMTs that will be generated from skiers staying at Homewood and traveling to other ski areas.]

106 [The DEIS assumes that the same number of people will be leaving the resort area under the proposed project alternative compared to the no project alternative. The DEIS does not provide any data or calculations to demonstrate this. The League is concerned that there will be an impact to traffic on Sunday afternoons in the winter when both day skiers and lodging guests will be leaving the area. The increase in new lodging guests is higher than the decrease in the number of day skiers. The DEIS may have chosen to ignore the fact that the majority of 99 residential units will likely be second homes in which the occupants will be leaving on Sunday afternoon and should be considered in the number of lodging guests.]

107 [The DEIS assumes that the skier drop off rate will stay the same even though there is decreased skier parking but the same number of people who live in the community may still want to ski at Homewood even though they don't live at Homewood. These skiers may have a friend or family member drop them off at the resort if they are unable to park there and the number of skiers drop-offs will increase and affect VMTs. The DEIS should consider that the skier drop off rate may increase under this new scenario.]

[Trip Distribution

It is unclear how the DEIS determined trip distribution numbers. There is no Appendix that references where these numbers were derived. For example how was it determined that 35% of guests will arrive via 89S in the summer and 10% in the winter?

108 The DEIS states, "The proposed project caters primarily to skiers staying at the resort, not day skiers. Therefore, since the day skiing is not the main use, it was assumed that the majority of day skiers will be locals who know the mountain and can easily get to the resort." It is not clear on what information the DEIS made this assumption. Squaw Valley, Northstar at Tahoe, and Heavenly all provide lodging, but that does not change the main use of the resort as a place for day skiers. How is Homewood different?]

[VMT

VMT was determined using the flawed numbers from the daily trip generations described above. Therefore, the VMT numbers also are invalid. The trip generation numbers must be recalculated in order to obtain valid VMT numbers and determine the impacts to air quality.

109 The amount of vehicle miles traveled determines impacts to other air quality threshold indicators such as ozone, atmospheric nutrient loading, and carbon monoxide. Carbon monoxide and ozone are both in non-attainment for TRPA standards. In 2010 the California Air Resources Board designated the Lake Tahoe side of the Basin as non-attainment for ozone. It is very important that these environmental standards are met. A new project that does not move these standards closer to attainment is

inappropriate. Please see more in the Air Quality section of this comment letter for more detailed comments.

VMT calculations were based on the TRPA travel demand model that determined that the average length trip was 4.42 miles for residents and 7.77 miles for visitor trips. The DEIS does not have an appendix to show how these numbers were derived. Are these the numbers used by TRPA for all residential and tourist projects? One can imagine that Homewood being remote would generate longer trips than a tourist staying in South Lake Tahoe or Tahoe City? Was this taken into account when calculating these numbers? Also was it assumed that the 99 residential units would be occupied by full time residents and not visitors/second home owners whose travel patterns are likely to match the visitor trip profile and not the resident trip profile?]

[Impact Trans-1: Will the Project result in the generation of 200 or more new Daily Vehicle Trips?

110 The League thinks it is inaccurate to claim an insignificant impact for winter VMTs. Once an adequate traffic analysis is performed the VMT count will show a 200 or more increase in winter. Furthermore, a small decrease in winter should not compensate for a massive increase in summertime VMTs. Summertime VMTs are much more harmful to the environment because automobiles produce ozone precursors which when mixed with sunlight turn to ozone and is harmful for to both public health and the environment. As described above the region is currently out of attainment for this environmental standard and building a project that increases the harm is inappropriate, especially as a TRPA defined Community Enhancement Program (CEP) project.]

111 [The summer VMT is also inaccurate and although it shows an increase that it is significant, if a traffic analysis is performed the increase will be even more substantial.] Also the proposed mitigation is inappropriate for a CEP Project. The mitigation is simply dollars that go into a large fund for creating bike paths and more public transit. As a CEP project the project should be working to eliminate traffic problems, not creating new traffic problems and paying into a pot for someone else to fix later down the road. Without a direct project in place that demonstrates an actual reduction in VMTs this is deferred mitigation under CEQA.

112 [The parking study indicates that there will be no employee parking available on site, and the offsite parking will be located near Tahoe City. The study indicates that free shuttle service will exist for employees that live south of Tahoe City. Much of the housing along the West shore is not in easy walking distance to an 89 bus stop. Employees may have to drive north to Tahoe City to park their vehicle in order to avoid long treacherous walks in winter weather. This could increase VMTs.]

[Impact Trans-2: Will the Project result in changes to existing parking facilities, or demand for new parking? Provide adequate Parking to Meet Placer County Requirements.

114 The League is concerned that parking supply will far exceed parking demand. The study is based on 697 bedrooms (not including town homes) needing 411 parking spaces. This means that every bedroom will need only 0.58 parking spaces. This seems very unrealistic and instead it is very likely that each bedroom will need at least one parking space.

Interestingly, the analysis uses Saturday as the peak winter day for parking. The EIS should also use this day for the traffic analysis. Where was the assumption derived that every employee vehicle would carry

on average two occupants? How was it determined that 70% of the guests would ski, that 25% of these skiers would travel to other ski areas, and that 10% of these travelers would use public transportation?

The parking management plan relies on enforcement by the Placer County Sheriff's Department. Has the County agreed to in writing their ability to adequately enforce this area which will require patrolling every two hour in order to enforce the 2 hour only parking?]

[Impact Trans-3 Will the Project result in a substantial impact upon existing transportation systems, including roadways and intersections?

Level of Service is an interesting measurement because the impact is only significant if it moves service into an unacceptable category, it is not considered an impact if the Level of Service decreases, but decreases to a range that is found unacceptable. Out of 13 intersections involved, the summertime traffic delay will increase at all 13 intersections. Four of these interactions will experience an entire letter level drop in LOS, but the impact is only considered significant for the one intersection whose LOS is an "F." Again this does not seem appropriate for a CEP project to be causing an increase in traffic to all 13 intersection sections studied in the project area.

115 Mitigation is required for the significant impact in LOS that will occur at the SR89/Granlibakken Road intersection. The existing LOS is already an F, but the project will increase the delay by over a minute in the summertime. The project is proposing a mitigation measure that the project applicant will likely never have to perform. Furthermore the mitigation will not even increase the LOS to above a level F. The proposed mitigation measure is to realign the 89/Granlibakken intersection. However, Caltrans, through Environmental Improvement Program (EIP) funds has had the realignment of this intersection in the planning stages for years. It is expected that Caltrans permit will be approved this spring and that the project will begin in Summer 2012 funded through the EIP. The project applicant will be able to get out of mitigating because public dollars will already have "fixed" the problem. The LOS will still not be a level D, but because of Caltrans improvement (which will be happening even under a no project alternative) the delay will appear to be less than the existing conditions. However, the DEIS does not take into account that existing conditions would also have an improvement in level of service once the EIP project is completed. The DEIS needs to show what traffic LOS would be at this intersection if Caltrans performs its expected EIP and compare that to the proposed project with the same intersection realignment. If the comparison is done this way, the project impact will still show up as significant even with this improvement.]

[116 The project is not following the intent of the CEP. Public dollars go to decrease the traffic problem which allows a private developer to develop a project that increases the delay for traffic (even with the new intersection) and the applicant does not have to pay a penny. The project applicant will perform the intersection realignment only if Caltrans fails to do so. Why isn't this CEP project contributing significant dollars to this EIP project?]

[Summer Queuing Analysis

117 The DEIS states on page 11-69, "The Project alternatives were analyzed during the Friday PM peak hour; however, we understand that on peak weekends during summer months there is significant congestions at the Tahoe City "Wye", and the northbound queue can extend beyond the queue lengths shown in the analysis." Based on the above statement, the DEIS is flawed and the study needs to be redone to show the queuing for the peak weekends during the peak summer weeks. Choosing a time period for the

analysis that is not at the peak time is useless in determining environment impacts and is grounds for determining the EIS as flawed. Even with this flaw, the study shows a significant impact that cannot be mitigated for.]

118 [Furthermore, on page 2-39, the DEIS claims that a benefit to Trans-3 is the creation of an eight passenger gondola that will bring guests to the Mid-Mountain Base area. This is not a benefit as currently the mid-mountain base area is not accessible to the public by cars. This needs to be removed as a benefit as it does not alleviate traffic or LOS.]

[*Winter LOS analysis*

119 The same inadequacies stated above for the summertime LOS analysis applies to the wintertime LOS analysis. Furthermore, in the wintertime the LOS for the 89/Fawn intersection will decrease from a level C to a level E. It is interesting to note that although the DEIS claims a decrease in wintertime VMTs, there is no improvement and actually a worsening in LOS.]

[*Winter Queuing Analysis*

120 The DEIS reports the impact as being less than significant. However, the study is flawed because it examines queuing for Friday PM instead of for Saturday PM. The study needs to be reanalyzed for the time that wintertime queuing is most likely to occur which is when skiers are leaving the ski areas. Examining queuing on Sunday is important too because it is a time when travelers leave the Basin and often cause congestion.

[*TRANS-4. Will the Project result in a substantial impact upon the existing transportation systems, including transit facilities?*

121 What guarantee will be provided that all aspects of the Alternative Transportation Plan will occur for the lifetime of the resort?

Also, it is interesting this impact is considered less than significant because of all the alternative transportation that the project is proposing. This sounds a little bit like double dipping – meaning that the alternative transportation is part of the CEP that gets the developer incentives but the alternative transportation is also what prevents the developer from having to mitigate for the increase tourist and residential traffic. It appears that the developer is getting incentives for what would have been required mitigation.]

[*Trans-6. Will the Project result in a temporary impact upon existing transportation systems due to construction traffic.*

122 The presence of 146 to 192 trips a day of trucks hauling away excavation material is a significant impact.]

[*Trans-7. Will the Project result in alternations to the present patterns of circulation or movement of people and/or goods?*

123 As the project does decrease the Level of Service, the impact is significant. For example in the Case of Fawn Street LOS will decrease two whole grades from Level C to Level E during wintertime.]

[*Trans-8. Will the Project result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?*

124

The project is simultaneously increasing the amount of people using the area for biking/walking while increasing traffic so the likelihood of conflicts between cars and bikes/pedestrians will increase.]

[Cumulative Conditions Analysis

The methodology for the cumulative conditions is flawed because it is based on the trip generation methodology that is flawed as is illustrated in the above comments on traffic analysis. Therefore, the LOS predictions are incorrect and cannot be used to determine impacts. Once the study is correctly performed the impacts will be worse than is predicted by the flawed analysis.

Even so, the flawed analysis still shows LOS impacts. Again, the mitigation proposed for this significant impact is inadequate as explained in the concerns expressed in the TRANS-3 section above for both summer and winter.

125

The same comments listed above in the summer and winter queuing sections apply to the queuing for the cumulative conditions analysis, although cumulative impacts are even more significant.

It is important to note that monetary contributions from HMR to the Fanny Bridge improvement must be noted as a required mitigation of the project and not as benefit with entitlements to CEP incentives.

Also, the secondary access road is not being evaluated in the EIS because it is part of phase II and its evaluation will come in the future. This is not addressed as part of the cumulative impacts.]

[Summary

In summary the traffic analysis is flawed and an adequate study needs to be performed that includes counts and estimations for the days and times of days that the most traffic will occur in the area, that follows standard TRPA procedures for determining VMT based on full occupancy of all units all day, that includes VMT generating accessory space, and that accurately accounts for the improvement of existing conditions that will occur to the project area if no project occurs and Caltrans performs the expected Highway 89 EIP.

126

The intent of the CEP is not being met when traffic increases for an area. It creates impacts that are not mitigated through the project itself and instead pays into a fund for future projects to mitigate at a later date and not in the vicinity of the project. The Homewood project cannot move forward until an adequate traffic study is done that demonstrates that there will be no increases in traffic that impact the air quality thresholds. An increase in traffic has a direct effect on the TRPA air and water quality standards. Without an accurate understanding of traffic impacts it is impossible for the EIS to accurately assess impacts to thresholds such as air quality.]

[Air Quality

127

The DEIS does not adequately assess impacts to air quality. First, the DEIS has a flawed traffic study which directly affects the air quality analysis.]

128

[The DEIS is incorrectly trying to make it appear as if ozone is coming from outside sources when in fact it has been determined that the majority of ozone is originating in the Basin (Gertler et al 2006).]

129

[Furthermore, the DEIS is missing a very crucial aspect of section 12.1 Air Quality Standards and Existing Concentrations. In March of 2010 the California Air Resources Board designated the California side of

the Tahoe Basin with a non-attainment designation for ozone. The DEIS failed to report this and provide analysis on how the project will affect a standard already out of attainment.

The DEIS reports the data for the air quality monitoring stations within the Basin and near the Basin and states that “the monitoring stations in the vicinity of the Project have experienced occasional violations of the 1-hour and 8-hour O₃, PM₁₀, and PM_{2.5} ambient air quality standards during the 3-year monitoring period.” However, the DEIS fails to state that these “occasional” violations have placed the California side of the Basin into non-attainment status for ozone. The designation of non-attainment means that the area “consistently” not “occasionally” violates the standard.

Below is the CARB chart which designates Lake Tahoe (which includes Placer County) as in non-attainment for 2010. N stands for non-attainment, A stands for attainment, and U stands for unclassified.

CHRONOLOGY OF STATE OZONE DESIGNATIONS
(Updated March 23, 2010)

AIR BASIN / YEAR	1983*	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2010**
GREAT BASIN VALLEYS																					
Alpine County	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Inyo County	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Mono County	N	N	N	N	N	T	N	T	T	T	T	N	N	N	N	N	N	N	N	N	N
LAKE COUNTY	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
LAKE TAHOE	A	T	T	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	U	U	N
MOJAVE DESERT	(New air basin created in 1996)							N	N	N	N	N	N	N	N	N	N	N	N	N	N
MOUNTAIN COUNTIES																					
Amador County	U	U	U	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Calaveras County	U	U	U	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
El Dorado County (MCAB)	U	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mariposa County	U	U	U	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Nevada County	U	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Placer County (MCAB)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Plumas County	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Sierra County	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Tuolumne County	U	U	U	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Below is the CARB description of the location of the Lake Tahoe Air Basin:

§ 60113. Lake Tahoe Air Basin.

- (a) That portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.
- (b) That portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, M.D.B. & M., and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, M.D.B. & M., thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, M.D.B. & M., to the intersection with the said drainage area crestline, thence following the said drainage area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning. The Air Basin defined and described in (a) and (b) above shall be as delineated on the official map thereof which is signed by the Executive Officer of the Air Resources Board; such map shall be on file at the Air Resources Board Headquarters Office.

The DEIS fails to adequately portray the conditions of the regions by asserting that the project is an area designated by CARB as in attainment for ozone, when in fact the project is an area that is designated by CARB as being in non-attainment. CARB does not designate the Placer County portion of the air basin as a separate air basin from the El Dorado County portion of the air basin. Both of these counties together make up an air basin and all areas located within this air basin are currently designated as in non-attainment.

A part of problem is that the DEIS appears to have used an outdated source. Although, the CARB designation was established 10 months before the publication of the DEIS, it appears that the DEIS used CARB literature from 2009 instead of 2010. Below is the Table 12-3 of the DEIS in which the sources cited are for 2009 instead of for 2010.

Table 12-3

Federal and State Attainment Status for Placer County

Pollutant	State Status	Federal Status
8-Hour O ₃	Nonattainment for the western portion of Placer County, attainment for LTAB portion	Serious nonattainment for the western portion of Placer County, attainment for LTAB portion
PM ₁₀	Nonattainment	Attainment/unclassified
PM _{2.5}	Unclassified/attainment	Nonattainment
CO	Unclassified/attainment	Unclassified maintenance area (North Lake Tahoe Shore)

Sources: EPA 2009a; ARB 2009b

This error needs to be corrected for a new DEIS. Furthermore, even if the DEIS was incorrectly using outdated information, even the outdated information is incorrect as the Lake Tahoe Air Basin (including Placer County) did not have an attainment designation for the years 2006, 2007, 2008, 2009, but rather had an unclassified designation for ozone. The new DEIS should correctly report that the Lake Tahoe Air Basin (which includes Placer County) has not been designated as an attainment area since 2005.

As an area with a non-attainment designation for ozone, the California Clean Air Act (CCAA) requires that local and regional air districts prepare and adopt a plan to attain the standards. The DEIS fails to address how the Homewood project will impact this plan.]

[AQ-1 – Will the Project Generate Construction Emissions in Excess of Applicable Standards?

The DEIS states that the construction details are unknown, therefore, it has hard to determine the impacts (pg. 12-30). Not knowing the details is not an excuse for not determining the impacts. The details must be determined and a proper analysis needs to be performed.

130

However, the traffic analysis does list that the 146 to 192 trucks loads a day of excavation material will be hauled away. The emissions from these trucks must be analyzed as they will impact air quality emissions.]

[*Impacts of PM₁₀ during Construction*

131 The DEIS reports that PM₁₀ emissions will exceed the standard during construction and the impact will be mitigated by utilized standard Best Management Practices during construction. The emission standard is created for all projects. However, since this project lies in such close proximity to the Lake, the risk of airborne PM₁₀ entering the Lake is much higher than projects farther away from the Lake. TMDL research has demonstrated that particles 16 micrometers or less the most detrimental particles to Lake Clarity. Due to the sensitivity of the area, more stringent mitigation measures must be used during the construction period in order to reduce the PM₁₀ emissions.

The DEIS reports that the mitigation measure will reduce PM₁₀ to 79.55 pounds per day which is just below the 82 pound per day threshold of significance for PCAPCD. As this is just an estimate and is very close to the 82 pound threshold, greater mitigation measures must be established to ensure that emissions are not exceeded in a location in such close proximity to Lake Tahoe.]

[*AQ-2. Will the Project Generate Operational Emissions or Vehicle Miles Traveled (VMT) in Excess of Applicable Standards?*

132 In order to determine the emissions associated with vehicle trips, the DEIS utilized trip generation based on the traffic analysis section of the DEIS. However, because the traffic analysis is flawed and trip generation is grossly underestimated the associated emissions and VMTs that are based on the traffic analysis are also flawed and grossly underestimated. Until an adequate traffic analysis is performed and the corrected trip numbers are applied to VMTs and air quality emissions, the DEIS section on mobile source emissions remains inadequate and not certifiable. Both summertime and wintertime VMT and air quality emissions are underestimated.

The DEIS claims that "Hybrid water craft can have 70% to 80% fuel savings compared to typical diesel engines. It was therefore assumed that the hybrid water taxis would burn 70% less fuel than a diesel vessel, resulting in 70% fewer emissions." The DEIS does not state where this information was derived. The EIS must show through either EPA, CARB, or peer reviewed journals that there is a 70% reduction in emissions for hybrid boats compared to conventional diesel boats.

Traveling by water taxis (even Best Technology water taxis) is a much more polluting form of travel then the passenger car. Traveling by water taxi may decrease VMTs on the road, but the amount of emissions produced by each traveler increases dramatically. The EIS must show that using the taxis will produce less of an impact to air quality emissions than if the passengers used traditional transportation such as passenger cars and buses.]

133 [There appears to be a mistake in Table 12-16. If a comparison is made between Appendix Q and Table 12-16 for water taxi emissions there is a switch in numbers. Appendix Q lists NOx exhaust as 2.35 pounds per day and CO exhaust as 1.03 pounds per day for the year 2021. However Table 12-16 reverses these numbers and lists CO emissions as 2.35 pounds per day and NOx emissions as 1.03 pounds. The EIS needs to correct Table 12-6 for CO and NOx.

Table 12-6 identifies NOx emissions for all of summertime traffic as 7.17 pounds per day. The water taxis produce 32% of the NOx emissions compared to ALL the summer traffic even though the taxis are transporting a limited number of guests. The project's use of water taxis is creating significant impacts to air quality especially in relation to ozone precursors. Reactive organic gases (ROG) and NOx are both emissions from water taxis that interact with sunlight and produce ozone gas.

The DEIS does not disclose a table similar to Table 12-16 for Alternative 2 (no project alternative). There is no way to compare the different components of the mobile and project area sources between the proposed and no project alternative. For instance what is the ROG emissions produced from natural gas under the no project alternative for the year 2021? This information cannot be found for Alternative 2, but can be found for all the other alternatives.]

[*Vehicle Miles Traveled (VMT)*

134

The VMT section of the DEIS is flawed as it is based on the trip generation numbers in the traffic analysis. Please see the related comments in the traffic analysis section of this comment letter for the details about the flaws in the trip generation, VMT analysis and inappropriate mitigation measures. Both the summertime and wintertime VMT estimates for the project are underestimated. Proposed project VMTs will not decrease in the winter, but will increase. Proposed project summertime VMTs will increase at a greater amount than projected in the flawed DEIS study.]

[*Area Source Emissions*

135

There is not a clear comparison in the DEIS between the difference or increase in area source emissions between the no project alternative and the proposed project. This must be provided.]

[*Stationary Sources*

136

The DEIS shows an exceedance of TRPA standards for NOx for stationary sources. However, the DEIS claims that green building will decrease the NOx emissions, but does not provide the emissions estimates for the project built as "green" project. The emissions estimates of the project as built with "green" features must be provided, otherwise the impact is still considered significant.]

[*Mitigation Measure AQ-2a Contribute to the TRPA Traffic and Air Quality Mitigation Program*

137

As described in the traffic section of this letter. The mitigation proposal is inappropriate. The measure is for mitigation to occur in the future and none of the funds designated for mitigation have proven to mitigate for the impact.]

[*Mitigation Measure AQ-2b Prohibit Installation of wood-burning appliances.*

138

This mitigation measure does not mitigate for the impact because there is no way to enforce that property owners are prevented from installing wood stoves. It is not a true prohibition. A true prohibition would require that the deed that runs with property does not allow for placement of wood stoves in the future.

[*On-Road Carbon Monoxide – Placer County*

139 The impacts of the project on increases in on-road carbon monoxide are inadequate because it uses the flawed traffic analysis to determine traffic volumes and operating conditions. The increases in carbon monoxide must be reexamined in the EIS once a valid traffic study is performed.]

[Construction Related Diesel Particulate Matter – Placer County

140 The DEIS examines exposure period of new residents, but ignores exposure period of current residents.]

[TRPA Requirement of Carbon Monoxide

141 The DEIS states that any net increase concentrations is significant. The DEIS then sites Table 12-22 saying that the table shows no increase in CO for future conditions in 2030, but fails to note that prior to 2030 the table clearly shows an increase from 4.3 parts per million (ppm) to 4.4 ppm from the no project alternative to the proposed project alternative at SR 89/SR 28 for the 1 hour standard, from 2.5 to 2.6 ppm for the 8 hour standard, and from 3.0 to 3.1 parts per million for SR 89/Granlibakken Road for the 1 hour standard. The DEIS fails to acknowledge an impact presented in Table 12-22.]

[AQ-4 Will the Project conflict with or Obstruction of Implementation of the Applicable Air Quality Plan?

142 The project will conflict and cause obstruction of the implementation of the Air Quality Plans for Placer and for the TRPA by causing increases in VMTs, ozone precursors, and Carbon Monoxide without providing sufficient mitigation measures.]

[Cumulative Impacts and Mitigation Measures

143 The DEIS has not performed an appropriate cumulative impacts analysis. The DEIS merely restates that because impacts were not significant or were able to be mitigated that there are no cumulative impacts. However, the DEIS does not look at how increases in emissions/VMTs from this project combined with increases from other projects may cause a significant impact that cannot be mitigated. It is a requirement under CEQA for the DEIS to disclose reasonably foreseeable future project impacts.]

[Scenic

144 The scenic impacts are not sufficiently analyzed in the DEIS. The proposed development project would create an urban feel and look to the Homewood area and replace scenic mountain and lake views with man-made structures. Traffic congestion due to the large number of guests coming to and from the large scale development and construction traffic will also create an urbanized, unnatural environment that would reduce the aesthetic value of the mountain ridges and lake. The proposed building heights would create significant immitigable impacts. Page 10-47 of the DEIS represents an example of a scenic analysis that misrepresents and underestimates scenic impacts.]

145 [The DEIS states, “The Proposed Project (Alternative 1), Alternative 3, and Alternative 6 include new structures that are visible from scenic resources and include recommended actions identified by the TRPA to improve the scenic quality of the area” (10-58), and the proposed alternative will create significant and unavoidable impacts to scenic resources. The project must not impact scenic resources. The mitigation measures listed such as “landscaping in and around parking lots and buildings. . . architectural improvements and cohesiveness . . . removal of structures that do not meet design standards , . . [and] paint[ing] lift towers to reduce visibility” (10-59) would not mitigate the large buildings blocking mountain views along highway 89. Upon request, the consultant has provided a table

(see below) listing the height of the proposed buildings. This information must be clearly disclosed to the public and included in the environmental analysis to determine the scenic impacts that would result from the proposed tall buildings.

HEIGHT SUMMARY - ALTERNATIVE 1 (Proposed Master Plan)

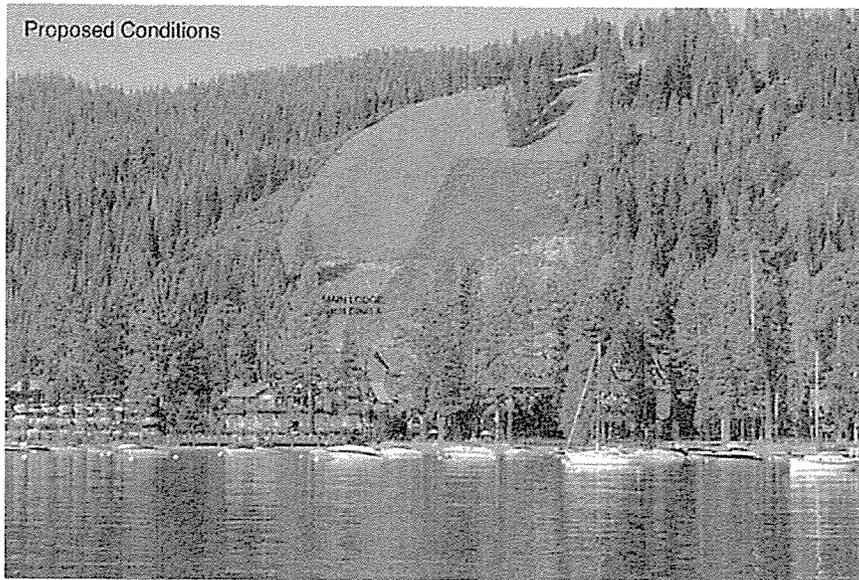
BUILDING	Natural Grade			Average Grade		Roof	Roof	TRPA Height		Avg	SR89
	Low Point	High Point	Grade	Delta	Average	Ridge	Pitch	Table A	TRPA Height	Grade Height	setback Roadway
North Base											
A (Skier Services/Recreation, Residential)	6,238	6,296	18%	58	6,267	6,314	6:12	35.8	76	47	283
B (Hotel, Residential)	6,243	6,303	11%	60	6,273	6,320	6:12	33.8	77	47	248
C (Commercial, Residential, Fractional)	6,233	6,236	3%	3	6,235	6,276	6:12	31.8	43	42	53
D (Commercial, Residential, Fractional)	6,235	6,240	2%	5	6,238	6,268	6:12	31.8	33	31	42
E (Residential, Fractional)	6,235	6,236	1%	1	6,236	6,268	6:12	31.2	33	33	45
P (Skier Parking, Employee Housing)	6,236	6,238	1%	2	6,237	6,285	2:12	26.5	49	48	237
South Base											
A (Residential, skier services)	6,275	6,295	9%	20	6,285	6,334	6:12	33.2	59	49	-
A1 (Residential)	6,292	6,315	13%	23	6,304	6,352	6:12	34.2	60	49	-
B (Residential)	6,280	6,305	13%	25	6,293	6,341	6:12	34.2	61	49	-
Mid Mountain											
Gondola	7,269	7,290	23%	21	7,280	7,303	2:12	31.11	34	24	-
Gondola Entry/ Skier Services	7,285	7,304	23%	19	7,295	7,327	2:12	31.11	42	33	-
Restaurant	7,305	7,328	23%	23	7,317	7,347	6:12	36.8	42	31	-

146

The DEIS also shows the proposed buildings almost completely blending in with the trees on page 10-14, which does not realistically represent the scenic impacts that the buildings will have because it is unlikely that the buildings' color will be perfectly camouflaged to the variation in color of the trees and the hillside. For a large portion of the year, the slope behind the building will be white, which would contrast sharply to the building. Winter simulations are only shown from a vantage point far out into the lake, rather than closer to the development.

147

The visual simulations do not appear to take account of the number of trees removed because both the before and after conditions show the same trees. Trees replanted after construction would not be the same height as the full grown trees that are currently at the site now. Page 8-55 reveals that at least 195 trees will be removed for the proposed development project. A tree removal protection plan is not included in the DEIS. Figure 10-6 demonstrates some of these problems with the scenic analysis:



Degradation in scenic quality causes a decreased shoreline rating. The simulations from the EIS do not accurately depict the impacts to the scenic view from the Lake looking landward caused by the massive structures. Table 10-10 on page 10-62 shows the proposed project not impacting lake views. The simulations of the buildings are unrealistic and inaccurate because they are depicting the structures with vegetative screening that may not exist once the trees 195 trees are removed.]

148

[Not enough visual simulations are included in the scenic analysis. There are not simulations for all of the proposed buildings; simulations for all buildings must be included in order to evaluate the project. The DEIS does not contain any simulations of the South Base. Simulations from the roadway must also be included for all buildings. Additional winter simulations should be included because the contrast of the buildings against the snow would create a different appearance than the simulations without snow. Additionally, story poles should be used to show the true height of the proposed buildings.]

[Night Sky

The scenic analysis does not include a sufficient discussion of the amount of light coming from the development at night that will be seen from the lake, the other side of the lake or other areas in the basin. Page 10-71 and 10-72 state that the proposed alternative will produce significantly more light but do not discuss the impacts of the light from the development being reflected off of the lake at night or the increase in light pollution during the winter when snow will reflect the light from this large development up into the sky. Currently, Homewood is a rural area where stars can be seen over the mountains and lake. The proposed development, due to its size and scale, will include a significant amount of light pollution. Page 10-72 notes that no mitigation will be implemented to offset the impacts of light pollution.]

149

[Wildlife

The Proposed Project would create impacts to wildlife. The DEIS states that the likelihood of occurrence of Northern Goshawk in the project area is high, and that "suitable habitat is present in the Project area. Active breeding population located approximately 1.5 mi south of Project area" (8-12). The size and scale of the proposed project could create disturbances to Northern Goshawks in the area due to noise projected long distances from tall buildings, large numbers of people in the area and disturbance

150

of foraging area within the project area. Noise projected from the amphitheatre could also disturb this species, especially when the noise is amplified and bounced off of nearby tall buildings. Northern Goshawks are an important TRPA environmental threshold carrying capacity indicator special interest species. The Influence Zone for this species is 3.5 miles (TRPA Resolution 82-11). Since there is an active breeding site within 1.5 miles of the project area, how will this population be protected? Construction noise, dust and other disturbances could also impact these species.]

151

[The 2006 TRPA Threshold Evaluation Report states, "Essentially, wildlife habitat within disturbance (free) zones and movement corridors is provided protection from being impacted by conflicting land uses. Accordingly, only projects or activities that enhance wildlife habitat are allowed within disturbance (free) zones of TRPA designated Special Interest Species and a nondegradation standard is applied to movement corridors and riparian habitat due to this habitat's potential to provide suitable conditions for a relatively great diversity of species compared to other habitats" (7-2)¹. The threshold for wildlife is currently out of attainment; the proposed project must not further impact this threshold through the disturbance of the Northern Goshawk.]

152

[Deer are also important TRPA environmental threshold carrying capacity special interest species that must not be disturbed by the proposed project. The DEIS states that the likelihood of occurrence is high, and that, "suitable habitat is present in the project area. Species detected during forest carnivore studies" (8-19).

The 2006 TRPA Threshold Evaluation Report states, "Essentially, wildlife habitat within disturbance (free) zones and movement corridors is provided protection from being impacted by conflicting land uses. Accordingly, **only projects or activities that enhance wildlife habitat are allowed within disturbance (free) zones** of TRPA designated Special Interest Species and a non-degradation standard is applied to movement corridors and riparian habitat due to this habitat's potential to provide suitable conditions for a relatively great diversity of species compared to other habitats" (7-2). There are several creeks and other stream environment zones within the project area and close to the project area, as shown on page 8-3 of the DEIS. The disturbance free zone for the deer is designated as "meadows" by TRPA Resolution 82-11. The addition of noise from proposed tall buildings, the amphitheater and the addition of people to these areas would disturb deer. The DEIS also mentions hiking trails to be incorporated into the project area. Will any of these hiking trails disturb deer in meadow areas? Construction noise and dust can also disturb these species.]

153

[The DEIS states that the Proposed Alternative would pose a significant impact, "causing the loss of raptor nests, migratory bird nests or wildlife nursery sites" (8-54). The DEIS states that, "Tree removal and construction activities associated with the new buildings may result in direct removal of active nests for migratory birds, raptors, or other wildlife and may result in disturbance or abandonment of nesting, roosting, or breeding sites in adjacent habitat. While no active nests or roosting sites were detected during previous surveys, the potential exists for nests or roosts to be present before construction commences in the future; therefore, this impact is considered to be significant" (8-56). The mitigation measures listed in the DEIS consist of monitoring the construction site and stopping construction if wildlife disturbance is apparent. The large scale construction activities may scare away wildlife before it can be noticed; will there be enough wildlife experts onsite during construction to monitor such a large area of construction activities?]

154 [**Vegetation**

The DEIS does not provide enough detail about the trees to be removed. Table 8-6 only breaks down the sizes of trees into two sections, 15-29 inches and 30 inches or greater. The species of tree is also relevant to the size being removed. For example removing a 24 inch diameter aspen tree may be more significant than removing a 24 inch diameter Jeffrey Pine. How many old growth trees will be removed for each alternative? What deciduous riparian vegetation will be removed?

155 [Impact BIO-5 in the DEIS discusses impacts to SEZs but fails to address impacts to SEZs by the groundwater interruption and large scale cut and fill planned for the proposed alternative. Additionally, the large amount of new hard coverage will be changing the natural flow of water across the area. How will precipitation and stormwater on these covered areas be re-directed? Will this change the amount of water that feeds into stream environment zones? Sensitive plants and wildlife species need a certain amount of water to survive; will water be re-directed away from these areas leading them to become dryer than under current conditions? The TRPA environmental threshold carrying capacity for soils is currently out of attainment. Stream environment zones are not only an important threshold indicator that is currently reflecting non-attainment, but stream environment zones are also important habitat area for sensitive plant and animal species, and act as natural filters of nutrients and sediments that cloud the lake downstream. A broader and more detailed analysis of the impacts of the proposed development must be included in the EIS.]

156 [**Conclusion**

The Draft EIS/EIR does not include essential information on coverage, height, traffic, transfers of TAUs and other information needed to analyze the environmental impacts that would result. A new draft EIS must be created to disclose information about the project and the associated impacts. A new draft EIS must include a sufficient analysis of impacts to the *TRPA environmental threshold carrying capacities*. Page 3-78 of the DEIS lists regulations the project was analyzed for consistency with, but does not specifically list TRPA Resolution 82-11, which outlines TRPA threshold standards. Resolution 82-11 states, "at a minimum, the plan and all of its elements, as implemented through Agency ordinances, rules and regulations, achieves and maintains the adopted Environmental Threshold Carrying Capacities" (Section 1). The proposed project Master Plan must also achieve and maintain the thresholds.]

The League to Save Lake Tahoe appreciates the opportunity to comment on the Homewood Master Plan Draft EIS/EIR. If you have any questions please feel free to contact us.

Sincerely,

Melissa Thaw
Associate Program Advocate
League to Save Lake Tahoe

References

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Tahoe Metropolitan Planning Organization and Tahoe Regional Planning Agency. 2008. Mobility 2030: Transportation Monitoring Program.

http://www.trpa.org/transportation/Mobility2030_Trans_Mon_Report_2008.pdf

ⁱ This quote contains grammatical errors that were not changed; this is a direct quote from the report.



November 9, 2007

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Regional Planning Partners
P.O. Box 1803
Truckee, CA 96160

RE: Comments regarding the Community Enhancement Program (CEP)

Dear Brenda Hunt and Darin Dinsmore,

The League to Save Lake Tahoe (League) is a nonprofit, membership based organization dedicated to protecting and restoring the environmental quality, scenic beauty, and low-impact recreational opportunities of the Lake Tahoe Basin. The League recognizes the importance of programs that accelerate the attainment of the environmental thresholds.

The League to Save Lake Tahoe appreciates the opportunity to provide comments with regards to the Community Enhancement Program (CEP), which has been previously known as the "demonstration program".

157 Transportation related Concerns

There proposed CEP projects have not addressed a variety of additional parking and transportation related concerns. Many CEP projects are seeking to reduce parking and/or coverage in some capacity, while increasing density, residential units, and commercial floor area (CFA) at the same time. We strongly support the effort to reduce coverage and minimize resources devoted to parking. However, the potential is high for the increased density of commercial, tourist accommodation, and/or residential units to actually result in more vehicle miles traveled, traffic congestion, and pressure for more parking spaces (on site and/or off-site) to accommodate the demand. More people may be visiting these Special Project sites. The transportation related issues and environmental impacts need to be fully analyzed for VMT, air quality, land coverage, soil conservation, and water quality protection. This also emphasizes the need for a firm commitment to implement an effective mass transit system that attains the expected use by the public. Without an

adequate mass transit system and the assurance that it will actually be utilized, the demand on the auto transportation infrastructure could be intensified locally.

For additional tourist accommodations, what would be the net increase of VMTs within and from outside the Basin?

Height Concerns

There is an inconsistency between the proposed height of projects in the CEP and TRPA's scenic threshold. Higher buildings as proposed by the CEP will be visible from the Lake and/or obstruct views of the Lake and surrounding mountains. The scenic threshold would therefore be compromised, especially within the Shorezone and Lake itself. The height of the proposed structures should be evaluated from multiple positions, such as surrounding neighborhoods, side streets, and any vistas, not just from the major roadway units, as these plans are intended to improve the community itself. Thus, the quality of the community experience could be affected by higher structures blocking views and affecting daylight exposure.

If any structure compromises the TRPA's scenic threshold, what mitigations would be required to regain compliance? If trees or other native vegetation needs to be planted, how much will this cost and how long will it take for these mitigation measures to accomplish the goal? For example, how long will it take newly planted trees to break the view of a three story building?

Potential habitat fragmentation is a cumulative impact associated with increased height allowances. Higher buildings located within the Pacific Fly Way may jeopardize the integrity of migratory bird patterns and should be analyzed carefully with regards to the wildlife habitat threshold.

Smart growth principles should not be universally applied in the Lake Tahoe Basin; instead the appropriate principles should be selected based upon the setting of the community consistent with its size and community vision. Since Tahoe is not a major metropolitan area, such as Portland, limited growth must be considered first. Nonetheless, creating walkable zones where people do not have to rely on fossil fuel based modes of transport, and therefore reducing existing sprawl, may foster a more livable community, providing it is supported by effectively funded and effectively operated mass transit opportunities.

Coverage Issues

One of the specific goals of the Special Projects as described in the TRPA Code of Ordinances, section 33.3 D (a) is "...to promote major projects that... promote transfer of development that results in substantial environmental benefits". Environmentally sensitive land parcels (whether on site or off site) should be retired and deed restricted from further development. Special emphasis should be given to beach and SEZ restoration, thereby enhancing the applicable thresholds. The feasibility of creating a

funding mechanism to acquire and retire sensitive lots and parcels from private ownership should be investigated.

Additionally, there is a great need to aspire for more than just a reduction in coverage. Restoring natural habitat functions to disturbed ecosystems should be pursued rather than implementing expensive engineered solutions. For example, recent Total Maximum Daily Load (TMDL) research has concluded that most of the fine sediments that are affecting lake clarity stem from urban runoff and the most cost-effective remedy is to restore natural stream and wetland function.

The TMDL has reported the lack to date of existing offsets for SEZ and fragile land development. Currently required offsets are less than those recognized nationally as effective. Prior to approval of new projects, nationally recognized standards should be incorporated in the CEP projects

Threshold Attainment

Achieving substantial environmental net gains must be a primary objective of the CEP process and as stated in section 33.3 D (c) “that address a Threshold standard found not to be in attainment per the 2001 Threshold Evaluation.” Threshold attainment needs to be more of a top priority consistent with the purpose of the TRPA Code of Ordinances, Chapter 33: Allocation of Development: “...through issuance of allocations, distributes, in an orderly fashion, growth and development *within the confines of attainment and maintenance of the environmental thresholds.*”

An analysis of how increased VMTs associated with higher density-focused development might impact air quality as well as other thresholds needs to be examined.

In addition, if any projects exceed the current height scale, then soil impacts need to be addressed due to the additional excavation needs. Potential intrusion into groundwater sources (aquifers and water tables) may occur. Also, by placing structures so close to the water table, pollutant control strategies become all the more essential. In addition, any pollutant plumes in the area need to be carefully analyzed for decontamination.

The best available technology (BAT) for achieving the highest standards possible for water quality, lake clarity, and other thresholds must be utilized. Any BMPs need to have the capacity to treat all storm water runoff on site, ideally for a 100-year storm scenario.

Measures are being taken to prevent or minimize the impact to old-growth trees. If the removal of any old-growth trees is intended, these actions must be evaluated in terms of their consequences and impacts to the community and its environment. Also, it is vastly important that coverage/pavement does not interfere with or intrude within outer drip-lines of the vegetation.

In the recent Cal-Neva project, the local community and public raised concerns about noise emanating from decks and balconies. This noise intrudes on community gathering

places, parks, and disturbs wildlife as well. In addition, with higher buildings and a higher altitude source for this noise, the potential to reflect and broadcast noise over a greater distance is more likely.

To insure the acceleration of the attainment of the thresholds and properly inform the Regional Plan, there must be a long-term funded monitoring and reporting mechanism included in any project plan. How will the effectiveness of BMPs designed to treat storm water runoff be monitored to ensure that they are adequately protecting water quality and the clarity of Lake Tahoe? Were they designed well-enough to treat all storm water runoff?

Carbon Footprint Comparisons

The carbon footprint of any redevelopment project must be calculated, consistent with current climate change scenarios. The current carbon footprint of existing structure(s) must be compared with those of the potential project. A disproportionately large scale project, with increased carbon emissions, may be called into question because of the potential conflict with TRPA thresholds and cumulative environmental impacts. In addition, will higher buildings increase the amount of greenhouse gases expelled into the atmosphere during decommissioning, construction, and operation and maintenance? What kinds of carbon offset mechanisms will be used to achieve, at minimum, a carbon neutral designation?

The Lake Tahoe Basin has the capability to become a leader in the movement for recognition and responsiveness to global climate change. Portland, OR has recently proposed a plan to charge a “carbon tax” for projects that do not meet energy efficiency requirements and examples such as this should be investigated for construction within the Tahoe Basin.

Green Building

The CEP process should strive to implement the most environmentally sound building techniques available. The importance of green building in the Lake Tahoe Basin was emphasized as a top priority during numerous public input workshops of the 56 Acre Project.

The U.S. Green Building Council (USGBC) had created the Leadership in Energy and Environmental Design (LEED) certification process that guides building projects to ensure the most environmentally responsible, sustainable, and energy efficient designs.

As communities in the Tahoe Basin should aspire to be leaders in climate change responsiveness, they should also be leaders in green building practices. In March of 2007, the City of San Jose adopted a policy that would require all buildings in excess of 10,000 sq. ft. to achieve a minimum level (silver) of LEED certification. As Tahoe is recognized for its scenic significance and receives substantial resources for environmental improvements, a higher level of LEED certification is justified. New

redevelopment projects should be striving for at least Gold LEED certification. This type of responsible building promotes the Tahoe Basin as a leader in green practices, reduces carbon footprints, and increases the energy efficiency of projects.

Commodity Award Process

The CEP process is allocating commodities prior to the completion of project EIR/EIS or even an adopted master or community plan. These essential actions must be taken first prior to award of any commodities, especially in consideration that the TRPA has suggested that the CEP projects are intended to inform the Regional Plan. Approval of bonus awards for projects that may adversely impact the environmental threshold carrying capacities (ETTCs) prior to the updated approval of the EIS and Regional Plan is premature and not rationally consistent with the plan adoption process.

Summary Conclusion

Finally, it should be stressed that while water quality and lake clarity are of high concern and focus for our region (as evidenced by the proportion of funding for the EIP), the CEP needs to focus on an acceleration of the attainment of the all of the environmental thresholds.

We appreciate the opportunity to provide comments and if you are in need of further information please contact us at 530-541-5388.

Sincerely,

Carl Young
Program Coordinator
League to Save Lake Tahoe





Tahoe Regional Planning Agency Governing Board Members
128 Market Street,
Stateline, NV 89449

☐ Re: CEP process

The following comments are submitted on behalf of the League to Save Lake Tahoe, a membership-based non-profit organization dedicated to protecting and restoring the environmental quality, scenic beauty and low-impact recreational opportunities in the Tahoe Basin. We appreciate the opportunity to make comments on the Community Enhancement Program.

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We support the concept of rewarding redevelopment projects that go farther than other projects to offer substantial environmental benefits. Incentive-based planning has the potential for project planners to design and implement truly exceptional projects, and is commendable. However, we are concerned that the CEP process does not go far enough to define or demand “substantial environmental benefits” as tied to incentives.

Community Enhancement Program Criteria

As stated in the Tahoe Regional Planning Agency’s Code of Ordinances, Chapter 33.3.D.3a, “The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits...” In Chapter 33.3.D.3c, the criteria for inclusion in the special projects pool are vague and undefined. Criteria include providing substantial environmental benefits, providing excess mitigation, and assisting in threshold attainment, and working with EIP projects, the same concepts stated as the goals of the program. The Lake Tahoe Community Enhancement Program document, dated August 2007, does not provide more specific or defined environmental criteria for inclusion or advancement in the process.

The League to Save Lake Tahoe strongly believes that CEP criteria needs be more clearly defined, and that the vague language of the process has resulted in somewhat lackluster projects. What is meant by ‘substantial environmental benefit’ and ‘excess mitigation’ should be clearly qualified and quantified. Program criteria could include LEED or equivalent certification, on-site water retention and treatment facilities sufficient to deal with a 100-year storm event, acres of SEZ restoration, etc. Because the TRPA is allocating commodities that other projects do not have access to, they have the right to demand and clearly identify specific design features that could result in “substantial environmental benefit.”

CEP projects

The Community Enhancement Program has been billed as a competition. However, it is a competition where the standards are not clearly defined and where no one emerges as a winner. The distribution of commodities should be directly related the achievement of explicitly defined environmental criteria that result in quantifiable increases towards threshold attainment. For example, commercial floor area allocations should be preferentially awarded to projects that exceed clearly defined program criteria.

Both the TRPA Executive Director and staff have publicly stated that none of the nine CEP projects are a “home run” in terms of the environmental benefits they provide. Yet, all nine projects are slated to receive nearly the entire amount of commodities they requested. A 7.05% reduction was applied across the board to the requested allocations. If projects fail to demonstrate exceptional environmental benefits or provide them to a lesser degree compared to other projects, they should receive proportionally less commodities.

TRPA staff has stated that the next step in the CEP process is for TRPA to draft letters to applicants. According to the Community Enhancement Program Status Report found in the January 2008 Governing Board Packet, “the letters will identify specific weaknesses in each pre-application and make specific recommendations to strengthen the

environmental benefits of each proposal.” Were the recommendations based solely on existing features of the proposal, or did TRPA staff go beyond to recommend that projects incorporate, for example, green building standards if they were not proposing to do so? It seems that ‘specific recommendations’ should have been made as part of the initial program criteria, not at this late date.

Additionally, CEP projects need to offer much greater levels of environmental benefits compared to other projects. The Beach Club of Lake Tahoe, which is not a CEP project, incorporates several laudable elements, including silver LEED certification and the restoration of two acres of SEZs.

Summary

The allocation of reserved commodities as incentives should apply to only those projects that offer outstanding environmental benefits based on defined standards. The entire CEP process would be strengthened if program criteria were explicitly stated, with examples given. This would result in more exceptional projects deserving of preferential commodities allocations. We urge the TRPA Governing Board to work with staff to demand that CEP projects must offer truly substantial, quantifiable environmental benefits if they are to be rewarded by increased CFA allocations.]

Please do not hesitate to contact us with questions or additional comments.

Thank you,
Sarah Curtis
Program Advocate
League to Save Lake Tahoe
530.541.5388