

FOWS & SCTAG comments on Draft EIS/R for proposed AM/SV Base to Base Gondola

0144-10
cont'd

Table ES-3 Summary of Resource Topics with Impacts and RPMs and/or Mitigation Measures

Resource Topics /Impacts	Environmental Effects before Mitigation (By Alternative)		RPMs and/or Mitigation Measures			Environmental Effects after Mitigation (By Alternative)	
	NEPA	CEQA	NE - No effect	PS - Potentially significant	S - Significant	NEPA	CEQA
Adv - Adverse	B - Beneficial	LTS - Less than significant	N/A - Not applicable			SU - Significant and unavoidable	
4.2 Visual Resources							
Impact 4.2-1: Consistency with Federal, State, and Local Regulations		Alt 1, 3, 4 = NE Alt 2 = Adv	Alt 1 = NE Alt 2 = S Alts 3, 4 = LTS	Alt 1 = No mitigation measures are required Alts 2, 3, 4 = RPMs SCE-1, SCE-2, SCE-4, SCE-7, SCE-8, REV-1, and REV-3		Alt 1, 3, 4 = NE Alts 2 = Mitigated	Alt 1 = NE Alts 2, 3, 4 = LTS
Impact 4.2-2: Visual Character (General Impact on Visual Character)		Alt 1 = NE Alt 2 = Adv Alts 3, 4 = Minorly Adv	Alt 1 = NE Alts 2, 3, 4 = S	Alt 1 = No mitigation measures are required Alts 2, 3, 4 = RPMs SCE-1 through SCE-4, SCE-6, and SCE-7		Alt 1 = NE Alts 2, 3, 4 = Mitigated	Alt 1 = NE Alts 2, 3, 4 = SU
Impact 4.2-3: Night Lighting and Glare		Alt 1, 3, 4 = NE Alt 2 = Adv	Alt 1 = NE Alts 2, 3, 4 = S	Alt 1 = No mitigation measures are required Alts 2, 3, 4 = RPMs SCE-5 and SCE-8		Alt 1 = NE Alts 2, 3, 4 = Mitigated	Alt 1 = NE Alts 2, 3, 4 = LTS

However, as reflected in detailed comments following the list below, there are problems with the DEIS/R that do not support these conclusions. Based on information provided in the DEIS/R (or a lack of such information):

- NEPA: All action alternatives have “adverse” impacts to all three visual resource topics (although further exploration and documentation are needed to assess Impact 4.2-3);
- CEQA: Impact of Alternative 2 on Impact 4.2-1 should be Significant and Unavoidable; and
- CEQA impacts of all action alternatives for Impact 4.2-3: Night lighting should disclose Potentially Significant unless and until adequate information is provided to assess significance.

All action alternatives:

0144-11

Impacts on potential future consideration of public land purchase of privately-owned area within the Congressionally-designated GCWA:

The DEIS/R does not include any viewpoints from within the privately-owned portion of the Congressionally-designated GCWA boundary. As Alternative 2 would place development in this location that would likely prevent the land from being considered for purchase by the public (USFS) and/or a conservation easement, the impacts to all resources must be clearly disclosed.

The FEIS/R must include a viewpoint which reflects the existing conditions and anticipated impacts on the visual qualities within this area. This viewpoint should also be part of the discussion regarding the individual and cumulative (e.g. the proposed White Wolf Subdivision) impacts to and from this privately-owned land within the GCWA (a discussion that is generally lacking in the DEIS/R, as noted elsewhere in our comments).

0144-12

Visual simulations of gondolas on the cable line during non-white conditions:

The DEIS/R discloses that there are times when the gondola cabins will be in use while the surrounding landscape may not be fully covered with snow, and during these times the white gondolas would contrast heavily with exposed vegetation and dirt in the background, creating greater visual impacts.⁵ The DEIS/R also states that throughout the summer, all gondola cabins will

⁵ “However, during the transitional seasons (defined as the early and late ski seasons) and periods of inconsistent snow cover (which are possible during both the transitional seasons and mid-season), it is possible that Alpine Meadows would still be open for public skiing and snowboarding and the gondola would be operational, and that at the same time southern aspect slopes of the project area would be mostly dry. During these scenarios, the

0144-10 cont'd, Visual Resources (VR)

0144-11, Visual Resources (VR)

The comment implies that the Draft EIS/EIR should have included a visual simulation of Alternative 2 from within the private lands within the congressionally mapped GCW (or the Caldwell property) because Alternative 2 would "prevent the land from being considered for purchase by the public (USFS) and/or conservation easement." Views 5 through 8 include the Caldwell property, from which the potential visual effects of the project under each alternative were considered. Additional views from within the Caldwell property were therefore not required to be included in the Draft EIS/EIR to adequately assess the impacts of the project. Please refer to *North Coast Rivers Alliance v. Marin Municipal Water Dist.* (2013) 216 Cal. App. 4th 614, 627-28 for further information.

Section 4.2, "Visual Resources" of the Draft EIS/EIR includes an adequate number of viewpoints documenting the existing environment and showing, through simulations, how the proposed alternative alignments would impact the views from those vantage points, including views from private property. The potential future purchase of the private Caldwell property by the Forest Service, or any other entity, and establishment of a conservation easement on that land, are speculative and beyond the scope of this analysis. The proposed White Wolf Development, moreover, has not yet been approved and has not undergone design review. The White Wolf Development was included in the cumulative effects analysis of the Draft EIS/EIR with the conclusion that the White Wolf Development, if approved, would further reduce the visual character of some of the scenic vistas from within the National Forest System-GCW.

The 21 visual simulations created for each alternative allow for a qualitative analysis of the visual changes that are anticipated to occur with implementation of any of the action alternatives from a feasible selection (16) of representative locations. The objective of creating visual simulations is to characterize the appearance of the action alternatives if constructed, rather than to provide a comprehensive view from all possible locations in the project area; therefore, not all locations could be simulated for the purposes of this EIS/EIR. As noted above, highly frequented or prominent public areas and visually sensitive vistas were selected for simulation to ensure a sufficient number of representative views were included. A

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viewpoint from the location suggested by the commenter was not chosen because of private land ownership and very low use by the public due to extreme difficulty in access to the area due to the general lack of trails and steep topography. However, this area is a highly scenic focal point in viewpoints located from along the Five Lakes Trail and the Alpine Meadows Base area, also as noted above.

For additional information, refer to Visual Resources Analysis Methods discussed in EIS/EIR section 4.2.2.

0144-12, Visual Resources (VR)

The comment expresses concern that the summertime visual simulations included in the Draft EIS/EIR do not show the occasional time periods (up to 3-5 days per occasion and 10 times per summer/fall) when the white painted gondolas will be hanging on the gondola line and more visible due, in part, to the lack of snow and the contrast with the summer/fall colors (e.g., barren dirt, trees without snow, foliage, etc.). The Draft EIS/EIR does, however, disclose and explain that the white gondolas would be more noticeable from the selected viewpoints during these times because there would not be snow in the background that would blend with the color of the gondola cabins (please refer to p. 4.2-23 thru 4.2-24 of the Draft EIS/EIR). The EIS/EIR also explains that during most of the summer, only the gondola terminals/mid-stations, towers and wire-rope would remain visible in the upslope portions of the project area (p. 4.2-24), and refers the reader to Sections 4.1 and 4.3 for more information.

The periodic existence of the white gondolas contrasted with the dry summer/fall conditions would be similar to the existing infrastructure visible at ski resorts in the summer months. The funitel cars (which are white and purple), for example, are also visible from time to time at Squaw Valley. The old gondola, which the funitel replaced in 1998, also resulted in gondolas being visible during summer months. The temporary visibility of white gondolas proposed as part of the project would therefore not be unusual for projects of this nature and would not be unusual for the Squaw Valley and Alpine Meadows areas. The temporary visibility (for 3 to 5 days and up to 10 times per summer/fall) would also not result in a new significant aesthetic or visual impact, or a substantial increase in severity of the already identified significant and

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unavoidable visual impacts; therefore, no additional mitigation is required.

To address the last part of the comment, it is not known at this time exactly how many days the gondolas would be visible in the Summer/Fall. 3 to 5 days per occurrence for up to 10 occurrences is, however, a conservative assumption given existing maintenance needs for infrastructure and other lifts at the two resorts. Similarly, the number of cabins placed on the line during this time would not result in a substantial increase in visual impacts because they would remain spread out along the line and would be temporary in nature; thus, the precise number of gondolas and number of days that may be visible during the summer is not required for consideration of the potential visual impacts of the project and its various alternatives.

For additional information, please refer to Visual Resources Analysis Methods discussed in EIS/EIR section 4.2.2.

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have to be put on the cable line for maintenance up to ten times, and that a limited number of cabins will be on the line for 3-5 days at a time. There are no simulations of what either of these scenarios could look like nor discussion of the visual impacts during the summer months, where existing views include rock cliffs, beautiful alpine flowers, and sparse-growing shrubs.

As this will happen every summer (compared to a one-year construction period), the FEIS/R must disclose the specifics of how often this will be done, how many cabins will also be placed on the line for 3-5 days, during what times and intervals, and include visual simulations of the impacts. Determination of when the gondola may be operational while snow conditions are limited (e.g. early season) could involve examining snow conditions and operations during the recent drought years (approx. 2012-2017). The FEIS/R must include mitigation for these impacts, including no gondola operation during times when snow conditions are limited such that gondola cabins would degrade visibility.

0144-13

Night lighting/glare:

The DEIS/R concludes no effect (NEPA) and less than significant (CEPA) impacts associated with night lighting for all action alternatives. Although it is recognized that such lighting will cause visual impacts from any locations the gondola will be visible from at night,⁶ the analysis simply speculates that impacts will be mitigated, including suggesting that impacts will be limited by gondola operation times that end “approximately” around 6:00 p.m.⁷

The FEIS/R must analyze and disclose the specific lighting and locations that will be part of the project and include visual representations of what lighting could look like for each alternative during dark periods. In addition, clear operation times must be required as part of the project. Simulations should also include viewpoints from locations along the Pacific Crest Trail.

Other viewsheds from within Tahoe Basin:

0144-14

The viewsheds mapped for all action alternatives indicate that the project may be viewable from other locations in the Tahoe Basin that are frequented by hikers and others who are more sensitive to visual impacts (p. 4.2-15 to 4.2-17), however states that such impacts were not simulated (although it does not disclose why).

Potential view impacts from locations such as Twin Peaks, Ward Peak, and the Pacific Crest Trail/Tahoe Rim Trail should be analyzed in the FEIS/R. This could be done in a similar fashion to how an additional simulation was included to assess the visual impacts of Alternative 4 on Lake Tahoe (p. 4.2-43).

white gondola cabins would contrast more heavily with the exposed vegetation and dirt in the background, causing the visual impacts associated with gondola infrastructure to be greater. The visual simulations do not account for these potential scenarios. Refer to Section 4.1, “Recreation,” and Section 4.3, “Wilderness,” for information on how this phenomenon may impact those resources.” (p. 4.2-24)

⁶ “Night lighting fixtures associated with the Gondola would cause visual impacts on any locations from which they are visible during nighttime hours.” (p. 4.2-31)

⁷ “The gondola would typically operate each day during the snow sports season from just before Alpine Meadows and Squaw Valley open until soon after closing (approximately 8:00 a.m. to 6:00 p.m.), so lighting fixtures would be activated only during a short period after sunset.” (p. 4.2-31)

0144-12 cont'd, Visual Resources (VR)

0144-13, Visual Resources (VR)

An analysis of impacts related to night lighting and glare is included in Section 4.2-3 of the Draft EIS/EIR. Under Alternative 2, for example, the EIS/EIR acknowledges that some lighting would be installed in the gondola cabins and planned operation buildings (base terminals). The lights would not, however, be installed on the towers (please refer to p. 4.2-31). Visibility of night lighting at base area terminals would also not constitute a considerable change from the existing environment, as explained in the EIS/EIR, as lighting would be used for maintenance outside of normal operating hours and to prepare for daily operations. The gondola would close at 6:00 p.m. so lighting would only be visible for a short time in the evening (4.2-31 thru 4.2-32). The lighting from the project to recreationists along the Pacific Crest Trail also would not occur during the summer/fall because the gondola would not be in operation and maintenance would occur during the daytime hours. The Draft EIS/EIR also identifies Resource Protection Measures (RPMs) which will be included in the MMRP or as conditions of approval and which include measures designed to avoid and minimize the lighting effects of the project. SCE-8, for example, requires the preparation and approval, by the County Development Review Committee, of a detailed lighting plan which requires nighttime lighting to be shielded and directed downward, and which prohibits lighting from being placed on top of structures such as the gondola towers (please refer to Appendix B, p. B-7).

0144-14, Visual Resources (VR)

The comment states that the project may be visible to recreationists from other surrounding locations such as Twin Peaks, Ward Peak and the Pacific Crest Trail/Tahoe Rim Trail and, therefore, should also be shown via additional simulations included in the Final EIS/EIR. Please refer to the discussion provided in the Draft EIS/EIR at p. 4.2-29, which states that Alternative 2 would not be visible from any parts of Lake Tahoe because of the distance between Lake Tahoe and the project area (p. 4.2-36), which is the same for Alternative 3. In addition, it is explained on p. 4.2-40 thru 4.2-41 that Alternative 4 would be visible from a narrow vantage point of Lake Tahoe thereby resulting in minorly adverse impacts under NEPA and

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significant and unavoidable under CEQA, despite the implementation of RPMs. Thus, the Draft EIS/EIR includes a good faith, reasoned analysis of the potential aesthetic impacts of the project. The EIS/EIR also provides a range of viewpoints under each alternative that illustrate the potential impacts of the project as compared to existing conditions. The regional viewshed analysis provides a qualitative assessment of the visual impacts associated with the project using the best available data at the time of analysis. The viewshed analysis accurately accounts for topographic features, but does not incorporate potentially obscuring features such as vegetation or built structures, in addition to the remote distance of the regional perspective.

Twin Peaks is located approximately 2 miles to the south of Alpine Meadows and approximately 4.6 miles south of Squaw Valley, on the border of the National Forest System-GCW. The peak is accessible to hikers and backcountry skiers. There are no paved roads to the top of Twin Peaks. During the summer, the summit can be reached via class 1 terrain from Blackwood Canyon Road or Alpine Meadows. Because Blackwood Canyon road is not plowed and most ski areas do not support trespassing, winter ascents must begin at the Blackwood Canyon Sno-Park on Highway 89 (please refer to <https://www.summitpost.org/twin-peaks/476605>). The project may be visible to hikers and backcountry skiers depending on where they are standing on the peak and what direction they are looking from. Due to the distance of the project from Twin Peaks, however, the visual effects will be either the same or less than the effects identified in the Draft EIS/EIR. Under CEQA and NEPA, a Draft EIS/EIR need not include every viewpoint requested by a commenter (see *North Coast Rivers Alliance v. Marin Municipal Water Dist.* [2013] 216 Cal. App. 4th 614, 625 [upholding EIR which included select visual simulations, including one which represented the "worst-case" aesthetic impact].)

Ward Peak is located just south of the Five Lakes area and is the highest peak within Alpine Meadows. As with Twin Peaks, a viewer would have to hike to the top of Ward Peak in order to see the project from that vantage point. Consequently, relatively few people would see the project (or Alternatives 3 or 4) from this view point and, due to the distance and intervening mountainous topography, the project (while potentially visible from certain vantage points) would not be visually imposing. A viewer from the top of Ward Peak would also already see ski lift infrastructure given that Ward Peak is adjacent to Alpine

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Meadows and considerable ski area infrastructure already exists there. The project would be consistent with this existing infrastructure. Although the Draft EIS/EIR does not include a visual simulation from the top of Ward Peak, it does include a sufficient number of simulations, including numerous simulations from Alpine Meadows Road, Chalet Road, and Five Lakes area to adequately demonstrate, in conjunction with narrative discussion, the visual impacts of the project to the reader. Under CEQA, for example, the analysis concluded that the aesthetic impacts of the project would be significant because project features would remain visible and would adversely affect scenic vistas and the visual quality of remote landscapes in a highly sensitive and mountainous area.

As explained above, the 21 visual simulations created for each alternative allow for a qualitative analysis of the visual changes that are anticipated to occur with implementation of any of the action alternatives. These 21 visual simulations were created from a selection (16) of representative locations, which were initially selected from hundreds of viewpoints evaluated. Five of these (one site along Alpine Meadows Road, two sites at the Alpine Meadows base terminal, and two sites along Squaw Valley Road), experience widely varying conditions between the winter and summer months. As a result, these five viewpoint locations were simulated during both winter and summer conditions, which resulted in the creation of a total of 21 visual simulations for each alternative. The objective of creating visual simulations is to characterize the appearance of the action alternatives if constructed, rather than to provide a comprehensive view of the project from all possible locations in the project area; therefore, not all locations could be simulated for the purposes of this EIS/EIR. Highly frequented or prominent public areas, visually sensitive vistas, and areas with a high volume/frequency of viewers were selected for simulation. It is expected that existing vegetative screening would have the effect of considerably reducing the overall potential visibility of the project, dependent on the specific location and vantage of the viewer. Because it does not take into account potentially obscuring features, the view shed analysis is a conservative approximation of the Zone of Potential Visibility. For additional information, refer to Visual Resources Analysis Methods discussed in EIS/EIR section 4.2.2.

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0144-15

Final tower locations:

Although simulations are said to show visual impacts, Chapter Two – Description of Alternatives – notes that the final tower locations may change.⁸

This must be clearly disclosed in the FEIS/R and measures to ensure proper public review and consideration of visual impacts when final tower locations are proposed must be included (including adequate disclosure and ample time for public review).

Alternative 2:

0144-16

We concur with the determination that Alternative 2 would have adverse (NEPA) and significant (CEQA) impacts on visual resources. However, the technical evaluation must be thorough and sufficient, including the extent to which the alternative will impact visual resources. The DEIS/R contains several technical inadequacies which appear to underestimate the true impact of this alternative.

Development on the ridgeline:

The DEIS/R concludes Alternative 2's "adverse" impacts (NEPA) with regards to consistency with federal, state, and local regulations (Impact 4.2-1)⁹ as Policy 1.K.1 in the Placer County General Plan directs that "new development in scenic areas is required to be designed in a manner that avoids locating structures along ridgelines and steep slopes." The DEIS/R relies upon this same consideration to address CEQA criteria regarding scenic vistas.¹⁰ The DEIS/R then claims this impact to be mitigated by RPMs SCE-1, SCE-2, SCE-4, SCE-7, SCE-8, REV-1, and REV-3.¹¹ However, these RPMs generally address design specifications (e.g. colors, future design review, etc.) – they do not remove the structure from the ridgeline and therefore they do not mitigate this impact.

The FEIS/R must document this impact as adverse by NEPA and Significant and Unavoidable per CEQA, even with "mitigation." This error must also be corrected in the discussion of the summary

⁸ The project applicant has provided preliminary tower locations that are used in this EIS/EIR; however, exact locations and designs for each tower have not been determined at this time. Determination of exact tower placement will be part of final project engineering and design once a single alternative has been selected (i.e., if an alternative is approved at the conclusion of the NEPA/CEQA process). On NFS lands, final engineering and design will require consultation with the Forest Service hydrologist/soil scientist and other technical specialists as appropriate. Placer County will have a similar role in final engineering and design on non-NFS lands. Four "tower zones" (Zones A, B, C, and D) have been delineated in Exhibits 2-3, 2-4, 2-5, and 2-6 to highlight areas with similar site conditions for tower placement. Details about tower construction are discussed below. 2-12

⁹ "Placer County General Plan...Policy 1.K.1 directs that new development in scenic areas is required to be designed in a manner that avoids locating structures along ridgelines and steep slopes. The gondola alignment associated with Alternative 2 would extend along the ridgeline separating the National Forest System-GCW and the Caldwell property, which would represent an inconsistency with Policy 1.K.1." (p. 4.2-23)

¹⁰ "Each of the relevant views listed above provides an expansive perspective of a highly valued natural landscape, all of which could be considered scenic vistas. As a result, the above analysis under "ridgelines and sparsely vegetated hillsides" is intended to address the first of the CEQA criteria listed above in Section 4.2.2.2, which pertains to substantial adverse effects potentially occurring to scenic vistas." (p. 4.2-29)

¹¹ "Under NEPA, and considering the NEPA indicators, absent RPMs and/or mitigation, direct and indirect effects related to consistency with federal, state, and local regulations would be adverse. Implementation of RPMs SCE-1, SCE-2, SCE-4, SCE-7, SCE-8, REV-1, and REV-3 would mitigate this effect." (p. 4.2-23)

0144-15, Visual Resources (VR)

The comment is correct that the final tower locations may change from those conceptually depicted under each alternative in the visual simulations. This is because the project has not been approved and, therefore, final engineering and design plans have not yet been prepared (see *Dry Creek Citizens Coalition v. County of Tulare* [1999] 70 Cal. App. 4th 20, 36 [engineering designs not required where agency has insufficient information to analyze impacts]).

Though it is possible that the locations of specific towers could change as engineering becomes finalized prior to potential implementation of the project, all changes would be reviewed and determined to be (or not to be) in substantial compliance with the original analysis. If substantial changes are proposed to the tower locations, additional review and analysis may be necessary.

0144-16, Visual Resources (VR)

CEQA requires only that inconsistencies with general plan goals and policies be identified and discussed (CEQA Guidelines, §§ 15125, subd. [d]). The Draft EIS/EIR does this (please refer to Draft EIS/EIR, pp. 4.2-23 thru -24). Further, Policy 1.K.1 was not adopted as a threshold of significance under CEQA, so it does not dictate a new significant impact finding as to Impact 4.2-1 (Consistency with Federal, State and Local Regulations). Thus, a new significant impact finding is not warranted under CEQA.

The Final EIS/EIR has been updated to further clarify that all alternatives would be, to a certain degree, inconsistent with Placer County General Plan Policy 1.K.1, which states: "The County shall require that new development in scenic areas (e.g., river canyons, lake watersheds, scenic highway corridors, ridgelines and steep slopes) is planned and designed in a manner which employs design, construction, and maintenance techniques that:

- Avoids locating structures along ridgelines and steep slopes;
- Incorporates design and screening measures to minimize the visibility of structures and grated areas;
- Maintains the character and visual quality of the area." (Placer County General Plan, p. 39)."

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By their very nature, gondolas and ski lifts must extend along steep slopes to achieve their purpose. Given that the gondola is intended to connect the two ski resorts, all three action alternatives must also cross over the ridgeline which separates the two valleys. As such, it is not possible for the gondola to avoid slopes and ridgelines, but rather the design must rely on other means to screen and minimize the visible impacts of the infrastructure. Specifically the design of each alignment takes advantage of existing topography and vegetation to shield views as well as incorporates design standards via RPMs SCE-1, SCE-2, SCE-4, SCE-7, SCE-8, REV-1, and REV-3. It is acknowledged that the Alternative 2 alignment would traverse a lengthy distances of the sparsely vegetated ridgeline, whereas Alternatives 3 and 4 cross over the ridgeline in one discrete location before diving down into Catch Valley, thus limiting the visible impacts of the Alternatives 3 and 4 gondola infrastructure to a greater extent than under Alternative 2. With these design measures in place, all three gondola alignments achieve consistency with the goals and policies of Policy 1.K.1.

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of direct and indirect impacts where the DEIS/R states that none of the action alternatives would cause inconsistencies with relevant federal, state, or local regulations and impacts to scenic vistas (p. 4.2-46).

Visual Quality Objectives:

0144-17

NEPA indicators related to Visual Quality Objectives (VQOs) include: “Compliance with Forest Plan standards and guidelines for visual resources within the SUP area and from established viewpoints by meeting Visual Quality Objectives (Impact 4.2-1)” (p. 4.2-20). Alternative 2 will result in unmitigatable impacts to VQOs:

- While impacts to VQO (“Preservation”) from within the GCWA are noted, the DEIS/R appears to dismiss further discussion of this impact by saying no components of the project are located within the WA lands, and ¹² that there is no policy precluding development from being visible to recreationists from federal wilderness areas.¹³

Whether a policy would allow it, from an environmental impact perspective, Alternative 2 introduces new infrastructure that will be extremely visible from the area assigned the VQO of “Preservation,” and therefore this must be disclosed as an adverse impact under NEPA which cannot be mitigated.

0144-18

- The DEIS/R notes Alternative 2 would comply with the “Partial Retention VQO” applicable to the Alpine Meadows mid-station.¹⁴ Part of this conclusion is based on the statement that the gondola will remain “visually subordinate to the visible characteristic landscape” due to coloring and tree screening.¹⁵ However, a comparison of the visual simulation of Alternative 2 from a viewpoint at Barstool Lake shows a significant impact from the mid-station:

¹² “While Alternative 2 may be visible from viewpoints within the National Forest System-GCW, which has been assigned a VQO of *Preservation*, no project components would be located on these lands.” (p. 4.2-23)

¹³ “[T]here is no legislation or policy that precludes development from being visible to recreationists from within federal wilderness areas. (Refer to Section 4.3, “Wilderness,” for more information.)” (p. 4.2-24)

¹⁴ “The *Partial Retention* VQO is applicable at the Alpine Meadows mid-station, and allows for the introduction of form, line, color, or texture which are not found at all in the characteristic landscape if these elements remain subordinate to the visual strength of the characteristic landscape. Chairlifts that resemble the proposed gondola are already present in this area. While Alternative 2 would constitute an incremental addition to the built environment in this area, the presence of gondola infrastructure and Gazex facilities would not dominate the characteristic landscape. Alternative 2 would be compliant with the *Partial Retention* VQO designated for upslope facilities at Alpine Meadows.” (p. 4.2-23)

¹⁵ In contrast to View 11, within View 15, presence of the proposed Alpine Meadows mid-station would be particularly noticeable in the foreground, just beyond Barstool Lake, and would represent a considerable contrast with the existing condition; in its existing condition, View 15 appears very natural, and ski area infrastructure is only slightly evident, if at all. However, the dark green color of the Alpine Meadows mid-station and the screening trees between potential viewers and the mid-station would contribute to the structure remaining visually subordinate to the visible characteristic landscape. 4.2-28

0144-16 cont'd, Visual Resources (VR)

0144-17, Visual Resources (VR)

As stated by the commenter, Section 4.2, “Visual Resources” of the Final EIS/EIR discloses that gondola infrastructure may be visible from lands with a designated VQO of *Preservation*. In particular, analysis provided under Impact 4.2-1 (Alt. 2) states: “While Alternative 2 may be visible from viewpoints within the National Forest System-GCW, which has been assigned a VQO of *Preservation*, no project components would be located on these lands.”

The commenter also reiterates another conclusion of the Final EIS/EIR, which is that although gondola infrastructure would be visible from lands with a designated VQO of *Preservation* under Alternative 2, no legislation or policy precludes development from being visible to recreationists from within federal wilderness areas (or, in this case, from lands with a designated VQO of *Preservation*).

The Wilderness Act of 1964 states that no development may occur within federally designated and owned wilderness areas (which normally have a designated VQO of *Preservation*). None of the action alternatives would result in development on lands with a designated VQO of *Preservation*; as such, stating that this would be an adverse impact would not be accurate, because there would be no inconsistency with the Wilderness Act of 1964 or the Forest Plan (which establishes VQO designations for Tahoe National Forest lands). As it relates to gondola infrastructure being visible from the National Forest System-GCW, the commenter correctly states (as summarized above) that there is no legislation or policy that prevents development from being visible from federal wilderness areas. Although the gondola infrastructure would be visible for recreationists within the National Forest System-GCW, this does not result in a conflict with legislation or policy.

0144-18, Visual Resources (VR)

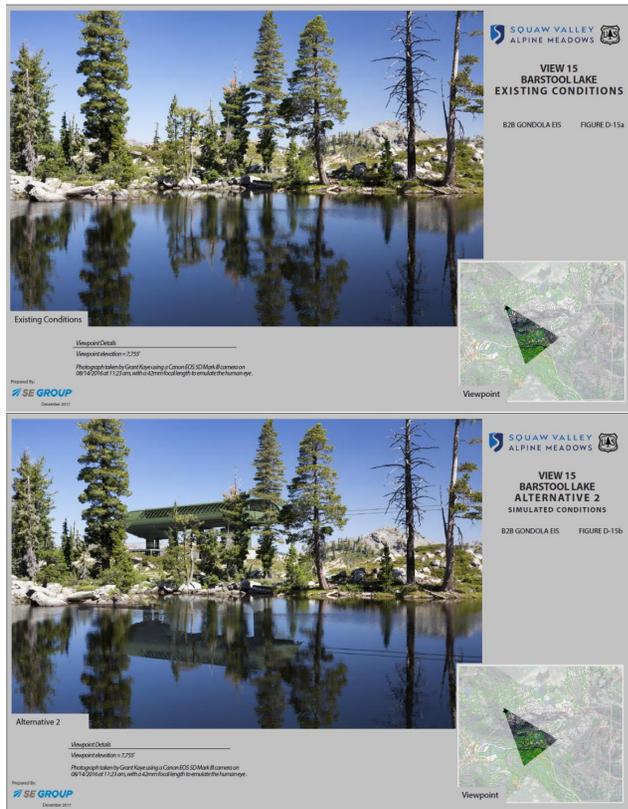
The comment provides an opinion regarding the merits or qualities of the project and does not address the content, analysis, or conclusions in the Draft EIS/EIR. The Forest Supervisor for the TNF and the Placer County Planning Commission and Board of Supervisors will take the commenter’s opinions regarding the merits or qualities of the

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project into consideration when making a decision regarding the project.

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The FEIS/R must be corrected to reflect the project will not meet the Partial Retention VQO and this is therefore an adverse impact under NEPA which cannot be mitigated.

Viewpoint 13 impacts:

0144-19

Viewpoint 13 represents a location along the Five Lakes Trail at the Wilderness Boundary. Existing conditions include “no development whatsoever is visible from this viewpoint,” and that viewers at this location would mostly be hikers, who have a “high sensitivity toward the natural appearing and undeveloped landscape visible from this viewpoint.”¹⁶ The visual simulations appear to suggest no

¹⁶ “The Five Lakes Trail Wilderness Boundary 2 viewpoint looks east toward the Caldwell property from the ridge that separates the Caldwell property and the National Forest System-GCW (see Figure D-13a). In the foreground,

0144-18 cont'd, Visual Resources (VR)

0144-19, Visual Resources (VR)

View 13 was selected for viewpoint analysis because most viewers from this location would be hikers using the Five Lakes Trail to access the National Forest System-GCW. It was identified after the creation of the visual simulations that although the gondola alignment shown in the inset on the bottom right-hand side of this figure appears to overlap with the viewer, gondola infrastructure does not appear in this visual simulation because the gondola would pass directly overhead (hence the inclusion of the note below the image).

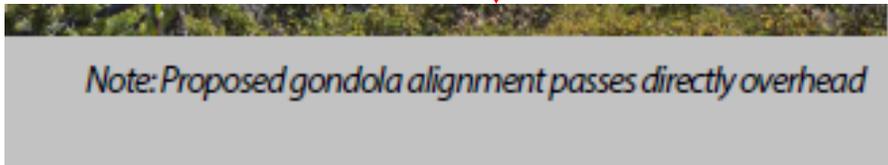
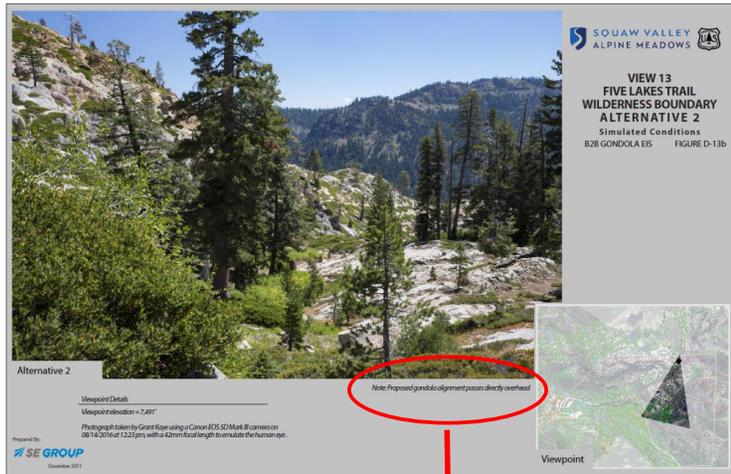
View 13 remains appropriate for inclusion in this viewpoint analysis because of the useful perspective it provides for both Alternatives 3 and 4. While View 13 does not depict gondola infrastructure for Alternative 2, the note below the image discloses the issue identified by the commenter; as such, this issue does not warrant the creation of a new visual simulation.

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0144-19
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0144-19 cont'd, Visual Resources (VR)

impact to this viewpoint by Alternative 2, however noted in a small font below the seemingly 'unaffected' viewpoint is the statement that the gondola would pass directly overhead. This raises questions about the appropriateness of this viewpoint. Further, the simulated view may mislead readers by failing to project the visual impacts of a gondola overhead.



The FEIS/R should include a simulation with either a different viewpoint and/or the inclusion of a simulation of what a hiker would see looking up from this viewpoint.

viewers can see large pine trees, scattered vegetation, and some exposed granite visible all over the hillside. No development whatsoever is visible from this viewpoint. Most of the viewers at this location would be hikers heading into the National Forest System-GCW, and duration of their view would likely last several minutes, depending on hikers' ascent speed; these hikers generally have a high sensitivity toward the natural appearing and undeveloped landscape visible from this viewpoint." (p. 4.2-6)

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Wilderness (Section 4.3):

0144-20

Wilderness impacts are summarized in the DEIS/R as follows:

4.3 Wilderness					
Impact 4.3-1: Effects on Untrammeled Wilderness	Alts 1, 2, 3, 4 = NE	N/A	No mitigation measures are required	Alts 1, 2, 3, 4 = NE	N/A
Impact 4.3-2: Effects on Undeveloped Wilderness	Alts 1, 2, 3, 4 = NE	N/A	No mitigation measures are required	Alts 1, 2, 3, 4 = NE	N/A
Impact 4.3-3: Effects on Natural Wilderness	Alts 1, 2, 3, 4 = NE	N/A	No mitigation measures are required	Alts 1, 2, 3, 4 = NE	N/A
Impact 4.3-4: Effects on Opportunities for Solitude or Primitive and Unconfined Recreation	Alt 1 = NE Alt 2 = Adv Alts 3, 4 = Minorly Adv	N/A	Alt 1 = No mitigation measures are required Alts 2, 3, 4 = RPMs SCE-1 and SCE-2	Alt 1 = NE Alts 2, 3, 4 = Mitigated	N/A
Impact 4.3-5: Effects on Potential Wilderness Characteristics on Private Lands within the Congressionally Mapped Granite Chief Wilderness	Alts 1, 3, 4 = NE Alt 2 = Adv	N/A	No mitigation measures are required	Alts 1, 3, 4 = NE Alt 2 = Adv	N/A

However, as reflected in detailed comments following the list below, there are problems with the DEIS/R that do not support these conclusions. Based on information provided in the DEIS/R (or a lack of such information):

- NEPA: Alternative 2 impact to Impact 4.3-3 should be Significant and Unavoidable;
- NEPA: Alternative 2 impact to Impact 4.3-4 should be Significant and Unavoidable; and
- NEPA: Alternatives 3 and 4 impacts to Impact 4.3-4 should be minorly adverse.

The DEIS/R explains that CEQA does not apply to this resource section because the Wilderness Area is federally-designated, however “wilderness values and relevant policies” are incorporated into the visual resources and land use impact analyses for both NEPA and CEQA.¹⁷ As noted in our comments, there are several technical inadequacies with these other sections which also impact wilderness values.

All action alternatives:

Subjectivity of Wilderness experience:

0144-21

The DEIS/R explains the difficulty of analyzing wilderness impacts given the subjectivity of wilderness experiences.¹⁸ While there is some level of subjectivity involved, the DEIS/R’s discussion of subjectivity appears to downplay Wilderness values and ignore the national significance of the area’s unique natural resources. The project is located adjacent to the Lake Tahoe basin, an area designated by Congress to be an area of spectacular beauty and a treasure of the US. The Lake and its surroundings must be treated as a national treasure and as an area of unmatched beauty that retains its natural resource values and wilderness. Further, portions of the project area are within the GCWA boundary. The DEIS/R should utilize the most protective interpretation, which in this case

¹⁷ “Analysis of wilderness impacts as provided below is not necessary to satisfy the requirements of CEQA because wilderness areas are federally designated. Analysis therefore falls under the scope of NEPA, not CEQA. However, Section 4.2, “Visual Resources,” incorporates wilderness values and relevant policies into the impact analysis for both NEPA and CEQA, and Section 4.4, “Land Use,” contains an evaluation of consistency with Forest Service policies related to wilderness for both NEPA and CEQA.” (p. 4.3-1)

¹⁸ “Although the wilderness characteristics detailed above offer well-defined standards for analyzing impacts on the wilderness experience of users in the National Forest System-GCW, wilderness experience is intrinsically subjective and intangible. Wilderness experience impacts considered substantial to one individual may be considered trivial to another. This is important to note because the analysis of direct and indirect environmental consequences that follows is limited by the subjective nature of the wilderness experience.” (p. 4.3-7)

0144-20, Wilderness (W2)

Section 4.3, “Wilderness” provides analysis specific to federal policy as it pertains to wilderness designation. As stated on pages 4.3-6 and 4.3-7, no state or local laws or regulations addressing federal wilderness designation exist that are relevant to this analysis. Wilderness values and relevant policies were incorporated into the visual resources and land use impacts analyses because the scope of analysis for those resources includes the National Forest System-GCW. Those resource sections discuss both NEPA and CEQA because there are existing state and county laws or regulations that are relevant for those analyses.

The remainder of the comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft EIS/EIR. Therefore, no further response is warranted.

0144-21, Wilderness (W2)

The explanation in Section 4.3.1.1 stating that analysis of wilderness impacts is limited by the intrinsically subjective nature of the wilderness experience was included as a note that considerable qualitative analysis would be necessary to provide adequate analysis of impacts. The subjectivity of wilderness experience did not cause the importance of wilderness characteristics to be lessened in this analysis, nor did it cause the national significance of the National Forest System GCW’s unique natural resources to be ignored. Furthermore, analysis of impacts that would occur to wilderness characteristics as defined, in conjunction with a broader analysis of experiential impacts that would occur for visitors, allowed for the inclusion of both quantitative and qualitative analysis in Section 4.3. Discussion provided in Section 4.3 utilizes the most protective interpretation in its analysis of impacts.

Discussion of the broader area’s natural resources, including Lake Tahoe, are beyond the scope of the analysis for Section 4.3, “Wilderness.” This section specifically focuses on potential impacts of the action alternatives to the National Forest System-GCW.

It is also important to note that no components of the project are located within the boundary of the National Forest System-GCW. While elements of the project would occur on private lands within the congressionally mapped GCW, the land use

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restrictions established by the Wilderness Act of 1964 do not apply to private lands. Please refer to Section 4.3.1.2 for detailed discussion on this matter.

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0144-21
cont'd

would generally be hikers looking for a wilderness experience that are sensitive to additional noise, infrastructure, and other disturbances.

All impact analyses should involve the most conservative analysis that addresses impacts to the most sensitive users. Additional discussion of the significance of the area's natural resources, including but not limited to its adjacency to Lake Tahoe, and the impacts of the gondola on wilderness experiences, should be adequately disclosed in the FEIS/R.

Increased access to GCWA and Tahoe National Forest:

0144-22

The DEIS/R states operation of the gondola will occur during the winter season and so long as both Alpine Meadows and Squaw Valley are open.¹⁹ While the document suggests this may be around April 15th, no assurances are provided. The Alpine Meadows and Squaw Valley mid-stations in Alternative 2 would provide additional access to the GCWA and TNF and thus, additional visitation may result.²⁰ Alternative 2 includes mitigation preventing access after April 15th to protect important Sierra Nevada Yellow-legged frog habitat at Barstool Lake.²¹ However, the Squaw Valley mid-station in Alternatives 2 and 3 may still provide additional access to the GCWA. The DEIS/R does not attempt to quantify the level of increased use that may result from each action alternative yet the alternatives do not include restrictions to prevent this increased use.

To ensure impacts from increased use are avoided, all action alternatives must prohibit passengers from disembarking at both mid-stations from April 15 to October 31 (even if the gondola is operational during this time period). A prohibition on travel outside of the ski area boundary from the Squaw Valley mid-station is another mitigation option that should be considered.

Cumulative Effects:

0144-23

In the Cumulative Effects section, the analysis reflects no increase in use from the Alpine Sierra subdivision (p. 4.3-19), however it will bring more people to the area who are likely to use the trail,

¹⁹ "The proposed gondola would transport guests in both directions during the winter season only, providing a ready transportation connection between the two ski areas. For the purposes of this project, the winter/ski season is defined as the period when both Squaw Valley and Alpine Meadows are in operation for winter sports (based on past operations, Alpine Meadows, on average, closes on approximately April 16). The gondola connection between Alpine Meadows and Squaw Valley would not be operational beyond this date unless both resorts are open for the skiing and snowboarding public." (p. 2-13)

²⁰ "[T]he Squaw Valley and Alpine Meadows mid-stations would improve access to the National Forest System-GCW during the winter, transitional seasons, and periods of inconsistent snow cover. This is because gondola-users would have the potential to disembark at the mid-stations and enter the National Forest System-GCW. This impact would be minimal during the winter as the National Forest System-GCW experiences limited use for backcountry skiing and snowboarding as compared to the summer. However, during the transitional seasons and periods of inconsistent snow cover, it is possible that Alpine Meadows would still be open for public skiing and snowboarding and the gondola would be operational, and that at the same time southern aspect slopes would be dry enough for hikers to use the National Forest System-GCW for day-trips or backpacking. During these parts of the year when the gondola would continue to operate, and southern aspect slopes would be dry enough for hiking at the same time, the Squaw Valley and Alpine Meadows mid-stations would provide additional access points to the National Forest System-GCW. This improved access could increase the likelihood of visitor encounters within the National Forest System-GCW, thereby reducing opportunities for solitude and primitive and unconfined recreation." (p. 4.3-12)

²¹ "MUL-4: For Alternative 2, the Alpine Meadows mid-station may be open to skier entry/exit through April 15th only, to minimize the potential for adverse effects on Sierra Nevada yellow-legged frog at Barstool Lake."

0144-21 cont'd, Wilderness (W2)

0144-22, Wilderness (W2)

Impact 4.3-4 in Section 4.3, "Wilderness" includes analysis related to the potential for the gondola mid-stations to improve access to the National Forest System-GCW. The exact increase in visitation to the National Forest System-GCW resulting from the presence of these mid-stations was not quantified in the Draft EIS/EIR because this increase cannot be precisely measured.

However, RPM REC-4 would minimize impacts associated with improved access to and increased visitation within the National Forest System-GCW. RPM REC-4 states "Signage will be posted at both the Squaw Valley and Alpine Meadows base terminals and mid-stations stating that walking or hiking trail access directly from the gondola (i.e., by exiting at a mid-station) is strictly prohibited. The applicant will not permit foot traffic to exit at the Squaw Valley mid-station, or the Alpine Meadows mid-station under Alternative 2."

It is also important to note that under Alternative 3 and 4, the Alpine Meadows mid-station would be located further to the east (away from the National Forest System-GCW) as compared to Alternative 2; as such, the Alpine Meadows mid-station under Alternatives 3 and 4 would not potentially improve access to the National Forest System-GCW, as it would under Alternative 2.

0144-23, Wilderness (W2)

In the Final EIS/EIR, the Cumulative Effects section of Section 4.3, "Wilderness" has been amended to include mention of increased use of the National Forest System-GCW that may occur as a result of the Alpine Sierra Subdivision (please refer to pages 4.3-23 through 4.3-25 of the Final EIS/EIR).

Specific regulatory changes that may occur in the future to the Tahoe National Forest Land and Resource Management Plan and Sierra Nevada Forest Plan Amendment were not included on page 4.3-19 because they are not yet known and are therefore not reasonably foreseeable. Impacts analysis throughout the Draft EIS/EIR incorporates the latest regulatory direction provided by the Sierra Nevada Forest Plan Amendment (2004).

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therefore the cumulative impacts related to *Impact 4.3-3: Natural Wilderness* and *Impact 4.3-4: Opportunities for Solitude of Primitive and Unconfined Recreation* must be noted. In addition, the Cumulative Effects section includes impacts associated with “regulatory changes” to the Tahoe National Forest Land and Resource Management Plan and Sierra Nevada Forest Plan Amendment (p. 4.3-19), however there is no discussion of what the regulatory changes may be.

The cumulative impacts regarding increased use of the GCWA and regulatory changes to the Tahoe National Forest Land and Resource Management Plan and Sierra Nevada Forest Plan Amendment must be addressed in the FEIS/R.

Alternative 2:

Impacts to Natural Wilderness:

0144-24

The DEIS/R concludes no impacts to natural wilderness (Impact 4.3-3) because it would not “introduce any of the effects of modern civilization” on the lands, and the “natural quality of these lands would not be reduced.” However, the visual and noise impacts of the gondola would no doubt reduce the natural quality and bring more presence of modern civilization. Alternatives 2 and 3 will also bring more people into the GCWA.

The FEIS/R must clarify and/or revise this conclusion.

Impacts on Potential Wilderness Characteristics on Private Lands within the Congressionally-mapped Granite Chief Wilderness:

0144-25

There is an adverse impact regarding Impact 4.3-5: Effects on Potential Wilderness Characteristics on Private Lands within the Congressionally-mapped Granite Chief Wilderness. As noted by the DEIS/R,²² the USFS cannot restrict development on the subject privately-owned lands nor employ buffer zones around Wilderness Areas, yet it is reasonably foreseeable that if development on this land is allowed, the land will no longer possess wilderness characteristics and will become permanently ineligible for addition to the GCWA. This result runs contrary to the current USFS direction to “[acquire] private inholdings as the opportunities arise.”²³

The FEIS/R must clearly disclose this permanent impact.

²² “The Wilderness Act of 1964 itself does not explicitly prohibit the establishment of buffer zones around wilderness areas; however, many subsequent wilderness bills do. The first explicit mention of the prohibition of buffer zones around wilderness areas came in a 1980 public law (Public Law 96-550, Section 105), which states: Congress does not intend that the designation of wilderness areas... lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that non-wilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.” (p. 4.3-5)

²³ “Resource management emphasis for Management Area 080 mostly centers on adhering to the land use restrictions established in the Wilderness Act of 1964. Additionally, part of this section suggests “[acquisition of] private inholdings as the opportunities arise” (U.S. Forest Service 1990b).” (p. 4.3-6)

0144-23 cont'd, Wilderness (W2)

0144-24, Wilderness (W2)

Analysis in the Final EIS/EIR has been revised to include a minorly adverse impact under NEPA for Impact 4.3-3 under all action alternatives. This determination was based on the anticipated direct and indirect effects to occupied SNYLF habitat (as well as to unoccupied designated critical habitat) within the National Forest System-GCW, which would alter the wilderness ecological processes occurring within the National Forest System-GCW to some degree. For further information, please refer to Impact 4.3-3: Effects on Natural Wilderness for all alternatives in the Final EIS/EIR.

0144-25, Wilderness (W2)

The analysis provided under Impact 4.3-5 does not state that implementation of Alternative 2 would cause the Caldwell Property to be permanently ineligible for inclusion as part of the National Forest System-GCW because this would not be accurate. The potential wilderness characteristics of the Caldwell Property would be adversely impacted by implementation of Alternative 2, as stated under Impact 4.3-5, but removal of infrastructure and rehabilitation of the land could occur in the future to restore potential wilderness characteristics, if the Forest Service ever acquired the Caldwell Property.

While the California Wilderness Act of 1984 did provide direction for the U.S. Forest Service to “enter into negotiations to acquire by exchange all or part of any privately owned lands within the national forest wilderness areas designated by this title,” the Caldwell property owners have not in the past (nor are they currently) interested in conveying this property to the United States. The future acquisition of this property by the U.S. Forest Service, and its possible inclusion into the National Forest System Granite Chief Wilderness, is beyond the scope of this decision.

While the development of private lands may negatively impact potential wilderness characteristics, those same impacts may not necessarily be permanent nor preclude future inclusion into a National Forest System Wilderness Area if such private lands are acquired by the U.S. Forest Service in the future. In 2017, for example, private lands on the western border of the

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National Forest System-GCW that previously contained roads and structures were acquired by the U.S. Forest Service and are now included within the National Forest System Granite Chief Wilderness.

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Alternatives 2 and 3:

Effects on Opportunities for Solitude or Primitive and Unconfined Recreation

0144-26

The DEIS/R concludes there will be “adverse” and “minutely adverse” impacts (Alternative 2 and 3, resp.) to Opportunities for Solitude or Primitive and Unconfined Recreation because more visitors can access the GCWA by unloading at the Alpine Meadows and Squaw Valley mid-stations,²⁴ but claims this impact will be mitigated with RPMs SCE-1 and SCE-2.²⁵ However, the mitigation measures (SCE-1 and -2) are only related to visual measures (e.g. color, design); these measures do nothing to mitigate impacts on solitude or primitive and unconfined recreation from increased visitation and evidence to base this conclusion on has not been provided.

The FEIS/R must reflect this impact as “adverse” unless additional mitigation can be identified and shown to mitigate this impact. Prohibitions on disembarking at the gondola’s mid-stations may provide mitigation for impacts associated with increased visitation. (Note this would not mitigate the impacts related to other aspects of the wilderness experience, including visual and noise impacts as discussed above).

Other NEPA/CEQA Sections, including Growth-Inducing (Section 5):

All action alternatives:

Permanent commitment of resources:

0144-27

For all alternatives, the DEIS/R concludes no permanent commitment of resources under both NEPA and CEQA because the infrastructure could be removed and restored in the future,²⁶ however this conclusion ignores that development of the gondola will logically preclude the land from consideration for purchase by the public for inclusion in the Congressionally-designated GCWA boundary, as noted previously, and all action alternatives may result in growth-inducement with regards to the proposed White Wolf Subdivision which would result in a permanent commitment of resources for the subdivision.

The FEIS/R must accurately reflect the Adverse (NEPA) and Significant (CEQA) commitment of resources associated with the action alternatives.

²⁴ “During these parts of the year when the gondola would continue to operate, and southern aspect slopes would be dry enough for hiking at the same time, the Squaw Valley and Alpine Meadows mid-stations would provide additional access points to the National Forest System-GCW. This improved access could increase the likelihood of visitor encounters within the National Forest System-GCW, thereby reducing opportunities for solitude and primitive and unconfined recreation.” (p. 4.3-12)

²⁵ “Alternative 2 would result in the construction of gondola infrastructure that would be visible from certain locations within the National Forest System-GCW. The construction phase would also generate noise that would be audible from certain locations within the National Forest System-GCW. Depending on the perception of individual users, this development could negatively affect the sense of solitude and reduce opportunities for primitive and unconfined recreation for these users. Under NEPA, and considering the NEPA indicators, absent RPMs and/or mitigation, direct and indirect effects related to opportunities for solitude or primitive and unconfined recreation would be adverse. Implementation of RPMs SCE-1 and SCE-2 would mitigate these effects.” (p. 4.3-11)

²⁶ “In addition, the footprint of the gondola would be small, and the gondola could be abandoned and the site restored in the future. Implementing the project would not obligate future generations to retain project facilities in their current location or configuration if a compelling reason to alter the facilities were to arise.” (p. 5-3)

0144-26, Wilderness (W2)

In addition to the increase in visitation that may occur as a result of the mid-stations, the impacts determinations of “adverse” and “minutely adverse” for Impact 4.3-4 under Alternatives 2 and 3, respectively, incorporate the consideration that additional infrastructure would be visible from within the National Forest System-GCW, which could negatively affect sense of solitude and/or reduce opportunities for primitive and unconfined recreation for some individuals. RPMs SCE-1 and SCE-2 were included in the impact summary for Impact 4.3-4 because they would minimize visual impacts resulting from implementation of the action alternatives, not because they would reduce impacts associated with increased visitation to the National Forest System-GCW.

In the Final EIS/EIR, RPM REC-4 has been added to the list of RPMs included in the impact summary for Impact 4.3-4, which would reduce impacts associated with increased visitation to the National Forest System-GCW. RPM REC-4 states that “Signage will be posted at both the Squaw Valley and Alpine Meadows base terminals and mid-stations stating that walking or hiking trail access directly from the gondola (i.e., by exiting at a mid-station) is strictly prohibited. The applicant will not permit foot traffic to exit at the Squaw Valley mid-station, or the Alpine Meadows mid-station under Alternative 2.”

0144-27, Other NEPA/CEQA Analysis (ONCA)

Section 5.1.2, “Irreversible and Irrecoverable Commitments of Resources,” of the Draft EIS/EIR accurately characterizes the permanent loss of resources that would be expected to result from project implementation. As described in Section 4.3, “Wilderness,” the project area is adjacent to but not within the GCW. Indirect effects on its wilderness character and wilderness users are described therein, but no direct effects would occur on NFS lands within the GCW (see page 4.3-1). Future purchase of the project area for inclusion in the GCW is not considered in the Draft EIS/EIR because it is speculative. The White Wolf Development, though considered in the Draft EIS/EIR as part of the cumulative effects analysis, is not part of the project. Therefore, neither of these were, nor should they have been, considered as part of the project’s irreversible and irretrievable commitments of resources.

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Opening an undeveloped area to development and expanding public services:

0144-28

The DEIS/R concludes the action alternatives are not growth-inducing because the gondola will not “open an undeveloped area to development...[or] expand public services or utilities into an area not previously served.”²⁷ As stated in FOWS NOP comments, the DEIS/R must take into account the proposed White Wolf Subdivision and Roller Lift projects. For example, the proposed gondola would add a permanent access road (Alternatives 3 and 4), which would encourage development in that area. Further, the gondola would provide access to the proposed Roller Lift (Alternative 2), while the White Wolf Subdivision aims to connect to the gondola for use by the future private owners of the proposed subdivision.

The FEIS/R must accurately reflect the project’s potential to induce growth. A visual representation of these three projects combined into the same image should be included.

Alternative 2:Growth-inducing impacts with Rollers Lift:

0144-29

Alternative 2’s proposed Alpine Meadows mid-station would provide access to the Rollers Lift,²⁸ which would be more likely to result in construction of the lift.

The FEIS/R must analyze the growth-inducing impacts related to the Rollers Lift.

Alternatives 3 and 4:New permanent access road:

0144-30

Alternatives 3 and 4 would require a new permanent access road on Caldwell’s property, which may make the proposed White Wolf Subdivision project more likely (p. 2-27).

This impact must be clearly disclosed in the discussion of growth-inducing impacts.

Inconsistency regarding new access road:

0144-31

There appears to be an error in the DEIS/R. On page 2-16, the text does not say a new access road is required for Alternative 3, however Exhibits 2-9 and 2-13 show the same construction access route

²⁷ “[T]he project would not open an undeveloped area to development, change land use designations, or expand public services or utilities to an area not previously served. Therefore, the increase in seasonal visitors would not remove obstacles to growth, and the project would not be growth-inducing.” (p. 5-13)

²⁸ “The proposed Alpine Meadows mid-station would provide access to the master planned Rollers lift (included in the Alpine Meadows MDP). The bottom terminal of the Rollers lift would be located near the Alpine Meadows mid-station (on private land) and it is anticipated that skiers could exit the gondola at the midstation to access this future lift and the terrain it would serve. The proposed gondola, in combination with the Rollers lift, would result in increased use of the terrain below the top terminal of the Rollers lift (Beaver and Estelle bowls). The increased use surrounding the Alpine Meadows mid-station and Rollers lift area would result in noise and visible infrastructure adjacent to the National Forest System-GCW, which are further evaluated in Sections 4.2, “Visual Resources”; 4.3, “Wilderness”; and 4.9, “Noise.” (p. 4.1-24)

0144-28, Other NEPA/CEQA Analysis (ONCA)

Implementation of Alternatives 3 or 4 would not include the construction of a new permanent access road. There is current road access to the Alpine Meadows mid-station under Alternatives 3 and 4, so no new road would be necessary. The construction access route shown in the Chapter 2 exhibits of the Draft EIS/EIR would be for construction work along the gondola line and includes work such as excavating foundations for the gondola towers, tree removal, etc. This point has been clarified throughout Chapter 2 of the Final EIS/EIR.

The presence of this road is specific to the gondola construction and maintenance and does not suggest that the White Wolf development or other development in the area would be more likely to occur. As stated in the Draft EIS/EIR, implementation of the White Wolf development does not depend on approval of the Base-to-Base Gondola project, and vice versa. Each of these projects could be implemented individually (i.e., without implementation of the other one) and still serve its own individual purpose.

The Rollers lift is a planned, but unpermitted and unimplemented, chairlift (included but not proposed at this time within the Alpine Meadows Master Development Plan). Its bottom terminal would be near the Alpine Meadows mid-station under Alternative 2 (meaning that under Alternative 2, skiers could exit the gondola at the Alpine Meadows mid-station and ski/walk to the Rollers lift). The Rollers lift is included in the Draft EIS/EIR’s list of cumulative projects (see Table 3-3 and Exhibit 3-1; see Alpine Meadows Master Development Plan, map label 1). Apart from the map reference to the Alpine Meadows Master Development Plan, the Rollers lift is not specifically shown on Exhibit 3-1; however, it is shown on Figure 8 in the Alpine Meadows Master Development Plan, as is the Alternative 2 alignment for the gondola (Tahoe National Forest 2015). The Draft EIS/EIR discusses the Rollers lift in the cumulative analysis in Section 4.1, “Recreation,” because construction of the Rollers lift, in conjunction with implementation of Alternative 2, could increase use of the terrain served by the Roller lift (Beaver and Estelle Bowls).

Because both the White Wolf development and Rollers lift were identified as cumulative projects (see Table 3-3 and Exhibit 3-1 in the Draft EIS/EIR), they are properly considered in the cumulative analysis (see Sections 4.1 through 4.17 in the Draft EIS/EIR) rather than being considered in the growth-inducing impacts analysis.

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0144-29, Other NEPA/CEQA Analysis (ONCA)

See response to comment 0144-28, above, for a discussion of the Rollers lift and how it was considered in the Draft EIS/EIR analysis (in the cumulative rather than the growth-inducing effects analysis).

0144-30, Other NEPA/CEQA Analysis (ONCA)

Implementation of Alternatives 3 or 4 would not include the construction of a new permanent access road. There is current road access to the Alpine Meadows mid-station under Alternatives 3 and 4, so no new road would be necessary. The construction access route shown in the Chapter 2 exhibits of the Draft EIS/EIR would be for construction work along the line, like excavating foundations for the gondola towers, tree removal, etc. This point has been clarified throughout Chapter 2 of the Final EIS/EIR.

For a discussion of how the White Wolf development was considered in the Draft EIS/EIR analysis (in the cumulative rather than the growth-inducing effects analysis), please refer to the response provided for comment 0144-28, above.

0144-31, Project Description (PD)

Implementation of Alternative 3 (or 4) would not include the construction of a new permanent access road. There is current road access to the Alpine Meadows mid-station under Alternatives 3 and 4, so no new road would be necessary. The construction access route shown in the Chapter 2 exhibits of the Draft EIS/EIR would be for construction work along the line, such as excavating foundations for the gondola towers, tree removal, etc. This point has been clarified throughout Chapter 2 of the Final EIS/EIR.

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around the Alpine Meadows mid-station as depicted for Alternative 4 (for which the text discloses a new permanent access road on Caldwell's property will be needed²⁹).

The FEIS/R must clarify whether Alternative 3 will require a new permanent access road, or the Exhibit 2-9 must be corrected. Where a new access road will be permanent, this should be clearly stated on the Exhibits.

Transportation Impacts (Section 4.7):

All Action Alternatives:

0144-32

VMT in the Tahoe Basin:

There are several aspects of the analysis with regards to impacts to the Tahoe Basin which must be clarified and/or corrected:

- The DEIS/R includes an estimate of project-generated VMT within the Tahoe Basin, however there is no information documenting how these figures were arrived at.³⁰ For example, what roadway segments were counted, at what mileage, and what percentage of new trips in the Basin will utilize which roadway segments (e.g. SR 89 along the West Shore, SR 28 North of Tahoe City)?
- The DEIS/R states that trips within the Tahoe Basin are not "new" because "by definition, one end of each trip is associated with land uses within the TRPA boundary." However, as the proposed gondola will increase visitors to the Alpine Meadows/Squaw Valley Resorts (by 36,856 skier visits), and as the DEIS/R notes many of the resorts' visitors and employees drive to and/or live in the Tahoe Basin, the gondola will clearly generate "new" VMT within the Tahoe Basin.
- The DEIS/R notes that a significant percentage of traffic affecting Saturday morning peak hour congestion is coming from the Lake Tahoe Basin, with patterns indicative of visitors who arrived Friday evening (driving into the Tahoe Basin), and then drove to Alpine Meadows/Squaw Valley on Saturday.³¹ What percent of the anticipated increase of 36,856 skiers/year (and their vehicles) will involve visitors who come and stay in the Tahoe Basin, thereby increasing the demand for overnight accommodations in the Tahoe Basin? This information is not disclosed, nor is it clear whether the VMT from their arrivals in the Basin (typically on a Friday evening) has been accounted for in the analysis. This must be clarified and clearly disclosed in the FEIS/R.

²⁹ "Access to this site would require construction of a segment of new permanent road on the Caldwell property." (p. 2-27)

³⁰ "2. The portion of the project's VMT that would occur within the TRPA boundary was estimated. This is a particularly important metric for summer conditions and is listed as one of TRPA's environmental carrying capacities. Although a threshold value does not exist for winter daily conditions, the project's VMT within the TRPA boundary has nevertheless been estimated for readers interested in this value. The VMT is estimated to be 1,956 on a Saturday and 1,768 on a Sunday. By definition, one end of each trip is associated with land uses within the TRPA boundary, which means that this VMT is not "new" (i.e., not attributed to a traveler that would otherwise not be in the basin). Some of these trips could have also potentially been visiting other resorts had the proposed gondola not been in place." (p. 4.7-28)

³¹ "This suggests that a component of skier visits to these resorts is comprised of skiers who arrive at lodging in the Tahoe Basin on a weeknight (i.e., Thursday or Friday), ski/stay for the weekend, then return to their permanent residence on Sunday afternoon." (p. 4.7-5)

0144-31 cont'd, Project Description (PD)

0144-32, Transportation and Circulation/Traffic and Parking (T&C/T&P)

The comment states that no information was provided regarding how the project's VMT estimates within the Tahoe Basin were calculated. Page 4.7-28 of the Draft EIS/EIR provide an in-depth discussion of the VMT estimation methods, including an explanation of how the estimated project related VMT is based on data from a 2012 LSC Transportation Consultants survey documenting the residential locations of day skiers and winter employees at Squaw Valley. Online skier survey responses (2015) were also used for in-bound and out-bound trip assumptions under existing plus project conditions. (See Draft EIS/EIR, pp. 4.7-22, 4.7-28; see also Tables 4.7-11 and 4.7-12.)

The detailed VMT calculations can be found on the last page of Section E2 of Appendix E (page 126 of Appendix E) to the Draft EIS/EIR (VMT Estimates under Plus Project Conditions) and these calculations support VMT data provided in Section E5, "Supplemental Tahoe Basin VMT Data" added to Appendix E in the Final EIS/EIR. The VMT estimates for the Tahoe Basin shown on the last page of Section E2 and in the added Section E5 of Appendix E, for example, reflect inbound and outbound Saturday trips to Squaw Valley from the Tahoe North Shore (28 percent) with a trip length of 11 miles, Tahoe West Shore (7 percent) with a trip length of 15 miles, as well as Tahoe South Shore (5 percent) with a trip length of 39 miles. Similar assumptions are reflected for Sunday VMT. Total Project-Related Net Change in VMT is shown in Table 4.7-14.

The comment asks what roadway segments were counted, at what mileages, and what percentages of trips. Please refer to the VMT calculations added to Appendix E of the Final EIS/EIR for this information, showing VMT in the Tahoe Basine was calculated for trips between the SR 89/Alpine Meadows Road intersection and the North Shore, South Shore, and West Shore of Lake Tahoe using the major roadways between those destinations (e.g., Highways 28 and 89). Those calculations show the number of assumed project-related additional daily trips on given roadways in the Tahoe Basin and length of those trips, which form the basis for tabulating VMT. The project, for example, was assumed to result in 1,956 VMT on a Saturday and 1,768 on a Sunday during the winter months from skiers traveling to/from the Tahoe basin. (See Draft EIS/EIR, p. 4.7-

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28.) This increase is considered to be less-than-significant to in-basin roadways and intersections, as demonstrated in the traffic impacts analysis in terms of level of service and delay.

The roadway segments considered included Highway 89 toward Truckee and at various intersections in Truckee (See Exhibit 4.7-6.)

The second bullet of the comment states that the gondola will clearly generate new VMT within the Tahoe Basin. This statement is consistent with the conclusions of the Draft EIS/EIR and, as identified above, the analysis found at page 4.7-28 of the Draft EIS/EIR which quantifies the expected increase in VMT from the Project from trips to/from areas within the nearby Tahoe Basin, including a discussion of whether that VMT is new or not. The Draft EIS/EIR explains, for example, that a portion of the additional skier visits resulting from the gondola may reasonably be assumed to be skiers diverted from other Tahoe area resorts, including ski resorts located within the Tahoe basin, who may find Squaw/Alpine more appealing because of the ability to ski both Squaw and Alpine in one day without having to travel by car or shuttle between the two resorts. (See p. 4.7-28.)

The comment then asks what percentage of annual added skiers will come and stay in the Tahoe Basin, thereby increasing demand for overnight accommodations. As described on page 4.7-25 of the Draft EIS/EIR, all trips generated by the gondola were conservatively assumed to be new day-use skiers versus trips made by skiers staying overnight nearby (i.e., in Olympic Valley). This assumption is also conservative because some skiers will be skiers who opt to ski Squaw/Alpine rather than other in-Basin ski resorts because of the gondola, thus displacing some in-basin trips rather than creating entirely new trips. Thus, in reality, some portion of the overall trips attributable to the gondola would occur whether or not the gondola were present. By assuming all new day-use skier trips, however, the Draft EIS/EIR is conservative in its assumptions.

Exhibit 4.7-4 [Distribution of New Skier Vehicle Trips to Squaw Valley Ski Resort] displays the expected distribution of trips to and from the Squaw Valley Ski Area associated with the proposed project. This figure indicates that 45 percent of inbound Saturday AM peak hour trips to the Squaw Valley Ski Area would originate from the south (i.e., likely having a trip origin in the Tahoe Basin). Similarly, 52 percent of Saturday AM peak hour trips to Alpine Meadows would originate from

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the south (See Exhibit 4.7-5). The result is an estimated 33 Saturday AM peak hour trips entering from the direction of the Tahoe Basin. Outbound Sunday PM Peak hour trips are estimated at 25 percent; consequently, roughly 20 percent of Sunday day-skiers, for example, may be assumed to live in the North and West Shore areas [45 percent inbound & 25 percent outbound] and thereby would not contribute to demand for accommodations in the North or West Shore of Lake Tahoe.

For those who do visit from other areas, there is no way of knowing how many of these trips would be associated with individuals who would have sought lodging in the area anyway to ski at another resort and decided to ski at Squaw Valley or Alpine Meadows because of the gondola, or might already own a second home in the area and decided to ski at either resort because of the gondola. There is no evidence offered by the comment demonstrating that the existing lodging accommodations available in Squaw Valley, Tahoe City and along the Westshore are unable to accommodate new visitors resulting from the project. It was, moreover, unnecessary for the traffic analysis to determine the extent to which new trips would increase demand for overnight accommodations. The issue of the potential for increased visitation to generate increased demand for goods and services is addressed in growth inducing impacts analysis in the Draft EIS/EIR Section 5.2.3.5, "Growth as a Result of Increased Resort Visitation."

The comment also asks whether VMT from the arrivals (e.g., on a Friday evening) has been accounted for in the analysis. A primary threshold used for evaluation of VMT is the TRPA carrying capacity expressed by the peak summer Friday condition. This carrying capacity metric is defined by a single day condition. Therefore, VMT in the Tahoe Basin for the traffic analysis is provided for single days, consisting of peak days for trip and VMT generation. Thus, the winter Saturday and Sunday VMT estimates presented in Table 4.7-14 of the Draft EIS/EIR do not consider travel associated with Friday evening arrivals. Overall travel (i.e., VMT) is greater on a Saturday than a weekday. Therefore, VMT generated on a Friday would not add to the understanding of single-day peak VMT generation, which is the metric of concern for the analysis.

The comment then states that the Final EIS/EIR should disclose the cumulative increases in the VMT within the Tahoe Basin associated with the proposed project, Village at Squaw Valley Specific Plan, and the Martis Valley West Specific Plan. Such an analysis would not add to the understanding of

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cumulative VMT conditions because, as stated above, the metric used for evaluating VMT in the Tahoe Basin is a one day, peak summer Friday. The Village at Squaw Valley Specific Plan and Martis Valley West Specific Plan EIRs both calculated VMT in the Tahoe Basin for this single peak summer Friday. The proposed Gondola project would not add VMT during a summer Friday; therefore, it would not add to any cumulative VMT condition identified for these two projects. For these two other projects, VMT generation in the Tahoe Basin for a peak winter weekend day was not calculated as the peak summer Friday is the metric of concern. Therefore, there is no available winter VMT calculation for these two other projects to add the Gondola VMT.

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0144-32
cont'd

- In addition, the FEIS/R should disclose the cumulative increases in VMT within the Tahoe Basin associated with the increased skier visits during the winter months from the proposed project, the Village at Squaw Valley Specific Plan, and the Martis Valley West Specific Plan.

The FEIS/R must be corrected to provide the methods used to develop the Tahoe VMT estimates and address these informational deficiencies. In addition, the FEIS/R should disclose the cumulative increases in VMT within the Tahoe Basin during the season of peak operation (winter).

Coordination with Shuttle operations:

0144-33

The DEIS/R states that when the gondola is functioning, the existing bus ski shuttle between the two resorts would not be in operation. We question whether this is a feasible assumption. There may be times when wind affects the gondola operations such that they may be turned on and off throughout the day; in this situation, how quickly will a shuttle be put into service or taken out of service as gondola operations change?

The FEIS/R must include detailed requirements that will ensure the shuttles do not operate while the gondola is in operation and/or include adequate mitigation for the additional traffic generated during times of overlapping operation.

Mitigation for transportation impacts:

0144-34

The DEIS/R discloses cumulative adverse (NEPA) and Significant and Unavoidable (CEQA) transportation impacts for all action alternatives and includes Mitigation Measure 4.7-11: Pursue Strategies to Reduce Vehicle Trips Generated during the Sunday PM Peak Hour on Peak Ski Days.³² However, this mitigation measure does no more than provide a list of existing or planned strategies. There are no identified performance measures that must be achieved, nor are all possible strategies to reduce transportation impacts employed even as the DEIS/R notes the cumulative impacts cannot be mitigated. Every available action must be implemented to reduce traffic where impacts are adverse/significant and unavoidable, including additional funding for transit service and fixed route service to Alpine Meadows (discussed further below).

Performance measures and additional mitigation for transportation impacts must be included in the FEIS/R in order to mitigate the impacts to the extent possible.

0144-32 cont'd, Transportation and Circulation/Traffic and Parking (T&C/T&P)

0144-33, Transportation and Circulation/Traffic and Parking (T&C/T&P)

The comment states that there may be times when wind affects the gondola operations such that shuttles may be used on and off throughout the day. The comment suggests that detailed requirements are needed to ensure the shuttle does not operate while the gondola is in operation. It is acknowledged that windy conditions could temporarily cause the gondola to not operate and that such situations could consequently result in the need for Squaw Valley to transport skiers between the resorts via a shuttle bus. Those conditions, however, are considered to be atypical and would not correspond to the type of design day (i.e., between the fifth and 10th busiest day of the ski season) that was studied in the Draft EIS/EIR. Furthermore, page 4.7-17 specifies that a condition of approval would be placed on the project so that the shuttle would not operate when the gondola is functional.

0144-34, Transportation and Circulation/Traffic and Parking (T&C/T&P)

The issues raised in this comment are addressed in the Master Response related to Vehicle Trip Reduction Measures provided in Section 1.8, "Master Responses" in this volume.

³² "Mitigation Measure 4.7-11 (Alternative 2): Pursue Strategies to Reduce Vehicle Trips Generated during the Sunday PM Peak Hour on Peak Ski Days

Prior to Improvement Plan approval, the applicant shall provide evidence to the Department of Public Works and Facilities of compliance with the Placer County Trip Reduction Ordinance, including a detailed accounting of Transportation Demand Management strategies currently provided for or planned by Squaw Valley. These strategies may include, but not be limited to, one or more of the following:

- operating a complementary and convenient shuttle between resorts and off-site park-and-ride lots (i.e., within Truckee or Tahoe City);
- implementing programs to better disperse the departures of skiers during peak afternoons, through entertainment options and other incentives; and
- joining/renewing membership in the Truckee North Tahoe Transportation Management Association." (p. 4.7-63).

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Vehicle occupancy rates:

The DEIS/R estimates new vehicle trips using an occupancy of 3.2 passengers per vehicle based on a survey of 720 responses.³³ The Village at Squaw Valley Specific Plan DEIR (VSVSP DEIR) documented occupancy of 2.2 passengers/vehicle based on the observation of 1,859 skiers.³⁴ Given the higher sample size and the DEIS/R's statements to analyze conservatively,³⁵ the analysis should use the occupancy of 2.2 passengers per vehicle in the traffic analysis, as the higher occupancy rate may underestimate new vehicle impacts. For example, the below provides a rough comparison of the different outcomes (and potential underestimates):

Using the DEIS/R's occupancy rate of 3.2 passengers/vehicle and 90% private vehicle use,³⁶ the project would generate the following:

- In the first year after opening, an additional 12,400 skier visits would equate to 3,488 additional vehicles, and within five years, an additional 36,856 skier visits would equate to 10,366 additional vehicles.

Using the 2.2 rate along with the 90% private vehicle use, the project would generate the following:

- In the first year after opening, an additional 12,400 skier visits would equate to 5,072 additional vehicles, and within five years, an additional 36,856 skier visits would equate to 15,078 additional vehicles.

This results in an *underestimate* of 1,584 vehicles in the first year and 4,712 vehicles by year five. Underestimates in the transportation analysis also affect analyses of noise, air quality, water quality, public health and safety, and GHG emissions.

The FEIS/R must use the best available data associated with occupancy numbers in its calculations of transportation and associated impacts, and improved mitigations must be offered to address these increased impacts.

Fixed route transit to Alpine Meadows:

The DEIS/R states that fixed route public transit to Alpine Meadows is not currently available.³⁷ As there are numerous "Adverse" and "Significant and Unavoidable" impacts among the transportation indicators, all available mitigation measures should be included with the project.

As such, provision of fixed route service to Alpine Meadows should be examined as another mitigation measure in the FEIS/R.

³³ "2. Of 720 completed responses regarding average vehicle occupancy while traveling to each resort, the average was 3.2 persons per vehicle. Accordingly, this value is used in this study." (p. 4.7-20)

³⁴ "A total of 1,859 skiers/boarders were observed to arrive in 859 vehicles, for an average vehicle occupancy of 2.20 skiers/boarders per vehicle parked." (VSVSP DEIR, App G, Parking Demand Analysis, p. 13)

³⁵ "The analysis in this EIS/EIR employs the following reasonably conservative set of assumptions to ensure that the project's transportation impacts are not understated:" (p. 4.7-18)

³⁶ "[T]his study assumes 90 percent of new skiers arrive by private vehicle." (p. 4.7-20)

³⁷ "The project could enable skiers desiring to travel by transit to Alpine Meadows to access that resort by the TART bus that stops at Squaw Valley. Alpine Meadows is not currently accessible via fixed route transit." (p. 4.7-45)

0144-35, Transportation and Circulation/Traffic and Parking (T&C/T&P)

This comment suggests that the Draft EIS/EIR should have relied upon average vehicle occupancy (AVO) data from the *Village at Squaw Valley Specific Plan DEIR* versus more recent estimates due to its larger sample size and intent of the Draft EIS/EIR to conservatively analyze impacts. Page 4.7-20 describes the results of an online survey by LSC

Transportation Consultants, which found an average vehicle occupancy of 3.2 persons per vehicle. That survey, published in April 2015, was based on a sample size of 720 completed responses by a variety of skier groups who had visited one or both resorts over the past three years. The comment suggests that this result should not be used, and instead, data from a single day (Saturday, April 1, 2012) survey of 859 vehicles (yielding an AVO of 2.2) should instead be used. The 2012 survey was based on vehicle occupancy observations in the "prime day skier lots east of the existing Village." Although the 2012 survey results were the best data available at the time, the 2015 online survey is a more suitable data point for use in the estimating AVO associated with new skiers generated by the gondola. When compared to the 2012 survey, the 2015 survey focused on multiple ski days (versus a single day), had a generally comparable sample size, considered skiers visiting both resorts, and was not limited to one specific area of parking at Squaw Valley Ski Area. Thus, the Draft EIS/EIR relies upon the best available data to estimate AVO, which was the 2015 survey, and is supported by substantial evidence. (See *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 544 [deference to city in metrics used in traffic analysis].)

Also, see responses to comments 0072-11 and 0144-47 regarding the comment's statement that impacts were underestimated.

0144-36, Transportation and Circulation/Traffic and Parking (T&C/T&P)

For information on the feasibility/infeasibility of fixed route transit service to Alpine Meadows see the Master Response related to Vehicle Trip Reduction Measures provided in Section 1.8, "Master Responses."

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0144-37

Visitation changes attributable to the gondola:

The Appendix C estimates of incremental visitation changes attributable to the gondola are derived from a very limited data set of "major" lift projects at destination resorts whose relevance to the gondola project is admitted to be uncertain (p. 16). (All page number references in this section are to Appendix C). The lift project with the maximum 6.6% incremental change must differ from the other projects in some interesting respects, and in fact it is the only project with expanded skiable terrain (p. 16). Since the gondola project would greatly expand skiable terrain, the project with maximum incremental change appears to be especially relevant to visitation analyses of the gondola.

The analysis asserts that the project with maximum incremental change is not especially relevant to the analysis because the gondola would be "a singular lift project without providing access to additional skiing/riding terrain" (p. 16). This assertion is not consistent with the information provided in the DEIS/R and in other project descriptions – skiers boarding the gondola at Squaw would access several thousand acres of additional terrain at Alpine, and vice versa, much more quickly. One of the purposes for which the gondola would be utilized is "rid[ing] the gondola to the base of the other resort to access the additional terrain ..." (p. 4). Eight similar reasons for riding the gondola are listed (p. 4-5). The SquawAlpine website consistently promotes the gondola by pointing out to skiers "What if you didn't have to choose [between Squaw and Alpine]?"

Taking note of the values in the data set but using several arbitrary estimates of incremental change in the range of these values in subsequent analyses would appear to be as plausible as a single analysis using the average incremental variation. Estimates of incremental change near the upper end of the range would appear to be especially plausible, since the gondola would significantly expand skiable terrain. Use of the average incremental variation is claimed to be "conservative" (p. 16). Analyses of environmental impacts that take care not to underestimate impacts are "conservative"; using the average incremental variation in this analysis is not "conservative." Using the higher estimates of incremental change in congestion analyses would more accurately determine the amount of congestion.

The FEIS/R must use analytical approaches that most accurately determine the amount of congestion.

"Extended weekend" peak traffic analysis:

0144-38

The DEIR/S did not adequately consider longer stays as a strategy employed by visitors in an effort to avoid congestion. The enhancement of skiing opportunities by the gondola may be especially attractive to skiers who visit for more than a single day or a two-day weekend. Their extended presence would have the effect of increasing congestion beyond just the two-day weekend rush.

As an anecdotal illustration of this, FOWS and SCTAG members living on the west shore and north shore of Lake Tahoe have consistently observed and have been annoyed by the more frequent occurrence of "ski weekend" congestion on Fridays and Mondays. These occurrences are plausibly caused by skiers trying to avoid late Friday, Saturday, and Sunday congestion. If traffic data substantiating these observations are available, traffic analyses in the EIS/R should utilize them. Stated more quantitatively, the distribution of "longer-weekend" traffic counts might plausibly shift upward in the future, with part of that upward shift attributable to the gondola (in fact, the DEIS/R

0144-37, Recreation (R1)

The gondola project would not "greatly expand skiable terrain" as stated by the commenter. Instead, the gondola project would be a singular lift project providing improved access to presently available terrain and would result in no new skiable terrain becoming available. This distinction between providing access to new terrain and improving access to presently available terrain is integrally important to the Visitation and Use Assessment, and was a key element in determining which of the 52 general ski resort improvement projects discussed on page 16 (of the Visitation and Use Assessment -Appendix C) were similar in nature to the gondola project. The lift project with the maximum 6.6% incremental visitation change was specifically determined not to be representative of the visitation change that would result from the gondola project because it provided access to substantial new skiing terrain and resulted in a significant ski terrain expansion, which the gondola project would not.

It is true that one of the primary purposes for which guests of either resort may ride the gondola would be to "access the terrain offered at the other resort." However, this statement refers to presently available terrain for which access would be improved, and is not inconsistent with any other part of the Visitation and Use Assessment or Draft EIS/EIR.

In short, the gondola project would not expand skiable terrain at Squaw Valley or Alpine Meadows, and would instead provide improved access to presently available terrain at the two ski resorts. As such, the use of the lift project with the maximum 6.6% incremental visitation change, which provided access to a significant new terrain expansion, was not selected to accurately represent the estimated visitation increase associated with the gondola project.

0144-38, Transportation and Circulation/Traffic and Parking (T&C/T&P)

The comment suggests that the project could result in "extended weekend stays," which would increase the duration of congestion beyond the typical two-day weekend peak." The comment further requests that the Final EIS/EIR evaluate existing and future conditions impacts on Mondays and Fridays.

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As described on page 4.7-19 of the Draft EIS/EIR, the project is not expected to change the overall proportion of weekend versus weekday skier visits. Page 4.7-5 states, based on review of traffic counts, that there already exists a component of skiers visiting these resorts on a weekend who arrive to the Tahoe Basin on a weeknight. Therefore, this analysis approach does assume some skier visits generated by the gondola would occur during weekdays. Review of skier visits during the 2016-2017 season at the Squaw Valley and Alpine Meadows Ski Areas indicates that the median number of skiers on Fridays and Mondays was much lower than the median number of skiers on weekend days. If the project were to have a higher percentage of weekday visitors than the current skier visitation data shows, these trips would be made during less congested periods (as opposed to weekends). If a shift in some project trips away from the Saturday and Sunday peak hours were to have been assumed, the analysis would likely have shown lesser project impacts during peak traffic periods, which is the focus of the analysis (i.e., assessing changes in traffic conditions during periods of peak traffic flows). However, it would have been speculative (given the lack of any supporting data) to have assumed a certain shift in skier visits from weekends to weekdays (beyond what currently occurs at the resorts).

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0144-38
cont'd

acknowledges this potential outcome³⁸). Whether the analyses of peak-hour congestion in section 4.7 properly accounts for this “longer-weekend” effect is questionable.

A technical note: Figures 1 and 2 of Appendix C (p. 7-8) do not effectively display the relationships between the variables. A scatterplot of each pair of variables should be added to Appendix C. Correlations are well known to be strongly influenced by outliers. Scatterplots facilitate assessments of this influence.

The FEIS/R must disclose that beyond increased peak traffic during the Saturday/Sunday peak hours, which would determine the maximum impact, the project will likely result in substantial increases in Monday and Friday traffic, such that the duration of what would be considered peak traffic conditions will potentially extend from two to four days. The FEIS/R must assess existing and future conditions on these additional days.

Noise (Section 4.9):

All action alternatives:

0144-39

While the general impacts from noise are discussed in the “Wilderness” section, no specifics are provided regarding the noise levels (existing or future) specifically addressing noise in the GCWA and estimated impacts from each alternative (with the exception of one aspect of Alternative 2; see below). Noise increases would impact wilderness and recreational experiences and wildlife. While gondola operation in the summer months would be limited to maintenance activities, this will still create noise beyond existing levels during those times. Noise impacts during both winter/operational months and summer months should be evaluated and disclosed.

The FEIS/R must clearly discuss and disclose the existing noise conditions in the GCWA during winter and summer months and the anticipated noise impacts from each alternative to GCWA lands (affected publicly- and privately-owned lands) from gondola operation as well as avalanche control.

Alternative 2:

0144-40

The DEIS/R noise section briefly discloses maximum noise at the eastern boundary of the National Forest System-GCW (i.e., 100 feet west of proposed tower locations) as 62.6 dBA Leq, which is far above noise standards applied to other uses (e.g. theaters, auditoriums, churches, office buildings, schools, etc.) that are far less sensitive to noise than the GCWA. However, there is no further discussion of this impact. For example, how often will this noise occur during the summer months (e.g. associated with maintenance activities)?

The FEIS/R must clearly discuss all noise impacts to the GCWA.

³⁸ “The proposed gondola may increase the duration of time that skiers remain in overnight accommodations at each resort. Because resort room occupancies are typically greatest on weekends, this could result in more skier visits extending their stay into the mid-week period (pg. 12).” (p. 4.7-18)

0144-38 cont'd, Transportation and Circulation/Traffic and Parking (T&C/T&P)

0144-39, Noise (N)

The comment requests that the EIS/EIR discuss and disclose the existing noise conditions in the Granite Chief Wilderness (GCW) during winter and summer months and the anticipated noise impacts from each alternative.

Noise impacts are addressed in Section 4.9, “Noise,” of the Draft EIS/EIR. Impacts 4.9-1 and 4.9-2 describe the project’s construction noise impacts and Impacts 4.9-3 and 4.9-4 describe the project’s operational noise impacts. Modelled maximum noise levels at the nearest boundary of the GCW are provided in the impact discussion of Impact 4.9-3 for each action alternative (62.6 dBA Leq for Alternative 2, 52 dBA Leq for Alternative 3, and 35.6 dBA Leq for Alternative 4). Note that these noise levels are based on a reference noise level recorded at the base terminal for the Far East Express, where a drive motor is present and lift chairs are entering and leaving the terminal. Facilities nearest the GCW under all action alternatives would be mid-stations and towers. Mid-stations have no drive motors and total noise generation would be expected to be less than base-terminals. Gondolas or lift chairs passing over towers make much less noise than base-terminal operations. As identified on page 4.9-22 of the Draft EIS/EIR, when the gondola is moving between towers, there are no moving parts and thus no noise sources. Therefore, actual gondola operational noise at the boundary of the GCW would be much less than what the estimates based on the Far East Express reference noise measurements would indicate. Noise levels would be further reduced the farther a listener was from the GCW eastern boundary.

Effects of the proposed project on the GCW are addressed in Section 4.3, “Wilderness”, and in particular the discussions if Impact 4.3-4: Effects on Opportunities for Solitude or Primitive and Unconfined Recreation.

As discussed in the Draft EIS/EIR in several locations, including in the noise analysis on page 4.9-22, the gondola would operate from approximately 8:00 a.m. to 6:00 p.m. during the winter season only. Due to the snow conditions, use of the GCW by the public and within proximity to the project area is substantially less during the winter season than during the summer. For this reason, the number of individuals that

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would find gondola operations audible from the GCW is inherently, and substantially, less than in summer months. Regarding summertime maintenance activities, these would only take place during the daytime hours, and would be infrequent and intermittent (further details are provided in response to comment 0144-40, below). During the limited times that gondola cars are moved along the line as part of maintenance activities, noise generation would be similar to regular operations. Although there is greater recreational use of the GCW in the project area during the summer, the frequency of use and the hours of the gondola being in motion for maintenance would be substantially less than the daily winter operations.

With Gazex removed from the project between the Draft and Final EIS/EIRs, the resulting effect on avalanche mitigation operations under the action alternatives would be the replacement of some existing artillery targets with use of hand charges and avalaunchers in these areas. The location and need for avalanche mitigation actions would not change and hand charges and avalaunchers are already used for avalanche mitigation in the area. Therefore, wintertime noise effects would have only minimal changes, and total noise generation could be less as hand charges make less noise than artillery warhead explosions (see Table 4.9-12 of the EIS/EIR).

0144-40, Noise (N)

The comment requests that the Draft EIS/EIR discuss and disclose how often noise from the gondola would occur during the summer months. Response to comment 0144-39 addresses the modelled noise generation at the eastern GCW boundary and the fact that the modelling results overestimate noise generation. This overestimate of noise generation applies to both winter operation and summer maintenance activities. Periods of "running" the gondola for maintenance in the summer months are described on page 2-14 of the Draft EIS/EIR; "To perform maintenance, some cabins would need to be put on the line for limited periods during the summer (fewer than 10 times during the summer for running all cars, and 3-5 days per month for limited numbers of cars moved across the line)."

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Recreation (Section 4.1):**All action alternatives:**Recreation indicators – downhill skiing/boarding versus dispersed recreation:

The DEIS/R essentially ‘divides’ recreation experience impacts³⁹ into two categories: impacts to downhill skiing/boarding and impacts to dispersed recreation (e.g. hiking, snowshoeing). In all action alternatives, the DEIS/R notes benefits to downhill skiing and negative impacts to dispersed recreation, although it concludes the impacts to dispersed recreation are mitigated (NEPA) and LTS (CEQA) for all action alternatives (discussed more below). Dispersed recreation in Wilderness Areas and other protected locations has become more popular. This raises questions about the wisdom of creating benefits for developed recreation (e.g. skiing) at the expense of dispersed recreational experiences. (Note: our comments on the wilderness resource evaluation also apply to the evaluation of the alternatives on dispersed recreation experiences).

Impacts to the dispersed recreation experience, access, and visitation must be clearly documented and mitigated in the FEIS/R. Further, the FEIS/R should address present and anticipated future trends in recreation (including developed and dispersed recreation).

Alternative 2:Dispersed Recreation impacts:

While REC-4 would mitigate potential impacts from increased access to the GCWA via the mid-stations, Alternative 2 will still significantly impact the dispersed recreation experiences in the Granite Chief Wilderness Area through visual, noise, wildlife, and wilderness impacts (as discussed elsewhere in these comments).

The FEIS/R must clearly disclose the impacts to dispersed recreation as Adverse and Significant and Unavoidable as a result of visual, noise, wildlife, and other wilderness impacts.

Alternatives 3 and 4:Additional access to the GCWA and TNF:

The DEIS/R concludes the impacts to dispersed recreation from all action alternatives are mitigated (NEPA) and Less Than Significant (CEQA) through application of RPMs MUL-7 (related to mitigation of construction impacts), and REC-1 through REC-4 (of these REC-1 through REC-3 are related to construction; REC-4 prohibits foot traffic from exiting at either mid-station [for Alternative 2]). Only REC-4 provides any mitigation for the operational (long-term) impacts to dispersed recreation, however no such measures are proposed for mid-stations in Alternatives 3 and 4.⁴⁰

³⁹ Impact 4.1-1: Recreation experience, access, and visitation

⁴⁰ “REC-4: Signage will be posted at both the Squaw Valley and Alpine Meadows base terminals and mid-stations stating that walking or hiking trail access directly from the gondola (i.e., by exiting at a mid-station) is strictly prohibited. The applicant will not permit foot traffic to exit at the Squaw Valley mid-station, or the Alpine Meadows mid-station under Alternative 2.”

0144-41, Recreation (R1)

The benefits and drawbacks of improving developed recreation at the expense of dispersed recreation (conclusions reached in the Draft EIS/EIR) will be weighed against each other by the decisionmaker in the Draft Record of Decision to determine the merit of implementing the project.

It is important to note that the only piece of public land within the project area for which management direction is up to the discretion of the Forest Service is the land within Alpine Meadow's SUP area, which has been allocated to the Scott Management Area (per the Forest Plan). The Scott Management Area directs: "Development of the private sector ski area maintenance, operation, and planning will be emphasized during the planning period..."

The gondola project is in line with this direction provided for the Scott Management Area, and the remainder of the project area would occur on private lands (i.e., the management direction for the only piece of publicly owned and managed lands within the project has already been established). As such, analysis of present and anticipated future trends in recreation for both developed and dispersed recreation would extend beyond the scope of the analysis for this gondola project and into the realm of general planning for the Tahoe National Forest.

0144-42, Recreation (R1)

The comment provides an opinion regarding the merits or qualities of the project and does not address the content, analysis, or conclusions in the Draft EIS/EIR. Direct and indirect impacts to wilderness areas are discussed in Section 4.3.3 of the EIS/EIR. The EIS finds that the potential effects of the project on opportunities for solitude or primitive and unconfined recreation are adverse under Alternative 2 but will be mitigated through the application of RPMs SCE-1 and SCE-2 (please refer to Impact 4.3-4 (Alt. 2) in the Final EIS/EIR). The Forest Supervisor for the TNF and the Placer County Planning Commission and Board of Supervisors will take the commenter's opinions regarding the merits or qualities of the project, and the opinion expressed by the commenter urging a significant and unavoidable conclusion, into consideration when making a decision regarding the project.

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0144-43, Recreation (R1)

The same Resource Protection Measures (RPMs) identified for Alternative 2 would apply to Alternative 3 and Alternative 4. These include RPMs related to Scenic Resources, Noise, Biological Resources, and Soils and Erosion, RPMs MUL-4 and MUL-7, and recreation specific RPMs REC-1 through REC-4, as stated in the EIS/EIR (pages 4.1-17 and 4.1-20).

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0144-43
cont'd

The FEIS/R must address the potential impacts from passengers accessing the GCWA and TNF through the mid-stations in Alternatives 3 and 4. A prohibition of foot traffic, such as included in REC-4, should also be included for both mid-stations in Alternatives 3 and 4.

0144-44

Cumulative impacts with Rollers Lift:

The Scoping Report (e.g. p. 4-5) identifies numerous public comments regarding the need to analyze the cumulative impacts with the Rollers Lift, which appears to rely on the construction of the gondola to be feasible, yet the DEIS/R fails to even mention the cumulative impacts of the Rollers lift with regards to wilderness, noise, increased visitation (creating transportation impacts), and visual resources. The only place that it is discussed in is the Recreation section, although little information is provided.⁴¹ It is omitted from all other resource discussions. The brief statement notes impacts to dispersed recreation from noise and visible infrastructure associated with the Rollers lift and refers the reader to the individual chapters for noise, wilderness, and visual resources for further evaluation yet the Rollers Lift is not mentioned anywhere in these other resource chapters.

The DEIS/R contains no explanation of why these cumulative impacts are not analyzed in all affected resource sections. This is a gaping hole in the entire DEIS/R analysis and must be corrected in the FEIS/R. We also recommend that a map identifying the proposed project, White Wolf Subdivision, and Rollers Lift be presented to allow the public and decision-makers a visual representation when considering cumulative impacts.

Air Quality (Section 4.10):

All action alternatives:

Increased emissions in Lake Tahoe Air Basin:

0144-45

Although DEIS/R acknowledges that the action alternatives will increase vehicle emissions in the Lake Tahoe Air Basin, there is no analysis of the long-term operational impacts within the Lake Tahoe Air Basin. The LTAB is currently classified as non-attainment transitional for ozone,⁴² and increases in NOx and ROG will facilitate more ozone formation. Further, traffic conditions in the Lake Tahoe Basin are already gridlocked during peak periods; the additional vehicles the proposed project will bring to the area will further contribute to congestion and increase idling time.

The FEIS/R must disclose impacts from vehicle emissions within the Lake Tahoe Air Basin. Impacts should be based on a revised transportation analysis that utilizes the best available occupancy data (as discussed elsewhere in these comments) and considers the impacts of increased idling.

⁴¹ "The increased use surrounding the Alpine Meadows mid-station and Rollers lift area would result in noise and visible infrastructure adjacent to the National Forest System-GCW, which are further evaluated in Sections 4.2, "Visual Resources"; 4.3, "Wilderness"; and 4.9, "Noise." (p. 4.1-24)

⁴² https://www.arb.ca.gov/desig/adm/2016/state_o3.pdf

0144-43 cont'd, Recreation (R1)

The same Resource Protection Measures (RPMs) identified for Alternative 2 would apply to Alternative 3 and Alternative 4. These include RPMs related to Scenic Resources, Noise, Biological Resources, and Soils and Erosion, RPMs MUL-4 and MUL-7, and recreation specific RPMs REC-1 through REC-4, as stated in the EIS/EIR (pages 4.1-17 and 4.1-20).

0144-44, Recreation (R1)

The Final EIS/EIR has been updated to include cumulative effects analysis related to the Rollers Lift in Sections 4.2, "Visual Resources," 4.3, "Wilderness" and 4.9, "Noise."

0144-45, Air Quality (AQ)

The comment states that no analysis of long-term operational air quality impacts, specifically increases in mobile-source emissions, were evaluated in the Draft EIS/EIR. Table 4.10-6, "Maximum Daily Operational Emissions" summarizes operational emissions for Alternative 2. In Impact 4.10-2 (Alt.2), operational emissions associated with project development were quantified and presented by source, including increases in mobile-source emissions of reactive organic gasses (ROG) and oxides of nitrogen (NOx). Estimated total project operational emissions were then compared to Placer County Air Pollution Control District's (PCAPCD) adopted CEQA thresholds of significance and were found to be below for all pollutants. PCAPCD has jurisdiction over the entirety of Placer County, including the portion of the County within the Lake Tahoe Basin. Therefore, because project emissions are below PCAPCD thresholds, the emissions impacts are considered less than significant in the entirety of the PCAPCD jurisdiction including the Lake Tahoe Basin. Further, as discussed for Impact 4.12-2 (Alt.3) and Impact 4.12-2 (Alt.4), increases in operational-related mobile-source emissions for Alternative 3 and Alternative 4 would be the same as disclosed under impact 4.10-2 (Alt.2). Air quality modeling was based on trip generation and vehicle miles traveled (VMT) estimates generated for the project by the traffic consultants (Fehr & Peers). All traffic data used to model emissions are presented in Appendix G of the Draft EIS/EIR. No additional modeling or analysis is necessary.

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See the response to comment 0144-35 regarding vehicle occupancy data.

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0144-46

NEPA impact and mitigation:

All action alternatives would have an adverse impact according to NEPA because it would result in a permanent increase in emissions of ROG, NOx, and PM.⁴³ The DEIS/R concludes this will be mitigated through RPMs AQ-9 and AQ-23 (p. 4.10-16). However, these two RPMs involve mitigation through Placer County regulations, which only require mitigation for the amounts that exceed the County's 55 pounds/day threshold.⁴⁴ Because the estimated emissions from the action alternatives will not exceed the County's threshold, it does not appear any mitigation fees or participation in an offsite mitigation program will be required. As a result, there are **no actual reductions in emissions**, and the DEIS/R has not shown the adverse effect to be mitigated.

Mitigation must be identified in the FEIS/R.

Greenhouse Gas Emissions (Section 4.11):**All action alternatives:**

0144-47

The DEIS/R concludes GHG emissions will not exceed PCAPCD's applicable 1,100 MT CO₂-e/year (p. 4.11-12). We appreciate Squaw Valley/Alpine Meadows' aim to form an agreement with Liberty Utilities for all energy to the project area to be provided from renewable resources by the end of 2018. However, the cumulative impact discussion fails to address the growth-inducing impacts that would encourage the White Wolf Subdivision, which would be expected to generate substantial GHG emissions above current conditions. In addition, the GHG estimates are based on the transportation analysis, which underestimates impacts due to the use of higher vehicle occupancy rates.

The GHG emissions associated with the project's growth-inducement must be addressed in the FEIS/R. The FEIS/R should also include a revised GHG estimate based on the more appropriate occupancy rate previously discussed.

Public safety - Emergency Evacuation (Section 4.6):**All action alternatives:**Emergency evacuation:

0144-48

The DEIS/R dismisses impacts to emergency evacuation situations by stating peak occupancy is limited by parking availability and other factors.⁴⁵ However, as the DEIS/R notes, on peak days, drivers may attempt to park only to find the parking is full. As noted elsewhere in our comments,

⁴³ Under Alternative 2, operational activities would result in emissions of ROG, NOx, and PM. Under NEPA, and considering the NEPA indicators, absent RPMs and/or mitigation, direct and indirect impacts occurring from operation would be adverse because operation would result in permanent increases in emissions of ROG, NOx, and PM. 4.10-16

⁴⁴ A) Participate in the Placer County Air Pollution Control District (PCAPCD) Offsite Mitigation Program by paying the equivalent amount of money, which is equal to the project's contribution of pollutants (ROG and NOx), which exceeds the cumulative threshold of 55 pounds per day. B-11

⁴⁵ "Emergency response and evacuation plans are designed to address peak occupancy conditions, and peak occupancy is limited by parking availability, mountain capacity, and other factors." (p. 4.6-8)

0144-46, Air Quality (AQ)

The comment states that adverse air quality impacts under NEPA have not been adequately mitigated because the RPMs identified to reduce operational air quality impacts (i.e., AQ-9 and AQ-23) would only apply to emissions that exceed PCAPCD thresholds of significance. However, the analysis for Impact 4.10-2 (Alt. 2, Alt. 3, and Alt. 4) indicates that the adverse impact would occur "absent RPMs and/or mitigation." In addition, the analysis also explains that RPM AQ-9 would only be in effect if emissions were to exceed PCAPCD thresholds. Thus, although this RPM would not provide direct emissions reductions if emissions do not exceed the thresholds, it is retained in the EIS/EIR to ensure that emissions do not exceed applicable thresholds. Further, RPM AQ-23, through the PCAPCD permitting process, would ensure that stationary sources, would not result in substantial emissions that exceed PCAPCD limits. All potential adverse air quality impacts have been identified and appropriately mitigated. No further mitigation is necessary.

0144-47, Greenhouse Gases (GHG)

The comment states that the project could result in growth-inducing impacts by encouraging approval, construction and operation of the White Wolf Subdivision by nature of the project applicant's aim to reach agreement with Liberty Utilities to provide all power to the project from renewable sources. In the commenters view, this could result in indirect greenhouse gas emissions via future approval of the White Wolf Subdivision. There is, however, no evidence demonstrating that the County would be more likely to approve the White Wolf Subdivision if the project and the project's related infrastructure is approved, and irrespective of whether or not the applicant reaches a renewable energy agreement. The reasonably foreseeable growth inducing impacts of the project are discussed in Section 5.2.3 of the Draft EIS/EIR. The White Wolf Subdivision would not benefit from infrastructure required for the proposed project, if approved. The project therefore would not be growth-inducing by "encouraging" approval of the White Wolf project. (See also response to comment 0144-49, below). See also responses to comments explaining the independent utility between the proposed project and the White Wolf Subdivision; specifically, that one project does not cause the need for the other. (See response to comment 0166-6.)

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As discussed on page 4.11-1, the GHG analysis is inherently cumulative as project-generated emissions contribute to global climate change.

The comment also asserts that the transportation assumptions and associated GHG emissions are underestimated because they use higher vehicle occupancy rates.

Regarding the traffic assumptions, as discussed in Chapter 4.7, "Transportation and Circulation," on page 4.7-18, "the analysis conservatively assumes all skiers (under both existing and cumulative conditions) would be day skiers who enter and then exit each resort in a single day." As discussed on page 4.11-11 of the GHG analysis, mobile-source emissions were quantified using traffic estimates associated with increases in skier days. In addition, it is anticipated that the project would result in a shift in users within the Lake Tahoe Area that might prefer to park at Squaw Valley or Alpine Meadows due to the presence of the gondola. However, the traffic analysis did not make adjustments for this likelihood, but rather assumed all new trips would go to and from Squaw Valley or Alpine Meadows to other surrounding regions. Thus, in reality, it is more likely that increases in visitation to Squaw Valley and Alpine Meadows as a result of the project would come from people already traveling to the Lake Tahoe Region for recreational purposes, and the project would not result in increases regional travel-related trips or emissions. Nonetheless, the traffic assumptions did assume new trips would occur and, therefore, the assumptions used to estimate GHG emissions were conservative. Also see response to Comment 0144-35 regarding vehicle occupancy rates used in the EIS/EIR traffic analysis. The GHG analysis adequately evaluates the potential increases in traffic and associated GHG emissions.

0144-48, Public Safety (PS)

The comment states that the Draft EIS/EIR has not provided evidence of whether proposed mitigation measures/RPMs actually reduce additional vehicular traffic associated with vehicles turning around due to parking being full. The comment then cites concerns that this additional traffic may contribute to worsened congestion during an emergency event.

As described in Draft EIS/EIR Chapter 2, "Description of Alternatives," under all action alternatives the gondola would only operate during the winter ski season. Therefore, any

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increase in visitation attributable to the Gondola would not occur during the summer months, and project operation would not interfere with potential summertime emergency events such as wildfire. The types of rapid mass evacuations referenced by the commenter are typically limited to responses to wildfires. Avalanche would be the most likely emergency event during the winter months. Although avalanches may require a rapid emergency response in the area directly affected by the avalanche, rapid mass evacuations that would result in traffic congestion are not needed.

The analysis included in Sections 4.6, "Public Safety," and 4.7, "Transportation and Circulation," does take into consideration the estimated visitation increase of 1.4% that could result from the project (please refer to Appendix C, "Squaw Valley | Alpine Meadows Base-to-Base Gondola Final Visitation and Use Assessment"). In summary, the estimated visitation increase of 1.4% would not be substantial enough to considerably increase congestion during an emergency event; therefore, this scenario would not adversely impact emergency evacuation operations. For this reason, Section 4.6 concludes that impacts related to emergency response or evacuation would be less than significant, and Section 4.7 concludes that the project would not alter emergency vehicle access provisions.

Mitigation Measure 4.7-15 addresses the potential for vehicles to turn-around due to the Squaw Valley Ski Area being parked out. A number of potential strategies are suggested to reduce the number of vehicles performing U-turns along Squaw Valley Road during parked out conditions. While the effectiveness of eliminating every potential U-turn cannot be assured, there is ample evidence from arenas, entertainment centers, and other large gathering places that changeable message signs, mobile message apps, and parking/traffic attendants can be effective at deterring undesired travel behavior. Just as these measures would minimize vehicles entering Squaw Valley and Alpine Meadows when parking lots are full on a peak day, they would also minimize vehicles entering the resort areas during an emergency event. In fact, during an emergency event, it is likely that first responders would coordinate with Squaw/Alpine to use message signs, mobile message apps, and parking/traffic attendants to direct traffic in a way to minimize adverse effects on the emergency response.

The issue of vehicle occupancy assumptions raised in the comment is addressed in the response to comment 0144-35.

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the DEIS/R has not provided evidence of whether the proposed mitigation measures/RPMs actually reduce this additional traffic. Thus, these additional trips may contribute to further congestion during an emergency event. Further, use of a higher vehicle occupancy rate to evaluate new vehicle trips is likely to have underestimated traffic impacts, affecting the consideration of this impact as well.

The FEIS/R must include an analysis of the impacts of the increased visitors on peak days, including impacts related to visitors that still drive on roads⁴⁶ even when parking is full, to emergency evacuation (both evacuation and emergency access).

Wildfire risk:

0144-49

According to the DEIS/R, impacts associated with wildfire risk are not analyzed further because the project would not result in placing additional housing or structures in a wildland area (p. 4.6-9). However, as our comments note, this project may induce growth by adding infrastructure that would make the White Wolf Subdivision development more likely in the future, which will place housing and structures in a Calfire Very High Fire Hazard Severity Zone.⁴⁷

The FEIS/R must disclose this impact.

Alternatives 3 and 4:

0144-50

The cumulative impacts discussion related to public health and safety erroneously states the proposed White Wolf Subdivision on Caldwell's property is "not connected to actions" in Alternatives 3 or 4,⁴⁸ however as noted in our comments, Alternatives 3 and 4 will require a new permanent access road on the Caldwell property that may encourage more growth by adding infrastructure to an area where it does not currently exist.

The FEIS/R must be corrected to address the cumulative impact of the gondola and White Wolf Subdivision, as well as the Alpine Sierra Subdivision, on public health and safety (including the evacuation and wildfire-related impacts mentioned above).

Wildlife (Section 4.14):

All action alternatives:

Sierra Nevada Yellow-Legged Frog (SNYLF) and "no summer operation of the gondola"

0144-51

The DEIS/R claims that the gondola will not be operated during the summer and that this reduces impacts to SNYLF. The frog is not active during the winter freeze up, and the gondola would not be running when it emerges from its winter torpor as the snow and ice melts off. But as noted previously, the DEIS/R also indicates that the gondola may be used up to ten times during the summer for maintenance and that a limited number of cabins will be on the line for 3-5 days at a

⁴⁶ Including Squaw Valley Road, Alpine Meadows Road, and SR 89.

⁴⁷ http://frap.fire.ca.gov/webdata/maps/placer/fhszs_map.31.jpg

⁴⁸ "For the same reasons described under Alternative 2, the Caldwell property development and General Development in Olympic Valley are not a connected actions to Alternative 3 or 4." (p. 4.6-21 -22)

0144-48 cont'd, Public Safety (PS)

0144-49, Public Safety (PS)

As the comment notes, the project would not result in the placement of housing and other structures that would contain substantial numbers of people in a wildland area.

The possibility that the project may induce growth by adding infrastructure that would make the White Wolf Development more likely in the future is speculative and beyond the scope of this analysis. The White Wolf subdivision, if approved, would be located on the Alpine Meadows side of the mountain (not Squaw Valley) and would therefore need to be served by infrastructure (water, sewer etc.) that is independent from the infrastructure needed to implement any of the action alternatives, such as towers, mid-stations, terminals, etc. CEQA requires "[no] more than a general analysis of projected growth." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* [2001] 91 Cal. App. 4th 342, 369; see also CEQA Guidelines, §§ 15126[d]). The factors to be considered include "the nature of the project, the directness or indirectness of the contemplated impact and the ability to forecast the actual effects the project will have on the physical environment." (*Ibid.*) Here, the projects are unrelated (a gondola project to transport skiers v. a residential subdivision project) and therefore require different and largely unrelated infrastructure. The proposed project, for example, does not include a sewer or water line extension for which the White Wolf project could also use in the future. Alternative 2 is therefore not growth-inducing as that term is understood under CEQA/NEPA.

The White Wolf Development is considered, however, in Section 4.6.4: Cumulative Effects of the EIS/EIR for the public safety resource. Cumulative effects are defined in Section 3.5.1 of the EIS/EIR. Any public safety impacts directly resulting from the placement of housing and structures in a Calfire Very High Fire Hazard Severity Zone would be analyzed in subsequent CEQA documentation focused primarily on the White Wolf Development.

0144-50, Public Safety (PS)

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The segment of new permanent road on the Caldwell property identified by the commenter would only be constructed under Alternative 4. The possibility that the presence of this road could encourage new growth on the Caldwell property does not signify that the White Wolf Development and Base-to-Base Gondola Project are connected actions. As stated in the Draft EIS/EIR, this is because the implementation of the White Wolf Development does not depend on approval of the Base-to-Base Gondola Project, and vice versa. Each of these projects could be implemented individually (i.e., without implementation of the other one) and still serve its purpose. The road proposed under Alternative 4, moreover, if approved, would be used for limited access to the proposed mid-station. If the White Wolf Development is approved, Placer County may allow the road to be used by residents (and guests) of the White Wolf Development, as explained in the Draft EIS/EIR at page 2-27.

As is required for the cumulative effects analysis under NEPA and CEQA, the Draft EIS/EIR does analyze the potential cumulative impacts of the Base-to-Base Gondola Project and White Wolf Development on public safety (please refer to page 4.6-22). In this analysis, the two projects are considered as additive actions, not connected actions.

0144-51, Wildlife and Aquatics (W&A)

Summer maintenance for the proposed Gondola is described on page 2.13-14 of the Draft EIS/EIR. As proposed, the Gondola would not transport guests during the summer months. Some of the cabins would need to be put on the line for limited periods during the summer (fewer than 10 times during the summer for running all cars on the line, and 3-5 days per month for limited numbers of cars moved across the line). As a distinction between "operations" and "maintenance", during summer maintenance the Gondola would not be moving cabins all day, but only during short periods of activity during the day.

The comment provides no evidence that SNYLF would be affected at all by Gondola cars travelling overhead for short periods during the summer. The Sierra Nevada yellow-legged frog is highly aquatic, and is rarely found more than a few feet from water. The only known occupied aquatic habitat is Barstool Lake, more than 100 feet from nearest piece of Gondola infrastructure. During summer months, when no snow is present, Gondola cabins would be travelling at least 25-feet

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above the ground surface, and typically higher. As noted in the discussion of operational noise impacts on page 4.9-22 of the Draft EIS/EIR "When the gondola is moving between towers, there are no moving parts and thus no noise sources. Noise levels between towers would be minimal and would not increase ambient noise levels over existing conditions." Therefore, it is highly unlikely that a SNYLF, at ground level, would even perceive a gondola car travelling between towers nearby. Noise would be generated when the gondola cabin passes over the horizontal arm on the top of a tower. However, from those with direct experience riding ski lifts and gondolas, passing over the "wheels" at a tower does not generate excessive noise. The primary noise-generating element of a ski lift or gondola is at the base terminals where the motors that power the facility are located. The base terminals are far from any locations where SNYLF would be expected to be found. The further consideration of summertime gondola maintenance activities does not alter the analysis or conclusions in the EIS/EIR related to potential impacts to SNYLF.

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time. Ten times a season per cabin plus additional cabins on the line for 3-5 days at a time is not the same thing as no summer operation, and the obvious concern is that this level of usage could have detrimental impacts on the behavior of the SNYLF. It could be argued that infrequent use might cause more impact than consistent use.

It is not clear to us if an amphibian like the SNYLF would be more affected by a consistent sound and movement disturbance like a gondola running all the time than it would by an infrequent one. Many animals appear to acclimate to constant road noise, but an occasional car on an otherwise empty roadway seems assured to create a change in behavior.

The FEIS/R must analyze the impact of any summer operation of the gondola, including usage for maintenance, on the SNYLF.

Eagles and gondola wires

0144-52

The DEIS/R and the BA claim that eagles are not generally known to strike ski lift lines. We are concerned about the veracity of such a claim based on recent research about bird strikes and power lines. Though power lines and ski lift cables are not the same thing, they are very similar and would seem to create an equivalent hazard for flying birds. The most significant difference for them would be where they are placed on the landscape. It is common for transmission lines to be placed along roadways or other existing rights of way. Ski lifts do not as a rule run along roadways.

Potential eagle strikes on ski lift lines would be most likely in the summer when eagles have returned from lower elevations and when the cabins have been removed resulting in the lines being less visible. But, a lift line that has no cars on it and is not operational in the summer time means that the likelihood of eagles or other birds that hit a lift line being detected would be remote at best because there would be no one around to detect such a strike.

Looking to transmission lines to get an understanding of the problems of detection of bird strikes with another avian species, Sandhill Cranes, recent work by Murphy et al. (2016a⁴⁹), which combined searches for carcasses along lines with the use of electronic detectors of collisions and monitoring with night-vision spotting scopes, showed that historical studies of crane collisions with transmission lines have likely underestimated crane collision by at least a factor of 3 to 4 (2.8-3.7). Prior studies of collision risk relied mainly on searching for carcasses under transmission lines. Murphy et al. (2016a), by combining carcass searches with remote sensing of collisions and observing at night with night-vision optics, showed that these studies greatly underestimated collisions. These authors found that many cranes injured in collisions were able to get beyond the area under the lines which are normally searched, and thus, these mortalities were missed.

The comparison of the natural history and flight habits of cranes versus eagles is not relevant to the point that we are trying to make. But rather, the likelihood of an eagle that hit a ski lift line being discovered seems extremely unlikely, much more so than a crane hitting a transmission line since transmission lines have so much more traffic. Eagles that hit ski lift lines that are not operational in the summer, and don't have cabins on them, and don't have regular foot or other traffic below

⁴⁹ Murphy, R. K., E. K. Mojica, J. F. Dwyer, M. M. McPherron, G. D. Wright, R. E. Harness, A. K. Pandey, and K. L. Serbousek. 2016a. Crippling and nocturnal biases in a study of Sandhill Crane (*Grus canadensis*) collisions with a transmission line. *Waterbirds* 39(3):312-317.

0144-51 cont'd, Wildlife and Aquatics (W&A)

0144-52, Wildlife and Aquatics (W&A)

The potential impact to golden and bald eagles from striking the gondola cable was analyzed in the Draft EIR/EIS on pages 4.14-63 and 4.14-64 respectively, which in summary states, [t]here are no known records of collisions between golden or bald eagles and the Squaw Valley tram or cables that sit higher in elevation, within potential raptor flight paths, than the proposed gondola. Collisions between the cables, gondola, and golden or bald eagles are not expected." The comment asserts that if bird strikes occur on lift lines that do not run in the summer, these strikes may not be detected, and therefore, the lack of recorded eagle/lift line collisions at Squaw Valley may not be indicative of an absence of collisions. To address this comment, an additional literature search was conducted by the preparers of this EIR/EIR to look for documentation of raptor collisions with ski lifts or gondolas at other locations. This search found a single paper discussing mortality of the bearded vulture (*Gypaetus barbatus*) in Europe. In this paper, the authors grouped ski-lifts and powerlines together into a single category of human related mortality (Margalida et al. 2008). With ski lifts and powerlines grouped together it is not possible to determine the number of ski lift related mortalities in the study as opposed to powerlines. Powerlines are electrified, cable lines are not. In addition, the behavior and flight patterns of eagles found in the Sierra Nevada/Lake Tahoe area versus bearded vultures in Europe are different, such that the mortality of a bearded vulture as discussed in the Margalida paper is not evidence that similar mortality would occur in bald and golden eagles.

Therefore, this study alone is not a suitable source to direct conclusions on the frequency of raptor/ski lift collisions. However, the lack of scientific literature on the topic is indicative of such collisions being rare, because if raptor/ski lift collisions were frequently observed, it would be assumed that studies would be undertaken to document the issue and determine mechanisms to minimize collisions, similar to the high volume of studies on raptor/electrical utility line collisions and raptor mortalities from wind energy infrastructure. Therefore, although the lack of recorded raptor/ski lift infrastructure collisions at Squaw Valley cannot be interpreted as proof that no collisions occur, it appears to be the best data

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available to help assess this issue for the project. This potential impact is therefore considered less than significant.

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them, are possibly never identified or so infrequently identified that they generally do not appear to hit ski lift lines.

We feel a reasonable argument can be made that eagles hitting the ski lift lines is a potential impact. Mitigating for this potential impact would be tricky given that minimizing visual impacts of the gondola is also a goal.

The FEIS/R must analyze impacts to Golden and Bald Eagles of strikes to lift wires of the gondola or provide conclusive evidence that these species are not impacted.

Cumulative impacts of growth-inducement on SNYLF:

0144-53

As discussed previously, the growth inducement potential for the White Wolf development was not adequately analyzed. The fact that future residents of a potential White Wolf development would have gondola access at a nearby transfer station has the potential to make that development more likely because of that amenity. Monetary arrangements that would allow the gondola to pass over that private land could also be seen as making that development more likely.

The cumulative impact of the White Wolf development on SNYLF could be quite significant. This must be adequately evaluated and disclosed in the FEIS/R.

Other comments:

0144-54

In Exhibit 3-1 Cumulative Projects, the location of Homewood Mountain Resort "dot" is too far south.

The location must be corrected in the FEIS/R.

0144-52 cont'd, Wildlife and Aquatics (W&A)

0144-53, Wildlife and Aquatics (W&A)

See Section 5.2.3, "Growth-Inducing Impacts," in the Draft EIS/EIR regarding the potential for the proposed Gondola to influence further development. Cumulative effects of the project in connection with other probable future projects (including the proposed White Wolf Development) are evaluated in Sections 4.1 through 4.17. Also see responses to comments 0144-28, -47, and -49, above, which address this topic.

0144-54, Cumulative Effects (CE)

The location of Homewood Mountain Resort on Exhibit 3-1 has been corrected in the Final EIS/EIR.

SHUTE MIHALY
WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

June 8, 2018

Ms. Shirlee I. Herrington
Environmental Coordination Services
Placer County Community Development
Resource Agency
3091 County Center Drive, Suite #190
Auburn, California 95603
sherring@placer.ca.gov

Re: Squaw Valley-Alpine Meadows Base-to-Base Gondola Draft Environmental Impact Report/Environmental Impact Statement and Section 4(F) Evaluation

Dear Ms. Herrington:

This firm represents Sierra Watch in connection with the Squaw Valley-Alpine Meadows Base-to-Base Gondola Project (“Project”). On behalf of Sierra Watch, we respectfully submit these comments to help ensure that agency decisionmakers fully comply with the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.*, and the National Environmental Policy Act (“NEPA”), 42 U.S.C. section 4321 *et seq.* Our client is deeply concerned about the far-ranging environmental impacts the Project may have on an iconic region of the Tahoe Sierra, in particular on the Granite Chief Wilderness Area and the sensitive resources in the Wilderness Area. These impacts could be even more damaging due to the Project’s connection to and relationship with development in Squaw Valley and on Troy Caldwell’s property (“White Wolf”).

After carefully reviewing the Draft Environmental Impact Report/Statement (“DEIR/S”) for the Project, we have concluded that it fundamentally fails to comply with the requirements of CEQA and NEPA in numerous respects. As described below, the DEIR/S violates these laws because it: (1) fails to provide an adequate description of the Project; (2) defers analysis of critical environmental impacts and fails to adequately analyze those impacts it does address; (3) fails to support its conclusions with substantial evidence; (4) fails to propose adequate mitigation measures for the Project’s numerous significant environmental impacts; and (5) fails to undertake a sufficient study of alternatives to the Project. The Project, as described in the DEIR/S, also violates section 4(f) of the Department of Transportation Act.

0166-1, Summary (S2)

The comment provides a summary of detailed comments provided below. See responses to the detailed comments below.

The comment quotes and cites statutes and regulations governing environmental review under CEQA and NEPA, and cites and quotes cases involving those statutes. The statutes, regulations and cases cited by the comment are noted. The comment does not identify the specific ways in which, according to the comment, the Draft EIS/EIR does not comply with these requirements. For this reason, a further response cannot be provided.

The comment states that the project is not consistent with section 4(f) of the Department of Transportation Act. For a discussion of this statute, and its applicability to the project, please see response to comment 0166-48, below.

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cont'd

The EIR is “the heart of CEQA.” *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (“*Laurel Heights I*”) (citations omitted). It is “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended ‘to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.’ Because the EIR must be certified or rejected by public officials, it is a document of accountability.” *Id.* (citations omitted). Likewise, NEPA requires that federal agencies “consider every significant aspect of the environmental impact of a proposed action . . . [and] inform the public that [they have] indeed considered environmental concerns in [their] decision-making process[es].” *Earth Island Institute v. U.S. Forest Service* (9th Cir. 2003) 351 F.3d 1291, 1300 (citations omitted).

CEQA also requires the lead agency to analyze a Project’s potentially significant cumulative impacts. CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” CEQA Guidelines § 15355¹; *see also* *Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 120. An effect is “cumulatively considerable” when the “incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” CEQA Guidelines § 15065(a)(3). A proper cumulative impact analysis is “absolutely critical,” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217), as it is a mechanism for controlling “the piecemeal approval of several projects that, taken together, could overwhelm the natural environment,” (*Las Virgenes Homeowners Fed'n, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306).

Likewise, NEPA requires that an EIS fully discuss the foreseeable cumulative impacts of the action on surrounding areas. *Earth Island Inst. v. United States Forest Serv.* (9th Cir. 2003) 351 F.3d 1291, 1306–1307 (EIS for timber sale was inadequate where it failed to consider impacts on owl species in neighboring national forest); *see also* 40 CFR § 1508.25(c) (requiring agencies to consider direct, indirect, and cumulative impacts). A meaningful cumulative impact analysis must identify and discuss the following: “(1) the area in which the effects of the proposed project will be felt; (2) the impacts that are expected in that area from the proposed project; (3) other actions – past, present, and proposed, and reasonably foreseeable – that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate.” *Grand Canyon Trust v. F.A.A.* (D.C. Cir. 2002) 290 F.3d 339, 345; *see also* *Idaho Sporting Cong. v. Rittenhouse* (9th Cir. 2002) 305 F.3d 957, 973; 40 CFR §§ 1508.7, 1508.27(b)(7).

¹ 14 California Code of Regulations § 15000 *et seq.*

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cont'd

Finally, CEQA requires that the EIR not only disclose a project's significant effects, but also identify ways to avoid or minimize them. Pub. Res. Code § 21002.1. An EIR generally may not defer evaluation of mitigation to a later date. CEQA Guidelines § 15126.4(a)(1)(B). Rather, an EIR must assess each mitigation proposal that is not "facially infeasible," even if such measures would not completely eliminate an impact or render it less than significant. *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029-31. Furthermore, for every mitigation measure evaluated, the agency must demonstrate that the mitigation measure either: (1) will be effective in reducing a significant environmental impact; or (2) is ineffective or infeasible due to specific legal or "economic, environmental, social and technological factors." *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 1352, 1359-61; Pub. Res. Code §§ 21002, 21061.1; CEQA Guidelines §§ 15021(b), 15364.

NEPA's mitigation requirements are similar. NEPA requires an EIS to contain a detailed discussion of all "adverse environmental effects which cannot be avoided should the proposal be implemented." 42 U.S.C. § 4332(C)(ii). In its discussion of the proposed actions and alternatives, the EIS must "[i]nclude appropriate mitigation measures" and discuss the "[m]eans to mitigate adverse environmental impacts." 40 CFR §§ 1502.14(f), 1502.16(h). The statute "require[s] that an EIS discuss mitigation measures, with 'sufficient detail to ensure that environmental consequences have been fairly evaluated.' An essential component of a reasonably complete mitigation discussion is an assessment of whether the proposed mitigation measures can be effective." *South Fork Band Council of W. Shoshone of Nevada v. U.S. Dep't of Interior* (9th Cir. 2009) 588 F.3d 718, 727 (quoting *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332, 352).

Where, as here, the environmental review document fails to fully and accurately inform decisionmakers and the public of the environmental consequences of the proposed action, or identify ways to mitigate or avoid those impacts, it does not satisfy the basic goals of either CEQA or NEPA. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."); 40 CFR § 1500.1(b) ("NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken."). As a result of the DEIR/S's numerous and serious inadequacies, there can be no meaningful public review of the Project. Placer County and the Forest Service must revise and recirculate the DEIR/S in order to permit an adequate understanding of the environmental issues at stake. Further, the Forest Service must develop feasible and prudent alternatives to using parklands that are protected under section 4(f) of the Department of Transportation Act and must undertake further planning to minimize harm to any parkland that would be impacted.

This letter, along with the biological resources report by Michael White, Ph.D., (Exhibit A, henceforth "White Letter Report") constitutes Sierra Watch's comments on the DEIR/S. We

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0166-1 cont'd, Summary (S2)

0166-2, Summary (S2)

The Michael White letter is included as comment letter 0167, and detailed responses to that letter are provided.

The comment references the NOP comment letter submitted by the commenter. Placer County and the Forest Service reviewed and considered all scoping comments provided in connection with the project. The Draft EIS/EIR includes copies of the scoping comments in Appendix A and environmental topics raised therein are addressed throughout the Draft EIS/EIR. For example, the NOP comment letter requests detailed visual simulations, which are provided in Appendix D of the EIS/EIR, and requests evaluation of an alternative that moves the gondola away from the Granite Chief Wilderness, which is provided by Alternatives 3 and 4.

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cont'd

respectfully request that the Final EIR/S respond separately to each of the points raised in the technical consultant's reports as well as to the points raised in this letter.

In addition, this firm submitted comments during the scoping process for the Project. See SMW letter to Shirlee Herrington, dated May 23, 2016. Those comments are hereby incorporated by reference.

0166-3

I. The DEIR/S Fails to Comply with CEQA and NEPA.

A. The DEIR/S Provides an Incomplete and Unstable Description of the Project.

CEQA's most fundamental requirement is that an EIR contain an accurate and complete description of the proposed project. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; *see also* CEQA Guidelines § 15124. "[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *County of Inyo*, 71 Cal.App.3d at 193. Moreover, CEQA defines a "project" as "the whole of an action." CEQA Guidelines § 15378. As explained in *McQueen v. Board of Directors of the Midpeninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, "[p]roject' is given a broad interpretation in order to maximize protection of the environment." *Id.* at 1143. This rule ensures "that environmental considerations do not become submerged by chopping a large project into many little ones—each with a potential impact on the environment—which cumulatively may have disastrous consequences." *Bozung v. Local Agency Formation Comm.* (1975) 13 Cal.3d 263, 283-84. Without a complete project description, an agency and the public cannot be assured that all of a project's environmental impacts have been revealed and mitigated.

Further, CEQA and the CEQA Guidelines mandate that an EIR include a description of "the physical environmental conditions in the vicinity of the project . . . from both a local and a regional perspective . . . Knowledge of the regional setting is critical to the assessment of environmental impacts." CEQA Guidelines § 15125(a) and (c). This requirement derives from the principle that without an adequate description of the project's local and regional context, the EIR—and thus the decision-makers and the public who rely on the EIR—cannot accurately assess the potentially significant impacts of the proposed Project.

Likewise, NEPA requires an accurate and consistent project description in order to fulfill its purpose of facilitating informed decision-making. 42 U.S.C. § 4332(2)(C). Agencies may not improperly "segment" projects in order to avoid preparing an EIS; instead, they must consider related actions in a single document. *Thomas v. Peterson* (9th Cir. 1985) 753 F.2d 754, 758. "Not to require this would permit dividing a project into multiple 'actions,' each of which individually has an insignificant environmental impact, but which collectively have a substantial impact." *Id.* The Council on Environmental Quality's NEPA regulations thus require agencies to consider "connected," "cumulative," and "similar" actions within a single EA or EIS. 40 CFR § 1508.25; *Thomas*, 753 F.2d at 758-59. The use of the word "shall" in these regulations makes

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0166-2 cont'd, Summary (S2)

0166-3, Project Description (PD)

The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft EIS/EIR. The comment cites case law addressing the requirements of CEQA and NEPA as they pertain to the project description and environmental setting of an EIS/EIR. The comment also describes the requirement under CEQA and NEPA for an EIS/EIR to analyze the whole of a project, rather than truncating the analysis by analyzing less than the whole. Placer County and the Forest Service are aware of, and have prepared the EIS/EIR in compliance with, these requirements. Because the comment does not provide further specifics, a further response cannot be provided.

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consideration of these three types of actions mandatory. These implementing regulations are mandatory and binding on federal agencies. *The Steamboaters v. FERC* (9th Cir. 1985) 759 F.2d 1382, 1393 n.4.

For purposes of NEPA, actions are “connected” if they are “interdependent parts of a larger action and depend on the larger action for their justification.” 40 CFR § 1508.25(a)(1). Where it would be “irrational, or at least unwise” to undertake one action without other actions, the actions are connected. *Save the Yaak Com. v. Block* (9th Cir. 1988) 840 F.2d 714, 720 (holding that road construction and timber sales had “clear nexus” and were thus “connected actions,” requiring expanded scope of review); *Thomas*, 753 F.2d at 759 (road and timber sales were “inextricably intertwined” where “[i]t is clear that the timber sales cannot proceed without a road, and the road would not be built but for the contemplated timber sales.”). An agency should analyze the impacts from two or more similar projects together “when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.” 40 CFR § 1508.25(a)(3).

0166-4

Here, the DEIR/S fails to adequately describe the Project in three ways. First, the Project description is unstable in that it does not identify a single proposed project. Rather, the DEIR/S provides a description of four different Project alternatives and defines the Project as follows: “‘Project’ refers to the proposed Squaw Valley | Alpine Meadows Base-to-Base Gondola Project (i.e., *the basic project elements as included in all action alternatives*).” DEIR/S at 3-6 (emphasis added). The document further explains that “[b]ased on the analysis documented within this EIS/EIR, the Responsible Official, the Forest Supervisor for the TNF, will decide whether to select Alternative 2 (Proposed Action Alternative provided by the applicant), one of the other action alternatives, or the No Action Alternative.” *Id.* at 1-14. The EIR then proceeds to analyze the significant environmental effects of each of these alternatives, which vary significantly depending on the route location.

The California Court of Appeal recently rejected this approach as a violation of CEQA’s requirements for an accurate and stable project description. See *Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287-90. Similar to the present case, *Washoe* involved preparation of a Draft EIR/S that evaluated five different alternatives. Although Alternative 2, the alternative that was ultimately selected, was evaluated in detail, the court found the document inadequate, and rejected arguments that such an approach should be allowed in a joint NEPA/CEQA document. The court held:

inconsistencies in a project’s description, or (as here) the failure to identify or select any project at all, impairs the public’s right and ability to participate in the environmental review process. A description of a broad range of possible projects, rather than a preferred or actual project, presents the public with a moving target and requires a commenter to offer input on a wide range of alternatives that may not be in any way germane to the project ultimately approved.

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0166-3 cont'd, Project Description (PD)

0166-4, Project Description (PD)

Alternative 2 is the project as proposed by the applicant. As such, Alternative 2 is referred to as the Proposed Action Alternative. Alternative 2 is the proposed project within the meaning of CEQA Guidelines section 15124.

In response to issues identified internally by the Forest Service and Placer County, and externally by the public during the scoping process, a reasonable range of alternatives was developed to meet most of the base project objectives. The EIS/EIR analyzes in detail the No Action Alternative and two action alternatives to the Proposed Action Alternative, Alternatives 3 and 4.

As required by NEPA, the EIS/EIR provides a comparable level of detail in the analysis of each action alternative. The alternatives described and evaluated in detail in this document include variations on alignments to provide flexibility to the Forest Service and Placer County in considering the alternative that best meets the basic project objectives while taking into account the significant or potentially significant impacts on the human and physical environments.

Chapter 2 of the EIS/EIR discusses the alternatives development process, alternatives considered in detail, and alternatives and design components considered but not evaluated further. The environmental effects and the comparative merits of each alternative are identified in the various resource analysis sections in Chapter 4, and a summary is provided in Section 2.4 of the EIS/EIR. Key issues for the comparison of alternatives are put forth in Section 2.4.1 of the EIS/EIR.

The comment cites and quotes a recent Court of Appeal decision involving CEQA: *Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277. In that decision, the Court of Appeal held that the EIS/EIR did not comply with CEQA because the EIS/EIR analyzed five project alternatives at an equal level of detail, without identifying any one alternative as the “proposed project” for CEQA purposes.

The Draft EIS/EIR has been prepared in a manner that is consistent with the *Washoe Meadows* decision. Chapters ES (Executive Summary), 1.0 (Introduction) and 2.0 (Description

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of Alternatives) all identify Alternative 2 as the "proposed action." That is the project proposed by the applicant, and is the "proposed project" for purposes of CEQA review. Alternatives 1, 3 and 4 are all alternatives to the proposed project, and they were analyzed for purposes of determining whether the basic project objectives could be achieved in a manner that would avoid or substantially lessen the proposed project's significant environmental effects. This approach is consistent with CEQA.(CEQA Guidelines, §§ 15126.6.)

Because the Draft EIS/EIR has been prepared as a joint document that addresses both CEQA and NEPA, the Draft EIS/EIR analyzes the proposed project and each of the alternatives at an equal level of detail, as required by NEPA. The fact that alternatives have been analyzed at an equal level of detail does not mean, however, that the Draft EIS/EIR fails to identify the proposed project. If that were the case, then it would be impossible to prepare a joint CEQA/NEPA document. In fact, CEQA expressly encourages local agencies to prepare joint CEQA/NEPA documents where the circumstances warrant this approach. (See, e.g., CEQA Guidelines, §§ 15222, 15226.)

In order to eliminate any ambiguity about the identification of the proposed project, the following sentence has been inserted into Chapters ES, 1.0 and 2.0, as shown below:

Inserted at page ES-5, at the end of section ES.3.2:

"Alternative 2 is the project, as proposed by the applicant. Alternative 2 is also the proposed project, as identified in accordance with CEQA Guidelines section 15124."

Inserted at page 1-5, at the end of section 1.4.2:

"Alternative 2 is the project, as proposed by the applicant. Alternative 2 is also the proposed project, as identified in accordance with CEQA Guidelines section 15124."

Inserted at page 2-3, at the end of section 2.2.2:

"Alternative 2 is the project, as proposed by the applicant. Alternative 2 is also the proposed project, as identified in accordance with CEQA Guidelines section 15124."

As noted by the *Washoe Meadows* Court, NEPA is structured differently than CEQA with respect to the identification of the

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proposed project and alternatives. Under NEPA, the Federal lead agency is not required to identify a "preferred alternative." CEQA, by contrast, requires the identification of a single proposed project, as well as potentially feasible alternatives to that project. (17 Cal.App.5th at pp. 288-290.) In this case, the EIS/EIR has been prepared to comply with both NEPA and CEQA.

The Draft EIS/EIR often refers to Alternatives 2, 3 and 4 as the "action alternatives." This nomenclature is used in order to differentiate these alternatives from the "No Action Alternative," also referred to under CEQA as the "no project alternative" - Alternative 1. The use of this nomenclature may have been misinterpreted by the comment as signifying that there is no, single proposed project. In fact, the EIS/EIR consistently describes Alternative 2 as the "proposed project."

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cont'd

Washoe Meadows Community, 17 Cal.App.5th at 288. Similarly here, the presentation of four different alternatives with differing impacts presents a moving target and places an undue burden on the public to comment on the Project.

0166-5

Second, as set forth in further detail in Dr. White's letter, which is incorporated herein, the DEIR/S does not give sufficient information about Project alternatives' components and actions to enable an informed evaluation of the Project's environmental impacts. See Exhibit A at pp. 2-3. For example, the DEIR/S provides insufficient detail about construction of a "temporary" access road (and indeed, omits discussing of the access road entirely for two of the alternatives, although it appears necessary), tower sites, and associated infrastructure, leaving much to the reader's imagination. The document must be revised to include the requisite detail, which is critical to adequate evaluation and proper mitigation of significant impacts.

0166-6

Third, the DEIR/S improperly segments review of the gondola proposal from a proposed residential development and ski resort at White Wolf, which is within and/or abuts the area(s) of the Project alternatives. As described in detail in Sierra Watch's letter dated December 5, 2017 and the attachments thereto (attached hereto as Exhibit B, and fully incorporated herein by reference), the White Wolf development is inextricably linked with the gondola Project. As noted in the attached letter, a clear example of the linkage between the two projects is that the White Wolf project is proposed to include a lift to connect White Wolf to the proposed gondola's Alpine Meadows Station. It would make little sense to create a ski resort and development that does not connect to the surrounding land uses and amenities at Squaw and Alpine. Therefore, under both CEQA and NEPA, the gondola and the White Wolf developments should have been reviewed in a single EIR/EIS.

B. The DEIR/S's Analysis of and Mitigation for the Project's Environmental Impacts Are Inadequate.

0166-7

The evaluation of a proposed project's environmental impacts is the core purpose of an EIR. See CEQA Guidelines § 15126.2(a) ("[a]n EIR shall identify and focus on the significant environmental effects of the proposed project"). Likewise, NEPA requires that federal agencies "consider every significant aspect of the environmental impact of a proposed action . . . [and] inform the public that [they have] indeed considered environmental concerns in its decision-making process." *Earth Island Institute*, 351 F.3d at 1300 (citations omitted). Each statute also requires that the EIR/S identify measures that would effectively mitigate a proposed project's significant effects on the environment. Pub. Res. Code § 21002.1(a); *Robertson*, 490 U.S. at 352-352. As explained below, the DEIR/S fails to analyze the Project's numerous environmental impacts, including those affecting biological resources, water quality and hydrology, noise, transportation, air quality, and climate change. It also fails to identify effective mitigation measures for the Project's significant effects.

0166-4 cont'd, Project Description (PD)

0166-5, Project Description (PD)

The project description and analysis provided in the Draft EIS/EIR was conducted with equal consideration both of the proposed project (Alternative 2) and of all alternatives. In certain respects, the proposed project (Alternative 2) closely resembles Alternatives 3 and 4. In those instances, where specific detail was omitted for Alternatives 3 or 4, this detail was intentionally omitted to minimize redundancy in the Draft EIS/EIR. Much of the description of various project components or environmental analysis would not differ appreciably between the proposed project (Alternative 2) and the action alternatives (Alternatives 3 and 4) (e.g., description of the temporary construction access route).

The additional detail requested by the comment related to the temporary construction access route for Alternatives 3 and 4 was not provided in Chapter 2 of the Draft EIS/EIR because this component of the project would not differ considerably between action alternatives. The exact alignment of the temporary construction access route under Alternative 2 would differ from Alternatives 3 and 4 (please refer to Exhibits 2-2, 2-9 and 2-13 in the Draft EIS/EIR), but the narrative description of the temporary construction access route provided on page 2-11 is applicable for all action alternatives.

For example, the chapter addressing impacts to vegetation (Section 4.12) includes the following passage: "Temporary impacts would occur where natural vegetation would be removed during the construction process; however, the disturbance is temporary, and the location would be restored to pre-disturbance vegetation consistent with Resource Protection Measures (RPMs). Any vegetation that overlapped with an area of proposed construction activity was typically considered removed and included in the permanent or temporary impact category based on the construction activity identified for the site." (Draft EIS/EIR, Section 4.12.2.1, page 4.12-17).

This narrative description of impacts associated with the construction project is true for both the proposed project (Alternative 2) and the action alternatives (Alternatives 3 and 4).

The differences to the alignment of the temporary construction access route amongst the proposed project and alternatives

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were taken into account in identifying the impacts of each. In particular, the EIS/EIR identifies, in each instance, the area of disturbance associated with the construction of the temporary construction access road, and evaluates the significance of that impact. The location and area of disturbance differs in each case due to the differences in alignment of this road under the proposed project and each alternative. For example, in Section 4.12, "Vegetation", the EIS/EIR quantifies each alternative's impact on vegetation types. The EIS/EIR distinguishes between permanent impacts on vegetation, and temporary impacts associated with construction. The type and quantity of temporary vegetation impacts differs depending on the alternative being analyzed. To cite an example, the Draft EIS/EIR identifies the following temporary impacts with respect to "coniferous woodland": 0.16 acres under the proposed project (Alternative 2); 0.03 acres under Alternative 3; and 0.27 acres under Alternative 4.

For further information, please see Tables 4.12-3, 4.12-5 and 4.12-7. Note that the EIS/EIR further differentiates between impacts on private and public lands. The totals set forth above are the total, temporary impacts to coniferous woodland, regardless of whether the land is public or private.

The comment requests additional information regarding impacts associated with tower sites. The EIS/EIR provides sufficient information with respect to impacts from constructing towers. The description of the proposed project (Alternative 2) states: "A total of 35 towers would be installed along the gondola alignment under Alternative 2, with 24 on private land and 11 on NFS lands. The project applicant has provided preliminary tower locations that are used in this EIS/EIR; however, exact locations and designs for each tower have not been determined at this time. Determination of exact tower placement will be part of final project engineering and design once a single alternative has been selected (i.e., if an alternative is approved at the conclusion of the NEPA/CEQA process). On NFS lands, final engineering and design will require consultation with the Forest Service hydrologist/soil scientist and other technical specialists as appropriate. Placer County will have a similar role in final engineering and design on non-NFS lands. Four "tower zones" (Zones A, B, C, and D) have been delineated in Exhibits 2-3, 2-4, 2-5, and 2-6 to highlight areas with similar site conditions for tower placement. Details about tower construction are discussed below." (Draft EIS/EIR, page 2-12).

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As this passage indicates, the exact placement of each tower has not been determined for the proposed project. The same is true with respect to Alternatives 3 and 4. Table 2-1 provides a summary of the design characteristics of each alternative, including the number of towers. (See Draft EIS/EIR, pp. 2-27-2.28.)

Exact placement of towers requires engineering the alignment approved by the County and Forest Service. At this time, it is not known whether the County and Forest Service will approve the proposed project, approve an alternative alignment, or disapprove the project (in effect, approving "no project"). Preparing project plans at an engineering level of detail is both costly and time consuming. Such expense would be wasted in the event the County and Forest Service do not approve the project as proposed. Moreover, final engineered plans are not needed in order to identify the impacts associated with the project. Rather, sufficient information must be provided to assess the project's impacts. Such information typically consists of conceptual or preliminary plans, with engineering details to follow if and when the agency approves the project. In this case, the applicant has provided sufficient information to enable the County and Forest Service to quantify the impacts of constructing towers. In particular, the EIS/EIR discloses the number and general location of towers under each alternative, while acknowledging that during project design the locations may be adjusted either to meet engineering specifications, or to avoid sensitive resources if it is feasible to do so.

0166-6, Project Description (PD)

40 CFR 1508.25(a)(1) states that, for NEPA purposes, actions are connected if: (i) they automatically trigger other actions which may require environmental impact statements; (ii), cannot or will not proceed unless other actions are taken previously or simultaneously; or (iii), are interdependent parts of a larger action and depend on the larger action for their justification.

With respect to CEQA, the Guidelines define "project" to mean "the whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. (Guidelines, §§ 15378, subd. (a).) The following test is used to determine whether the "whole of an

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action" analyzed in an EIR must include a future phase or other action connected to the proposed project: "[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 396 ("Laurel Heights I").) The "key" element of this test is causation; the issue is whether the other, related action will foreseeably proceed as a consequence of the project under review. (See *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1225; *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.4th 266, 282.)

The White Wolf Project would be located on the privately owned land located between Squaw Valley and Alpine Meadows. The White Wolf Project, as proposed, consists of a 38-lot subdivision, a clubhouse/lodge, a chairlift, and seasonal recreational facilities.

The White Wolf Project and the gondola temporally overlap. Both projects are currently proposed. Because the White Wolf Project is located on private land, the project does not require approval from the Forest Service. The project does, however, require approval by Placer County. The environmental review process for White Wolf is in the early stages of review as compared to the gondola. Although an application has been submitted, the County has not yet prepared a Draft EIR for the project. The Draft EIS/EIR for the gondola acknowledges the status of the White Wolf Project. In particular, the White Wolf Project is noted in the "cumulative project" list. (See Draft EIS/EIR, Table 3-3, project #9.)

The White Wolf and gondola project also geographically overlap. All three gondola alignments traverse the Caldwell property. Crossing over the Caldwell property must occur if the route of the gondola is to avoid publicly owned lands in the Granite Chief Wilderness area. (See Draft EIS/EIR, Exhibit 2-1.) In addition, under Alternatives 3 and 4, the gondola will include an "Alpine Meadows" mid-station located on the Caldwell property. If Alternatives 3 or 4 are approved, and if the White Wolf Project is also approved, only residents and guests of the White Wolf Project will be able to board or exit the gondola at this mid-station.

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Although the gondola and White Wolf projects are related to one another in this manner, they are not considered part of the same project under either NEPA or CEQA. The gondola project does not depend on approval of the White Wolf project in order to proceed. Rather, the fundamental purpose or objective of the gondola project is to provide a connection between Alpine Meadows and Squaw Valley. The existence of a mid-station on the Caldwell property is in service of that purpose or objective; it is not an end in itself.

Similarly, the approval of the gondola does not mean that the White Wolf Project will necessarily follow. The White Wolf Project is undergoing separate environmental review. Whether, and on what terms, the White Wolf Project goes forward is unknown at this time. The approval of the gondola makes that eventuality neither more nor less probable. Neither can plausibly be characterized as a future phase of the other. Each may proceed independently of the other. These factors indicate that the gondola and the White Wolf Project are not part of the same development scheme.

The Draft EIS/EIR acknowledges that the White Wolf Project has been proposed, and the impacts of that project are considered in the context of the analysis of the gondola project's cumulative impacts. In this fashion, the EIS/EIR ensures that the impacts of the gondola project are understood in the context of other potential development that is not functionally or causally tied to the gondola, but that is nevertheless reasonably foreseeable.

0166-7, Summary (S2)

The comment states that the Draft EIS/EIR fails to analyze impacts to biological resources, water quality and hydrology, noise, transportation, air quality, and climate change, as explained in detailed comments below. See responses to these detailed comments below that address these resources.

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0166-8, Wildlife and Aquatics (W&A)

The comment summarizes more detailed comments provided in letter 0167. See detailed responses to biological comments therein.

0166-8

1. The DEIR/S Fails to Adequately Analyze or Mitigate the Project's Impacts on Biological Resources.

The DEIR/S's analysis of Project-related impacts to biological resources contains numerous deficiencies that must be remedied in order for the public and decision-makers to fully understand the Project's impacts. The report prepared by Dr. Michael White provides detailed comments on the shortcomings in the DEIR/S impacts analyses for vegetation, botany, wildlife and aquatic species and wetlands. See White Letter Report, attached as Exhibit A. We incorporate the White Letter Report into these comments. Some of the DEIR's most troubling errors include: (1) an inadequate description of the existing setting; (2) an inadequate description of the Project; (3) an incomplete analysis of impacts; and (4) deficient mitigation measures. These issues, and other deficiencies, are discussed in greater detail in the White Letter Report.

In summary, as described in Dr. Michael White's Letter Report, the DEIR/S's failure to accurately describe the proposed Project contributes to the document's deficient analysis of environmental impacts. See White Letter Report at ___. Because the concrete details of the construction and operation of the resort are unknown, its environmental impacts cannot be accurately analyzed, nor can effective mitigation be identified. The uncertainty surrounding the Project leads inevitably to deferred analysis and mitigation. Time and again, the DEIR/S states that impacts will be avoided through Resource Protection Measures ("RPM") that call for additional review and analysis down the road.

For example, the DEIR/S acknowledges that the Project would result in direct and indirect effects to the federally endangered Sierra Nevada Yellow-legged Frog, such as loss of individuals of the species or of occupied habitat. DEIR/S 4.14-52, 4.14-70, and 4.14-86. The DEIR/S vaguely refers to potential impacts to the species that could occur through the release of chemicals, elevated construction noise, and increased human activity. White Letter Report at ___. However, the DEIR/S fails to determine the extent and severity of those impacts. White Letter Report at ___. Merely stating that an impact will occur is insufficient; an EIR must also provide "information about how adverse the adverse impact will be." *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 831. This information, of course, must be accurate and consist of more than mere conclusions or speculation. *Id.* The DEIR/S's analysis of impacts to the Sierra Nevada Yellow-legged Frog and other biological resources fails to fulfill this mandate in several instances.

0166-9

2. The DEIR/S Fails to Adequately Analyze or Mitigate the Project's Significant Visual Impacts.

Under CEQA, it is the state's policy to "[t]ake all action necessary to provide the people of this state with ... enjoyment of aesthetic, natural, scenic, and historic environmental qualities." Pub. Res. Code § 21001(b). Thus, state courts have recognized that aesthetic issues "are properly studied in an EIR to assess the impacts of a project." *The Pocket Protectors v. City of*

0166-9, Visual Resources (VR)

The comment is an introductory statement for more specific points related to visual impacts that follow and does not address the content, analysis, or conclusions in the Draft EIS/EIR. Therefore, a response is not warranted.

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cont'd

Sacramento (2004) 124 Cal.App.4th 903, 937 (overturning a mitigated negative declaration and requiring an EIR where proposed project potentially affected street-level aesthetics). NEPA is similarly unequivocal that an EIS must provide decisionmakers and the public with "a full and fair discussion of significant environmental impacts," including impacts to "aesthetics." CFR §§ 1502.1, 1508.8.

The Project would construct an aerial gondola more than two miles long consisting of 35 towers, some exceeding 50 feet in height, two base terminals, and two 24-foot by 84-foot mid-stations—traversing a pristine granite ridgeline at the crest of the Sierra Nevada. The Project would also install eight Gazex exploders at Alpine Meadows ski resort. DEIR/S at 2-10 to 16. The scenic value of this ridgeline is obvious to anybody who has hiked the popular Five Lakes Trail and is almost certainly among the reasons for its inclusion in the 1984 Granite Chief Wilderness designation.

Unfortunately, the DEIR/S employs a viewshed analysis that largely ignores the largest components of the Project and fails to adequately analyze or disclose the harm this infrastructure would inflict on this treasured landscape.

(a) The DEIR/S's Viewshed Analysis Fails to Analyze the Visual Impacts of the Gondola Mid-Stations.

0166-10

As a preliminary matter, the DEIR/S employs an inappropriate method to analyze the Project's impacts on viewsheds. The DEIR/S utilizes high-resolution topographical mapping data and geographical information system technology to define the Project viewshed—the "zone of potential visibility" where project components would be within line of sight of potential users. DEIR/S at 4.2-14. Although a properly conducted viewshed analysis can be a powerful tool for analysis, the DEIR/S applies the technique in a manner that serves to obscure and minimize rather than disclose and highlight the Project's visual impact.

The viewshed analysis is misleading because it focuses entirely on the visibility of gondola towers within the viewshed, while failing to account for the proposed gondola mid-stations in determining the "zone of potential visibility." DEIR/S at 4.2-14. Specifically, the DEIR/S defines the "zone of potential visibility" by extrapolating the relative size of the characters and viewing distance on the Snellen eye chart, the standard vision test used by ophthalmologists and the DMV, to a gondola tower. Id.

This methodology is misleading for several reasons. First, it falsely equates the ability to tell the difference between an O and P on an eye chart at 20 feet to the ability to tell the difference between a tree and a lift tower at several miles. The DEIR/S presents no evidence that these are equivalent visual tasks. Each of the "letters" on a Snellen eye chart is actually a carefully designed optotype drawn in a style and chosen for its equivalent readability to the other optotypes on the line and chart. See, Exhibit C, "Visual Acuity Testing: from the Laboratory to

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0166-9 cont'd, Visual Resources (VR)

0166-10, Visual Resources (VR)

The viewshed analysis conducted in Section 4.2, "Visual Resources" utilizes point data for gondola towers instead of mid-stations or terminals because the gondola towers would be the tallest pieces of infrastructure installed along the gondola line. As such, the gondola towers represent the most conservative estimation of the highest level of potential visibility for gondola infrastructure. Had the Zone of Potential Visibility been calculated using the point data of the gondola's mid-stations or terminals, the Zone of Potential Visibility would be dramatically smaller because the height of the mid-stations and terminals is much less than that of towers. Specifically, the mid-stations and terminals are approximately 30 feet tall, whereas the towers are approximately 53.5 feet tall as noted by the comment. Please refer to page 4.2-14 of the Draft EIS/EIR, which states: "While the definition provided above for the background distance zone states that line, form, and texture of landscapes are generally not discernable or recognizable beyond 4.3 miles, the upper range for potential visibility was increased due to the large mean height and mass of the proposed gondola towers, their cross-arms and sheave assemblies."

The comment states: "... the viewshed analysis focuses on the visibility and legibility of structures that are, conservatively, 1/100th the volume of the mid-stations." If the Zone of Potential Visibility was calculated using the point data of the structures along the gondola line with the greatest volume, rather than the structures with the greatest height, the Zone of Potential Visibility would be much smaller than it is estimated to be in the Draft EIS/EIR. The analytic approach set forth in the Draft EIS/EIR is conservative because it focuses on the structures with the highest Zone of Potential Visibility.

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the Clinic.” The DEIR/S presents no evidence that a gondola tower, with a distinct inorganic form, bears the same relationship to a tree as the optotypes on a Snellen chart do to each other. This is particularly important when, as with Alternatives 2, 3 & 4, many of those towers would be silhouetted against the sky in remote areas with high visual sensitivity levels. DEIR/S at Appendix D.

Second, the viewshed analysis entirely fails to consider the visibility of the single largest components of the proposed gondola system—the mid-stations. DEIR/S at 4.2-14. Each mid-station, which would be 24-feet wide, 84-feet long, and 30-feet tall, would be much larger than a simple fixed-grip lift terminal. DEIR/S at 2-11. By contrast, the lift towers that are the focus of the viewshed analysis would measure approximately 3.3-feet in diameter by 53.5-feet tall. DEIR/S at 4.2-14 & 4.2-14 fn. 3. Thus, by focusing on the lift terminals, the viewshed analysis focuses on the visibility and legibility of structures that are, conservatively, 1/100th the volume of the mid-stations.² The viewshed analysis cannot reasonably ignore the large mid-stations because both of these structures would be perched in highly visible locations atop ridgelines. DEIR/S at Exhibit 2-2. Analyzing the mid-stations in the viewshed analysis is also essential to a true understanding of the visual impacts of Project Alternatives 3 and 4, as both would locate at least one mid-station in a highly visible location. DEIR/S at Exhibits 2-9 & 2-13. Because the viewshed analysis focuses on the visibility of lift towers while ignoring the visibility of the mid-stations, structures that would be located on highly visible ridgelines and that would be 100 times larger by volume, it presents decisionmakers and the public with a dramatically minimized depiction of the visual impacts proposed gondola infrastructure.

0166-11

(b) The DEIR/S Fails to Include a Simulation Showing Impacts to Views Experienced by Winter Backcountry Users.

The DEIR/S selected 21 viewpoints in an attempt to “accurately represent the overall visual impacts that may occur with implementation of any of the action alternatives.” DEIR/S at 4.2-18. And it claimed that viewpoints “that experience a high viewing frequency or viewing duration were determined to be most representative.” *Id.*

Unfortunately, the DEIR/S fails to include or analyze any viewpoint of the proposed Project infrastructure from Munchkins Ridge, the ridgeline that runs to the North and East of Scott Peak. DEIR/S at Exhibit 4.2-3. The failure to analyze viewpoints from this ridgeline is inexcusable, as it clearly meets the DEIR/S stated goal of analyzing views “from highly frequented or prominent public areas, visually sensitive vistas, and areas with a high frequency of viewers.” DEIR/S at 4.2-3.

² Volume of the mid-stations $[h(30') \times w(24') \times l(84')] = 60,430$ cubic feet. Volume of lift tower (assuming a 25' crossbar) $\{[\pi(1.5)^2 \times h(53.75)] + [\pi(1.5)^2 \times h(25)]\} = 556.65$ cubic feet. $60,430 \div 556.65 = 108.65$, or less than 1/100th the volume.

0166-10 cont'd, Visual Resources (VR)

0166-11, Visual Resources (VR)

The 21 visual simulations created for each alternative allow for a qualitative analysis of the visual changes that are anticipated to occur with implementation of any of the action alternatives. These 21 visual simulations were created from a selection of 16 representative locations, which were initially selected from hundreds of viewpoints evaluated. Five of these locations (one site along Alpine Meadows Road, two sites at the Alpine Meadows base terminal, and two sites along Squaw Valley Road) experience widely varying conditions between the winter and summer months. As a result, these five viewpoint locations were simulated during both winter and summer conditions, which resulted in the creation of a total of 21 visual simulations for each alternative. The objective of creating visual simulations is to characterize the appearance of the action alternatives if constructed, rather than to provide a comprehensive view of the project from all possible locations in the project area; therefore, not all locations could be simulated for the purposes of this EIS/EIR. Visual simulations of each alternative could, in theory, be prepared from an infinite number of potential locations, under a large number of visual scenarios (different seasons or different times). The cost of preparing a large number of simulations would vastly outweigh the incremental value of preparing them, over and above the number of simulations that have already been provided. The number of simulations to prepare, the viewpoints, and the conditions reflected in those simulations, require the exercise of judgment regarding the number of simulations required in order to be representative, balanced against the cost and incremental value of additional simulations. In light of these considerations, the Forest Service and County focused on preparing a representative number of simulations focusing on highly frequented or prominent public areas, visually sensitive vistas, and areas with a high volume/frequency of viewers. To account for the visual impacts that may occur outside of the immediate project area, a viewshed analysis of the regional visibility of the project was conducted. The viewshed analysis provides a quantitative assessment of the visual impacts associated with the project using the best available data at the time of analysis. The viewshed analysis accurately accounts for topographic features, but does not incorporate potentially obscuring features such as vegetation or built structures. Existing vegetative screening is expected to reduce

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considerably the overall potential visibility of the project, dependent on the specific location and vantage of the viewer. The analysis does not, however, take into account potentially obscuring features, such as vegetation. For this reason, the viewshed analysis is a conservative approximation of the Zone of Potential Visibility. For additional information, refer to Visual Resources Analysis Methods discussed in EIS/EIR section 4.2.2.

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According to the DEIR/S's own viewshed analysis, Munchkins Ridge is within the zone of potential visibility. DEIR/S at Exhibit 4.2-4 and Google Earth image attached as Exhibit D. This ridgeline is 1-2 miles from the proposed gondola infrastructure and within 1-2 miles of Project mid-stations and towers, well within the 4.39-mile range where the DEIR/S found that the Project would be visible. DEIR/S at 4.2-12.

Munchkins Ridge features visually sensitive vistas and is highly frequented, as evidenced by guided tours of the area by Squaw Valley at \$859 per group. , <http://squawalpine.com/skiing-riding/alpenglow-guided-backcountry-tour> and Exhibit E, Squaw Valley Alpenglow Backcountry Tours webpage. The ridge defines the top of an area that Squaw Valley describes as "the popular backcountry zone known as "Munchkins" off Scott Peak." *Id.* The same zone is regularly skied by unguided backcountry users, who access it both from the Lakeview lift at Alpine Meadows and by climbing from the neighborhood at its base. Considering the effort involved to access the ridge and the generally unspoiled views looking north from it, the backcountry users of Munchkins would have a "high sensitivity toward the natural appearing and undeveloped landscape visible from this viewpoint," much like the hikers and skiers identified in viewpoints 9-16. DEIR/S at 4.2-6, 4.2-7. Finally, because Munchkins Ridge is the main route of access for skiers accessing the terrain from Lakeview, and represents a common place to stop, enjoy the view, transition to downhill mode, and eat between laps, people's exposure to the degraded views would be extended.

Because the DEIR/S's viewpoint analysis forms the basis of its significance determinations concerning visual resources, the failure to include this key data point undermines the document's fundamental conclusions. This omission is particularly acute for Alternatives 3 and 4, where the Forest Service claimed that adverse visual impacts would be minor and could be mitigated through selected RPMs.

(c) The DEIR/S's Claims that the Project's Impacts Related to Consistency with Local and Federal Plans and Visual Resource Policies Would Be Mitigated to Less-Than-Significant Levels Are Unsupported.

As acknowledged in the DEIR/S, the proposed Project conflicts with policies in applicable federal, state and local regulations designed to protect ridgelines and hilltops and to preserve viewsheds. DEIR/S at 4.2-23. Specifically, the proposed Project (Alternative 2) would be inconsistent with Placer County General Plan Policy 1.K.1, which calls for development *not* to be located along ridgelines and steep slopes. The proposed Project, which would locate the gondola route along the ridge, would directly conflict with this policy.

The DEIR/S acknowledges this inconsistency and concludes that Alternative 2 could result in adverse effects under NEPA and significant impacts under CEQA. DEIR/S at 4.2-25 and 4.2-26 respectively. Yet, the document then concludes that, with implementation of various

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0166-11 cont'd, Visual Resources (VR)

0166-12, Visual Resources (VR)

CEQA requires only that inconsistencies with general plan goals and policies be identified and discussed (CEQA Guidelines, §§15125, subd. [d]). The Draft EIS/EIR does this (please refer to Draft EIS/EIR, pp. 4.2-23 thru -24). Further, Policy 1.K.1 was not adopted as a threshold of significance under CEQA, so it does not dictate a new significant impact finding as to Impact 4.2-1 (Consistency with Federal, State and Local Regulations). Thus, a new significant impact finding is not warranted under CEQA and recirculation of the document is unnecessary.

The Final EIS/EIR has been updated to further clarify that all alternatives would be, to a certain degree, inconsistent with Placer County General Plan Policy 1.K.1 which states: "The County shall require that new development in scenic areas (e.g., river canyons, lake watersheds, scenic highway corridors, ridgelines and steep slopes) is planned and designed in a manner which employs design, construction, and maintenance techniques that:

- a. Avoids locating structures along ridgelines and steep slopes;
- b. Incorporates design and screening measures to minimize the visibility of structures and graded areas;
- c. Maintains the character and visual quality of the area."(Placer County General Plan, p. 39)."

By their very nature, gondolas and ski lifts must extend along steep slopes to achieve their purpose. Given that the gondola is intended to connect the two ski resorts, all three action alternatives must also cross over the ridgeline which separates the two valleys. As such, it is not possible for the gondola to avoid slopes and ridgelines, but rather the design must rely on other means to screen and minimize the visible impacts of the infrastructure. Specifically the design of each alignment takes advantage of existing topography and vegetation to shield views as well as incorporates design standards via RPMs SCE-1, SCE-2, SCE-4, SCE-7, SCE-8, REV-1, and REV-3. It is acknowledged that the Alternative 2 alignment traverses a lengthy distance of the sparsely vegetated ridgeline, whereas Alternatives 3 and 4 cross over the ridgeline in one discrete location before diving down into Catch Valley, thus limiting the visible impacts of the Alternative 3 and 4 gondola infrastructure

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to a greater extent than under Alternative 2. With these design measures in place, all three gondola alignments achieve consistency with the goals and policies of Policy 1.K.1.

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RPMs, the significant impact would be reduced to less-than-significant levels. *Id.* This conclusion is not supported by substantial evidence. The Project's plain inconsistency represents a significant, unavoidable impact that is not mitigated by the proposed RPMs.

In fact, the RPMs fail entirely to address the Project's inconsistency with applicable policies. For instance, REV-1, REV-2, SCE-1, and SCE-7 call for additional agency review of the Project alignment and design but lack any performance criteria to address location of the Project along the highly visible ridgeline. DEIR/S, Appendix B at B-3. Similarly, RPMs SCE-2 and SCE-4 vaguely provide that the Project should be designed and located to reduce visual contrast. *Id.* at B-7. These measures do not actually reduce conflicts between the Project and the General Plan. Nor does the DEIR/S make any attempt to evaluate the effectiveness of the RPMs. The DEIR/S should be revised to disclose the Project's inconsistencies with the General Plan as significant unavoidable impacts.

0166-13

(d) The DEIR/S Fails to Adequately Analyze Impacts Resulting from Project Lighting.

The DEIR/S underestimates the Project's light pollution impacts. The DEIR/S acknowledges that the all of the action alternatives associated with the Project would cause visual impacts during nighttime hours. DEIR/S at 4.2-31, 4.2-37, and 4.2-45. However, the DEIR/S claims that the effects of night lighting would be limited to the period between sunset and closing of the resort. DEIR/S at 4.2-31. The DEIR/S analysis thus fails to address use of the gondola for transporting patrols on avalanche operations and/or distributing staff to work stations around the resort. These routine operations involve nightly transport until 7:00 am for much of the operating season (Nov. 30-Feb. 8, March 11-22). The revised DEIR/S should analyze the potentially significant impacts associated with any nighttime operation of the gondola.

0166-14

3. The DEIR/S Fails to Adequately Analyze or Mitigate the Project's Impacts on Hydrology and Water Quality.

(a) The Project Study Area Is an Especially Fragile Ecosystem.

The DEIR/S acknowledges the potential for severe hydrologic and water quality impacts but stops short of providing the analysis of these impacts required by CEQA and NEPA. The Project study area occurs upstream of two tributaries to the middle Truckee River, Squaw Creek, and Bear Creek. DEIR/S at 4.17-2 and DEIR/S Figure 4.17-1. Within the Alternative 2 study area, there are a total of 1.65 acres of aquatic resources. DEIR/S at 4.17-5. Within Alternative 3, there 3.62 acres, and Alternative 4, there are 4.13 acres of aquatic resources. *Id.* These acreages are estimates only, as a formal delineation of jurisdictional features associated with each action alternative has not been conducted to confirm the exact boundaries of waters and wetlands. *Id.*

0166-12 cont'd, Visual Resources (VR)

0166-13, Visual Resources (VR)

Impacts resulting from project lighting are analyzed and disclosed in the EIS/EIR. The Draft EIS/EIR states on page 4.2-31 that, "... night lighting fixtures would be installed only at terminals, mid-stations, and operating buildings to allow for *maintenance outside of normal operating hours, and to prepare for daily operations*" (emphasis added). It is therefore acknowledged in the Draft EIS/EIR that lighting fixtures may be used outside of normal operating hours for maintenance and/or daily operations purposes. Such night lighting would not result in significant visual impacts because the project would incorporate RPM SCE-8, which provides:

Prior to Improvement Plan approval, a detailed lighting and photometric plan shall be submitted to the Placer County Development Review Committee (DRC) for review and approval, which include the following:

A) The site lighting plan shall demonstrate compliance with the Squaw Valley General Plan and Land Use Ordinance (SVGPLUO), the Alpine Meadows General Plan, and the Placer County Design Guidelines. The night lighting design shall be designed to minimize impacts to adjoining and nearby land uses. No lighting is permitted on top of structures.

B) Building lighting shall be shielded and directed downward such that the bulb or ballast is not visible. Lighting fixture design shall complement the building colors and materials and shall be used to light entries, soffits, covered walkways and pedestrian areas such as plazas. Roof and wall pack lighting shall not be used. Lighting intensity shall be of a level that only highlights the adjacent building area and ground area and shall not impose glare on any pedestrian or vehicular traffic.

C) Landscape lighting may be used to visually accentuate and highlight ornamental shrubs and trees adjacent to buildings, monument signs, and in open spaces. Lighting intensity shall be of a level that only highlights shrubs and trees and shall not impose glare on any pedestrian or vehicular traffic. It has been determined that the County's guidelines are more stringent than the Forest Service BEIG guidelines for lighting, and as such, the County standards will provide the basis for lighting related approvals. The photometric plan shall be submitted to the Forest Service for review and comment.

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0166-14, Hydrology and Water Quality (H&WQ)

The comment states that the Draft EIS/EIR states that the project may have severe impacts on hydrology and water quality. This statement is incorrect. Rather, the Draft EIS/EIR states that construction-related impacts on hydrology and water quality are "potentially significant." With the incorporation of RPMs identified in the EIS/EIR, the impact is considered insignificant. In addition, during project operations, impacts to hydrology and water quality are identified as insignificant.

The comment states that the Draft EIS/EIR does not provide an adequate analysis of hydrology and water quality impacts under CEQA and NEPA. The comment quotes portions of the Draft EIS/EIR that describe potential effects on water quality impairment from erosion and sedimentation. The comment also identifies discussion from the Draft EIS/EIR that identifies the TMDL for the Truckee River and Squaw Creek and the requirement that the project not result in an exceedance of the TMDL load allocations for Squaw Creek and Bear Creek, both tributary to the Truckee River. Both of these plans were reviewed and relied upon in the preparation of the Draft EIS/EIR. (See Draft EIS/EIR, p. 8-19.) The Draft EIS/EIR recognizes that the watershed is sensitive, and that there is a potential for erosion and sedimentation to impair water quality. The Draft EIS/EIR concludes, however, that the project, as mitigated, will not exacerbate water quality problems.

The comment is correct in stating that a USACE wetland delineation has not been completed for the project. A wetland delineation would be required if, after selection of a project alternative and completion of project design, impacts to wetland resources cannot be fully avoided, consistent with the process described in RPM BIO-26. A wetland delineation would be prepared and reviewed by USACE and CDFW prior to project implementation, in anticipation of permit acquisition.

The hydrology and water quality analysis that has been conducted for the project in the Draft EIS/EIR analyzes the effects on water quality for the alternatives and uses the best available information related to the project as described in Section 4.17.2.1, "Methods and Assumptions." Based on this information and the application of provisions in the RPMs to the project, the Draft EIS/EIR found that the project would have adverse and mitigated effects under NEPA, and less than

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significant effects with RPMs as mitigation under CEQA. These effects determinations included consideration of whether the project, including RPMs, would be sufficiently protective of the TMDLs for the Truckee River and Squaw Creek. Also see responses to comment letter 0185 from the Lahontan Regional Water Quality Control Board (LRWQCB), which describe the project's compliance with LRWQCB policies, standards, and regulations.

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Several unnamed seasonal (ephemeral and intermittent) tributary streams cross the study area. DEIR/S at 4.17-5. Perennial streams cross the lower portion of the northern face of the alignments on Squaw Valley and southern face along Alpine Meadows Road. Bear Creek, a perennial stream that flows from Alpine Meadows to the Truckee River, is near the Alpine Meadows base area. Riparian scrub habitat adjacent to Bear Creek was mapped within the study area, on the southern segment of the action alternatives prior to the lower terminal at Alpine Meadows. Areas adjacent to Bear Creek exhibit typical alpine riparian floodplain with alder scrub-shrub habitat. *Id.* Adjacent natural ponds include Barstool Lake, which is located northwest of the base of Alpine Meadows, and just south of the Alpine Meadows mid-station proposed under Alternative 2, and an unnamed pond adjacent to Barstool Lake. *Id.* Other naturally occurring lacustrine features in the Project vicinity include Five Lakes, which is a cluster of five small lakes located west of the Alternative 2 alignment. Naturally occurring ponds provide habitat for Sierra Nevada yellow-legged frog and long-toed salamander. *Id.* A small fen exists on the southern exposure of Skunk Rock (near the northern mid-station for Alternatives 2 and 3), where several ephemeral tributaries convene. The southern portion of the Project site descends over a mountain flank spring seep, typical of alpine wetland features. *Id.*

As the above description makes clear, the Project study area is an especially fragile ecosystem when it comes to the potential for water quality impairment. The steep topography, geology, mountain climate, geomorphic processes, historic land use, and vegetation cover conditions in the Bear Creek watershed in Bear Creek Valley and the Squaw Creek watershed in Olympic Valley currently contribute to erosion and sedimentation problems, including stream channel instability and sedimentation impacts to water quality. DEIR/S at 4.16-1. Sediment source estimates from the Squaw Creek watershed total maximum daily load (TMDL) studies by Lahontan Regional Water Quality Control Board (Lahontan Water Board) indicate that approximately 60 percent of the sedimentation affecting Squaw Creek is related to human disturbances. *Id.* Most of the sediment originates from upslope natural and disturbed areas (Undisturbed [37 percent], Dirt Roads [25 percent], and Graded Ski Runs [24 percent]).³ *Id.*

In order to protect water quality in the area, the Lahontan Water Board sets forth total TMDL for sediment load along the Truckee River and Squaw Creek. DEIR/S at 4.17-8, 9. While the Squaw Creek TMDL specifically targets sediment that is deposited on the river bed, the Truckee River TMDL targets finer sediment that moves in suspension to downstream areas. *Id.* In this regard, the DEIR/S explains that actions taken in tributaries to Squaw Creek or Bear Creek must be sufficiently protective to ensure that they do not contribute to an exceedance of the load allocation for subwatersheds of the Truckee River. DEIR/S at 4.17-14.

³ The TMDL is the amount of the pollutant that the waterbody can receive and still be in compliance with water quality objectives. The TMDL is also a plan to reduce loading of a specific pollutant from various sources to achieve compliance with water quality objectives. DEIR/S at 4.17-10.

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(b) The DEIR/S's Conclusion that the Project Would Not Degrade Water Quality Is Not Supported by Evidence.

The DEIR/S addresses the Project's potential to violate water quality standards in two sections: Impact 4.17-1 (construction) and Impact 4.17-2 (long term implementation). DEIR/S at 4.17-22; 4.17-23; 4.17-27; 4.17-32; 4.17-41; 4.17-43; 4.17-48; 4.17-50. The document first provides an overview of the nature of the analysis that should be undertaken to evaluate the context and intensity of the Project's impacts on water quality. Factors to be addressed include the creeks' hydrologic function, stream health, rate and amount of runoff, stream sedimentation (both suspended and sand-size portion of bedload sediment), and slope stability. Part of this evaluation should address TMDL adopted for sediment in the creeks. DEIR/S at 4.17-14; 4.17-22; 4.17-23; DEIR/S at 4.17-27. As the DEIR/S acknowledges, given the sensitivity of Bear Creek and Truckee River and their upland environs to erosion and sedimentation, even small amounts of sedimentation could have harmful downstream effects. DEIR/S at 4.17-29.

The potential for the Project to degrade water quality in this sensitive environment warrants a thorough impact analysis. Yet, other than identifying the amount of land and vegetation that would be disturbed by each of the Project Alternatives (4.17-28 and 4.17-33), the DEIR/S provides only a vague discussion of the types of impacts that could theoretically occur. Indeed, the DEIR/S's analysis could have been written for any project in any location; it never actually addresses the impacts *this Project in this location* would have on the creeks' hydrologic function, stream health, rate and amount of runoff, stream sedimentation, and slope stability.

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The DEIR/S makes no attempt to evaluate the extent of erosion that could occur during the Project's construction or operation. It does not identify the increase in impervious surfaces that would accompany the Project. It fails to quantify the rate and amount of stormwater discharge that could ultimately make its way into nearby waterbodies including Squaw Creek and Bear Creek. It makes no attempt to identify the potential increase in suspended sediment loads from accelerated erosion during construction. Moreover, although the DEIR/S acknowledges the important role that steep slopes play in erosion and runoff into waterways (4.17-28), it does not identify the steepness of slopes along the alignment for each Project alternative. Instead, it simply states that some of the slopes on the Project site are in excess of 45 degrees. DEIR/S at 4.17-28. This statement is only in reference to Alternative 2; it provides no information about the steepness of slopes for the other alternatives. Notably, in the soils, geology, and seismicity section of the DEIR/S, the document identifies slopes in the Project as great as 75 percent. DEIR/S at 4.16-7.

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The DEIR/S also generally acknowledges the potential for "alterations in stream morphology and consequent impacts on hydrologic function." DEIR/S at 4.17-29. Once again, however, there is no evaluation of these impacts other than vague and generic statements such as the following:

0166-15, Hydrology and Water Quality (H&WQ)

This comment states that the impact analysis conducted for water quality in Impacts 4.17-1 and 4.17-2 should include a discussion of the TMDL adopted for the Truckee River. It also suggests several factors (hydrologic function, stream health, rate and amount of runoff, stream sedimentation, and slope stability) that could be considered for the analyses under these impact statements.

Section 4.17, "Hydrology and Water Quality," Impact 4.17-1 in the Draft EIS/EIR cites the TMDL targets for sedimentation for Squaw Creek and the Truckee River, and identifies the former listing of Bear Creek for sedimentation (pg. 4.17-29). These facts were used in evaluating the effects of erosion and sedimentation from the project. (See Draft EIS/EIR, p. 8-19.) The analysis in Impact 4.17-1 and 4.17-2 takes into account the combined effect of the overall character of the terrain, the nature of the soils in the area, the total potential area of disturbance, the level of activity, and the sensitivity of receiving streams to evaluate the threat of sedimentation to receiving waters. The comment is correct that the region is, as a general matter, sensitive to the effects of sedimentation and erosion. The adoption of TMDLs for Squaw Creek and the Truckee River are illustrative of this sensitivity. The analysis also takes into account, however, the RPMs incorporated into the project to ensure that erosion and sedimentation do not occur. All of these metrics are appropriate parameters to use for an analysis of the impacts related to erosion and sedimentation of waterbodies. The ability to minimize and control the mobilization of sediment during ground disturbance, and to trap sediment that is mobilized before it leaves the construction area and enters waterways is also considered. Erosion/sediment control through the implementation of proven best management practices (including meeting standards established by the LRWQCB) is well understood and has been successfully implemented as a means of ensuring that hydrological and water quality impacts do not occur during project construction. With the incorporation of BMPs, project-generated sediment is unlikely to mobilize or leave the construction area. Without sediment leaving the construction area and entering water bodies, there is not a need to further evaluate effects of sediment entering water bodies beyond the information already provided in the Draft EIS/EIR. The Draft EIS/EIR found that the project would have adverse and mitigated effects under NEPA, and less than significant effects with RPMs as mitigation under CEQA. These effects

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determinations included consideration of whether the project, including RPMs, would be sufficiently protective of the Squaw Creek and Truckee River TMDLs

Please note that the Draft EIS/EIR also addresses the potential to degrade water quality in Impact 4.17-3.

0166-16, Hydrology and Water Quality (H&WQ)

This comment states that the Draft EIS/EIR does not provide quantification of the following potential elements of the project, (1) extent of erosion, (2) amount of new impervious surface, (3) rate and amount of stormwater generated by the project, and (4) estimates of suspended sediment loads generated by the project. This comment also states that the hydrology section states that alignment slopes are greater than 45°, while the geology section states that slopes are up to 75°.

The analysis utilizes the metrics identified above in response to comment 0166-15 to evaluate the impacts associated with the project. The approach to the Draft EIS/EIR is, in this regard, a largely qualitative one, which is appropriate given the degree of detail associated with the project at this stage of planning. These qualitative evaluations are sufficient to determine the degree of impact of the project, and the relative degree of impact of each of the alternatives. The comment brings up issues typically associated with large projects with large construction disturbance areas and development of extensive areas of impervious surface, which is not the case for the gondola project. The impact analysis in the EIS/EIR is appropriate for a project of the size, scale, and type considered in the action alternatives. With less than 5 acres of new impervious surface to be developed, spread out in various point locations (towers, mid-stations, base terminals) over miles under each action alternative, the EIS/EIR provides sufficient information to conclude that there would not be significant adverse effects associated with the generation of stormwater or alteration in stormwater paths, given implementation of appropriate RPMs. The adequacy of the analysis of sedimentation and erosion is addressed in response to comment 0166-15, above. The type of additional information suggested in the comment would not alter the impact conclusions in the EIS/EIR, nor increase the ability of decision makers or the public to understand the type and severity of environmental effects.

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The description of the soil map units in Section 4.16 includes the slopes of the map units, several of which have slopes of 30-75 percent. The slope range for a soil map unit is part of the description for the map units, which occur, scattered, over large areas in this part of the Sierra Nevada. As this is a general slope range for these units, it is not specific to the project area. Percent and degrees are different units of measure for slope steepness, and 75 percent slope is equal to just less than 37 degrees. Section 4.17 states that slopes can be in excess of 45 degrees, which is equal to 100 percent slope.

0166-17, Hydrology and Water Quality (H&WQ)

This comment states that the hydrology section does not provide a sufficient explanation of the effects that sedimentation has on aquatic species or on parameters of ecosystem health, only that the section identifies that effects are possible. The comment notes that the Draft EIS/EIR states: "sedimentation of waterbodies may threaten ecosystem health by producing effects on natural functions such as light penetration, temperature adjustment, bottom conditions, and retention of organic matter (NRCS 2017). Imbalances in these functions can lead to a degradation of hydrological conditions, producing detrimental effects on aquatic species **such as increased mortality or chronic toxicity**" (pg. 4.17-27; emphasis added). However, this passage specifically states the parameters that could be altered by sedimentation and relates that to the types of effects they can have on aquatic species (mortality or chronic toxicity). Additional information on the effects of sedimentation on aquatic species is detailed in Section 4.14, "Wildlife and Aquatics." Consistent with responses above, the EIS/EIR provides sufficient information to assess the environmental effects of the project. A general description of the potential effects of sedimentation is included in the EIS/EIR to provide the reader an understanding of the potential consequences of sediment release. However, because sediment release is prevented through implementation of RPMs, BMPs, mitigation measures, and regulatory requirements (i.e., reduced to less than significant levels), no significant effects would occur, and further information on the nature of potential effects is not needed.

The comment also states that compliance with regulations is insufficient to support the conclusion that the project will not have significant impacts, and that the existence of a permit

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does not exempt a document from the CEQA requirement to analyze an impact that might be alleviated by such a permit. Compliance with regulations may or may not be sufficiently protective to eliminate the significant effects of a project, and the EIS/EIR addresses the ability of existing regulatory regimes to reduce environmental effects on a case by case basis. Similarly, compliance with project design features may or may not be sufficiently protective to eliminate significant effects of a project. The differences in levels of impact reduction based on specific circumstances is recognized in the impact analysis for effects on water quality, where Impact 4.17-1 makes a CEQA finding of *potentially significant* even with regulatory compliance, whereas Impact 4.17-2 makes a finding of *less than significant*, based on part on the impact reducing effects of regulatory compliance. All impacts considered in Section 4.17, "Hydrology and Water Quality," are evaluated, including those that may be alleviated through regulatory or permit compliance. As the Draft EIS/EIR concludes, in this instance, the implementation of the listed RPMs will ensure that significant water quality impacts will not occur.

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Sedimentation of waterbodies may threaten ecosystem health by producing effects on natural functions such as light penetration, temperature adjustment, bottom conditions, and retention of organic matter (NRCS 2017). Imbalances in these functions can lead to a degradation of hydrological conditions, producing detrimental effects on aquatic species such as increased mortality or chronic toxicity.

DEIR/S at 4.17-27. Such self-evident ruminations cannot substitute for meaningful analysis. *E.g., City of Antioch v. City Council* (1986), 187 Cal.App.3d 1325 (1986). Rather, an EIR/S must contain analysis sufficient to allow informed decision making. What effect would uncontrolled runoff have on light penetration, temperature adjustment, bottom conditions, and retention of organic matter on hydrologic conditions on Squaw Creek? What effect would excessive runoff have on Bear Creek? For example, if damage occurs to the creeks' channels from erosion and sedimentation, would the creeks be capable of repairing themselves through fluvial geomorphic processes? If not, habitat will be lost or degraded, and organisms specifically adapted to those habitats will be negatively impacted. In the absence of this type of information, it is not possible to evaluate the Project's impacts on aquatic species.

Rather than analyze these impacts, the DEIR/S looks to regulatory compliance to assert that erosion will be controlled, and water quality will be protected. *See* DEIR/S at 4.17-29: "Alternative 2 includes multiple layers of regulatory protections that the applicant and contractor(s) must abide by when executing construction activities;" *see also*, Appendix B at B-29: RMP WQ-5 "Squaw Valley Ski Holdings will obtain permits from appropriate regulatory agencies prior to commencing work in Waters of the United States or Waters of the State, and in stream and riparian habitats, and implement all applicable permit conditions." But merely requiring compliance with agency regulations does not conclusively indicate that the Project will not have a significant and adverse impact. Here, the regulations and standard permit conditions may not be strong enough to protect against environmental impacts. Indeed, the courts have recognized as much. In *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716, for example, the court found that the fact that the EPA and the local air pollution control district had issued the necessary air emission permits for the construction of a coal-fired cogeneration plant did not nullify the CEQA requirement that the lead agency analyze the significant air quality impacts of the entire project. *Oregon Environmental Council v. Kunzman* (9th Cir. 1983) 714 F.2d 901, 905.

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Nor does the DEIR/S provide any evidentiary support that the RPMs would be adequate to protect water quality and aquatic resources. Many of the RPMs are excessively vague, unenforceable, unnecessarily deferred, and lacking performance criteria. For example, WQ-3 calls for all stormwater or groundwater within excavations to be discharged overland into well-vegetated areas to promote the settling of sediment, *where feasible*. Appendix B at B-28. A measure is not mandatory if it includes language such as "where feasible." WQ-6 is equally

0166-17 cont'd, Hydrology and Water Quality (H&WQ)

0166-18, Hydrology and Water Quality (H&WQ)

This comment states that the Resource Protection Measures (RPMs) are lacking language that would ensure their effectiveness, and that the project does not include a mechanism to measure effectiveness, such as performance criteria or water quality monitoring programs. The comment further states that the Draft EIS/EIR does not evaluate the effectiveness of the RPMs and suggests it would be useful for either the project, the RPMs, or the mitigation measures to require monitoring.

RPMs provide strict enforcement language where necessary to protect water quality and hydrology. While it is true that some RPMs contain language that allows flexibility in implementation, this flexibility does not preclude the effectiveness of the measures; rather it allows measures to be adapted based on site-specific circumstances.

The comment characterizes RPM WQ-6 as voluntary. This characterization is incorrect. This RPM (as with all other RPMs) must be implemented, and the Forest Service and Placer County have regulatory authority and a legal responsibility to ensure that RPMs are implemented (see further details in the introduction to Appendix B). RPM WQ-6 requires that roads, road ditches, and other disturbed areas near aquatic habitats drain to undisturbed soils rather than aquatic habitats. RPM WQ-6 provides flexibility in the volume of drainage to undisturbed soils to account for potential site specific conditions where 100% draining to undisturbed soils may not be possible; however, the standard of "to the maximum extent" still applies, and will be determined by the Forest Service and Placer County.

Significance determinations in the EIS/EIR are based on the implementation of all applicable RPMs. One RPM cannot be taken in isolation, unless the impact discussion only references a single RPM. For example, the discussion of Impact 4.17-1 (Alt. 2): Impacts from Erosion and Sedimentation Caused by Construction-Related Activities, references RPM WQ-3 as part of the basis for a less-than-significant impact; however, this determination is also based on the implementation of over 30 additional RPMs that contribute to the avoidance and minimization of this environmental effect.

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BMP monitoring is required to ensure RPMs are implemented and effective. RPM SOILS-3 states that, "all BMPs on Forest Service lands are required to meet the Forest Service Region 5 regional policy and to be consistent with the provisions of the 1981 Management Agency Agreement between the State Water Resource Control Board and the Forest Service as the designated Water Quality Management Agency on National Forest System Lands. Site-specific BMPs and management requirements and careful implementation and monitoring of BMPs, consistent with the requirements of these RPMs, are primary means of minimizing erosion and water quality impacts in this project area." This measure applies to Forest Service, Placer County, and private land. Such monitoring would ensure the effectiveness of measures intended to protect water quality. Additionally, water quality monitoring is often required as a condition of the 401 permit issued by the state.

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deficient: "For ground-disturbing activities near aquatic habitats, ensure that roads, road ditches, and other disturbed areas drain, *to the maximum extent possible*, to undisturbed soils rather than directly to aquatic habitats." *Id.* at B-29. Because this measure is voluntary, it is entirely unenforceable. Consequently, there is no assurance that ground-disturbing activities would not directly impact aquatic habitats.

Nor does the DEIR/S make any attempt to evaluate the effectiveness of the RPMs. Indeed, we can find no provision in the Project, its RPMs, or mitigation measures calling for any type of water quality monitoring. The DEIR/S should include a monitoring protocol that would allow for documentation of potential changes in channel condition, sediment load condition, and riparian vegetation that could result from Project-induced effects. Possible changes could include reduction of stream width and depth and riparian vegetation encroachment resulting in degraded habitat. Monitoring sites should occur at multiple locations along Squaw and Bear Creeks. Several years of pre-Project data should be collected in order to provide information on annual variability in sediment transport and riparian vegetation condition in response to different water-year types. During Project operation, monitoring should occur every three to five years, but also in any year with excessive rains.

0166-19

(c) The DEIR/S Improperly Defers Analysis of Local Flooding Impacts.

The Project proposes to permanently modify several significant drainage features at the Squaw Valley and Alpine Meadows base areas to accommodate the new base station terminals. *See, e.g.*, DEIR/S at 4.17-37. Construction also has the potential to alter surface flows by regrading contours within the disturbance areas associated with Project components and/or increasing the amount of impervious surface on the Project site. *Id.* The DEIR/S generally acknowledges the potential environmental consequences:

The very process of erosion can beget more erosion, causing a positive feedback loop, loosening topsoil and changing topography by degrees small and large in local areas where disturbance occurs. Preferential pathways can form, and the efficiency in the connections between eroded areas and natural watercourses can increase. If erosion causes sediment loads in waterways to increase, sediments would be deposited downstream on riverbeds and banks. Suspended sediment could also erode banks through abrasive action as water passes narrow or meandering river segments. These effects could produce changes to downstream hydrogeomorphology. Taken together, these geomorphic changes could produce a large effect on drainage in the project area. Drainage infrastructure in the stormwater drainage system at the base of the ski areas could be negatively affected because many of

0166-18 cont'd, Hydrology and Water Quality (H&WQ)

0166-19, Hydrology and Water Quality (H&WQ)

This comment identifies that the Draft EIS/EIR provides completion of a drainage study and stormwater engineering as mitigation for impacts associated with localized flooding. It also lists the CEQA criteria for deferral of mitigation, and states that those criteria have not been met in this case.

The Draft EIS/EIR reasonably concludes, given the absence of specific information relating to stormwater drainage capacity, there is the potential for changes to the flow regime associated with the project that may not be accommodated by the existing infrastructure. This is a conservative assumption in light of the small surface area of impervious surface (less than 2 acres for each base terminal and mid-station and less than half an acre combined for all towers), there would be little alteration in stormwater flows. Mitigation in this case is the preparation of a Drainage Report that contains, "a written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used both during construction, as well as long-term post-construction water quality measures" (RPM WQ-9). The approach taken to address drainage and water quality must meet established County standards. County standards provide success criteria that the recommendations of the drainage report must meet. This report would be completed prior to final project approval and project implementation. RPM WQ-10 goes on to require that stormwater run-off shall be reduced to pre-project conditions. This approach provides success criteria against which the effectiveness of the mitigation will be judged, and the process and mechanisms to achieve that success criteria. This approach meets the three criteria cited in the comment allowing "deferral of mitigation",

1) There are practical considerations that preclude development of the measures at the time of project approval. In particular, there is insufficient information currently available to fully design and engineer drainage systems. Such systems will undergo final engineering only if the County and Forest Service approve an action alternative, focusing on the particular alignment that is approved (if any). Final engineering

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is subject to review and approval by the County and Forest Service.

(2) The EIR must contain criteria to govern the future actions implementing the mitigation. County drainage standards and requirements of RPMs provide success criteria future actions must meet.

(3) The agency has assurances that the future mitigation will be both "feasible and efficacious." Providing sufficient drainage infrastructure, especially for facilities providing less than 2-acres of impervious surface, is a straightforward engineering task which can be feasibly and effectively achieved (if needed, as existing drainage infrastructure may already be sufficient).

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the stormwater conveyance structures resemble natural features and are therefore susceptible to hydromodification. DEIR/S at 4.17-38.

Despite the potential for significant and adverse effects on the hydrological regime in the area, the DEIR/S explains that it is not possible to evaluate these impacts because information on peak flow conditions and engineered sizing is not available. DEIR/S at 4.17-38. Specifically, the document explains that although storm drainage systems could be inadvertently modified, or the capacity exceeded, resulting in localized flooding, these effects are “unknown.” *Id.* The DEIR/S provides no explanation as to why this essential information is unknown or why it could not be obtained.

Instead of properly analyzing these impacts, the DEIR/S relies on two RPMs (WQ-9 and WQ-10) calling for the preparation of a stormwater drainage study for both Squaw Valley and Alpine Meadows. DEIR/S at 4.17-38. However, CEQA generally prohibits deferral of mitigation, except in narrow circumstances. To justify deferral, (1) there must be practical considerations that preclude development of the measures at the time of project approval, (2) the EIR must contain criteria to govern the future actions implementing the mitigation, and (3) the agency has assurances that the future mitigation will be both “feasible and efficacious.” *Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17. *See National Parks & Conservation Assoc. v. BLM* (9th Cir. 2010) 606 F.3d 1058, 1073-74 (finding that BLM’s discussion of proposed landfill’s eutrophication risks was “patchwork [that could not] serve as a ‘reasonably thorough’ discussion”).

This standard is not met here. The DEIR/S provides no explanation of why this drainage study could not be complete now, prior to Project approval. Nor do the RPMs provide performance criteria to govern future actions that may be called for in the drainage study other than a vague assertion that stormwater runoff would be reduced to pre-project conditions. DEIR/S at B-30. Consequently, the DEIR/S wrongly concludes that the Project’s drainage impacts would be less than significant.

0166-20

(d) The DEIR/S Lacks a Legally Adequate Analysis of Cumulative Hydrology and Water Quality Impacts.

Cumulative impacts occur when many sites within the same watershed each contribute some pollutants to runoff. When all the relatively small contributions are added up, a significant impact is likely to occur. Cumulative stormwater quality impacts are associated with almost all projects that propose uses of increased intensity relative to existing conditions. An individual project may not, by itself, result in discharges of pollutants at a level that would violate water quality objectives or substantially degrade the quality of receiving waters (although this lack of “project level” impact has not been established in this DEIR/S). However, if the degraded runoff from the proposed Project is added to degraded runoff from all the surrounding projects in the

0166-19 cont'd, Hydrology and Water Quality (H&WQ)

0166-20, Hydrology and Water Quality (H&WQ)

The comment states that the cumulative analysis does not provide the degree of specificity in terms of individual cumulative projects, the projected water quality and hydrology impacts of those projects, or the affected waterbodies to assert that the project would not have significant cumulative impacts or result in an adverse cumulative condition.

Section 4.17.4.2, "Cumulative Impacts," of the Draft EIS/EIR describes the cumulative condition generated by implementation of all cumulative projects and identifies that the project would not create hydrological or water quality effects of a magnitude that would be a considerable contribution to the cumulative condition realized with implementation of all projects. As identified in the responses above, the project would not contribute sediment to local waterways, and any increases in stormwater runoff must be reduced to pre-project conditions. With the proposed project not contributing to potential cumulative effects, it is appropriate to conclude that the project’s contribution is not cumulatively considerable.

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watershed, it is likely that substantial water quality degradation will occur. The DEIR/S's treatment of these potential impacts falls well short of legal standards as it is cursory and not quantitative.

The DEIR/S identifies 42 probable future projects that are in the Project vicinity and that have the possibility of interacting with the Project to generate cumulative effects. DEIR/S at 3-11; 3-12. The DEIR/S further explains that the scope of the cumulative impact analysis as it pertains to hydrology and water quality includes Bear Creek Watershed, Squaw Creek, and a portion of upper middle Truckee River. *Id.* The document never, however, specifically analyzes how the 42 projects would impacts these waterbodies.

Rather than actually analyze impacts from the probable future projects, it vaguely refers to "several planned communities and residential developments" and "ski resort improvements at Squaw Valley and Alpine Meadows." DEIR/S at 4.17-59. It does not identify the residential or ski resort projects by name, so it is not possible to determine which, if any, of these projects were considered in the cumulative analysis. *Id.* Nor does the cumulative analysis even mention the water bodies the document purports to analyze - Bear Creek Watershed, Squaw Creek, or the Truckee River.

Rather than provide any meaningful or informative cumulative impact analysis, the document simply asserts that "[m]ost of the projects would increase the extent of impervious surface area to varying degrees; however, any substantial increases in the extent of impervious surface area would have to be paired with infiltration and stormwater facilities designed and built to prevent any increase in stormwater runoff or peak flows." DEIR/S at 4.17-59. Based on this vague language, the DEIR/S concludes that the Project would not result in a considerable contribution to an overall adverse cumulative effect on hydrology or water quality in the project vicinity. *Id.* The DEIR/S provides no evidentiary support for this conclusion, in violation of CEQA and NEPA. *Pesticide Action Network North America v. Department of Pesticide Regulation* (2017) 15 Cal.App.5th 478, 509; *Foundation on Economic Trends v. Heckler* (DC Cir. 1985) 756 F.2d 143, 154.

The DEIR/S also asserts, absent any evidentiary support, that a stormwater management plan that would be implemented as part of the Village at Squaw Valley Specific Plan (VSVSP) will be sized to accommodate drainage from the cleared gondola areas. DEIR/S at 4.17-59. Here too, the DEIR/S provides no detail about the VSVSP stormwater management plan other than vague references to an "infrastructure phasing plan," and "system upgrades." *Id.* Indeed the document does not even disclose whether the infrastructure plan and system upgrades refer to the gondola project or the VSVSP project. The DEIR/S takes a "trust us" approach that impacts and mitigation measures will be worked out later, after the Project is approved. This approach is disingenuous and inconsistent with legal requirements. *See Californians for Alternatives to Toxics*, 136 Cal.App.4th at 17; 40 CFR §§ 1500.1(b), 1502.14(f) (providing that agency shall

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“[i]nclude appropriate mitigation measures not already included in the proposed action or alternatives”); *National Parks & Conservation Assoc.*, 606 F.3d at1073-74.

Finally, the cumulative impact analysis fails to take into account hydrology and water quality impacts from *any* of the other projects identified in the probable list of projects. For example, the Sierra Nevada Forest Plan Amendment calls for vegetation management on 1,300,000 acres, the National Forest Service Over Snow Vehicle Use Designation Project would affect more than 870,000 acres, the Big Jack East Forest Restoration Project would affect 1,700 acres, and the Tahoe West Project would affect almost 60,000 acres. DEIR/S at 3-13—3-17. These four projects alone would potentially disturb more than two million acres of land and could cause a severe degradation of water quality in Bear Creek Watershed, Squaw Creek, and the Truckee River. The DEIR/S’s failure to describe the hydrologic effects of these projects, together with the other probable future projects, is a fatal flaw.

0166-21

4. The DEIR/S Fails to Adequately Analyze or Mitigate the Project’s Noise Impacts.

CEQA establishes a state policy to “[t]ake all action necessary to provide the people with . . . freedom from excessive noise.” Pub. Resources Code § 21001(b); *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (“*Berkeley Keep Jets*”) (2001) 91 Cal.App.4th 1344, 1380 (“[T]hrough CEQA, the public has a statutorily protected interest in quieter noise environments.”). Noise impacts are felt particularly acutely in quiet, rural residential and recreational environments like the Project setting. As such, the DEIR/S should have taken particular care to analyze and mitigate the Project’s noise impacts, but it did not.

0166-22

(a) The DEIR/S Does Not Adequately Analyze the Impacts from Blasting.

While construction of the Project would last over only one season, its noise and vibration impacts would be immense. In particular, construction would require blasting, which produces the loudest construction noise (DEIR/S at 4.9-16), along with vibrations (DEIR/S at 4.9-28). These impacts would be felt not only in the Wilderness Area (DEIR/S at 4.9-17), but also at residences very near the alignments of Alternatives 3 and 4 (*see* DEIR/S at 4.9-5). However, the DEIR/S fails to adequately analyze the impacts of the vibration on residences.

The DEIR/S first notes that the nearest residential neighbors to the Project’s construction could experience blasting vibration that exceeds the impact criteria (87 VdB at the nearest residence under Alternative 3, exceeding the 80 VdB impact criteria). DEIR/S at 4.9-28. But the DEIR/S then dismisses the impact, stating that this threshold is “designed for places where people sleep” but blasting would happen during the day. *Id.* This approach is disingenuous, however, as the DEIR/S describes this threshold as first applying to residences, and, second, to buildings where people normally sleep. DEIR/S at 4.9-8. There is no indication that this threshold

0166-20 cont'd, Hydrology and Water Quality (H&WQ)

0166-21, Noise (N)

The comment states that the EIS/EIR fails to adequately analyze or mitigate the project noise-related impact. The project’s noise impacts are addressed in the EIS/EIR under following impact headings:

Impact 4.9-1, Construction Noise Impacts; Impact 4.9-2, Construction Vibration Impacts; Impact 4.9-3, Exposure of Existing Sensitive Receptors to Operational Noise from Proposed Gazex Exploders and Gondola; and Impact 4.9-4, Exposure of Existing Sensitive Receptors to Operational Project-Generated Transportation Noise Sources.

See the responses to comments 0166-22, 0166-23, and 0166-24 for a discussion of noise-related comments.

The comment also states that “noise impacts are felt particularly acute in quiet, rural residential and recreational environments like the Project setting.” Sound level measurements were collected at sensitive land uses near the study area to characterize the existing noise environment. See Exhibit 4.9-1 on page 4.9-5 for the locations of these measurements. See Table 4.9-4 on page 4.9-6 of the Draft EIS/EIR for the results of these long-term measurements. Also, noise standards established by Placer County were used as criteria for assessing the significance of project-related noise impacts. The county’s noise standards are presented in Section 4.9.1.5, “Regulatory Setting,” beginning on page 4.9-8 of the Draft EIS/EIR.

0166-22, Noise (N)

The comment states that the EIS/EIR does not adequately analyze the impacts of noise and ground vibration that would be generated by blasting activity during project construction. Noise generated by blasting and ground vibration generated by blasting are discussed separately below.

Regarding noise generated by blasting, the comment states that blasting activity would produce the loudest noise during project construction and refers to Table 4.9-11 on page 4.9-16 of the EIS/EIR. As shown in Table 4.9-11, blasting activity would generate the highest maximum noise level (Lmax) of the various activities listed. However, because blasting is not a

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continuous activity it may not be the loudest of the activities listed in Table 4.9-11 when a comparison of equivalent continuous sound levels (Leq) is drawn. As shown in Table 4.9-11, the loudest Leq listed is 86.0 decibels generated by grading and foundation work.

The potential effects of noise generated by blasting during construction are addressed under Impact 4.9-2. For Alternative 2, 3, and 4, see the text starting on pages 4.9-17, 4.9-26, and 4.9-31 of the Draft EIS/EIR, respectively. The analysis for Alternative 2 states that the level of noise exposure from blasting at any sensitive receptor would be no higher than 79.6 Lmax and as high as 86.0 Lmax within the eastern boundary of the National Forest System-Granite Chief Wilderness (GCW). The analyses for Alternative 3 and Alternative 4 explains that blasting activities would be located closer to the existing residences on the Alpine Meadows side of the gondola but further away from the National Forest System-GCW, resulting in slightly higher noise levels at these residences but lower levels within the National Forest System-GCW as compared to Alternative 2. The analyses for Alternatives 2, 3, and 4 also explain that blasting would only occur during daytime hours as required by RPM NOI-6. RPM NOI-6 requires blasting and other noise-generating construction activity to occur only during the daytime hours. Such activity is exempt from Placer County's noise standards, including the 70 Lmax standard established in the county's noise ordinance (Table 4.9-9). In addition, the restriction on when this activity can occur operates as a performance standard; compliance with this standard ensures that the impact will be less than significant. Therefore, noise generated by blasting activity would not exceed any applicable noise standards. This analysis of noise exposure from blasting is considered adequate.

Regarding ground vibration exposure from blasting, the comment expresses disagreement with the analysis of blasting-generated ground vibration under Alternative 3. The comment is correct that the analysis estimated that the house closest to one of the tower sites where blasting may occur could be exposed to levels of ground vibration of 87 vibration decibels (VdB), which is greater than the 80-VdB impact criterion recommended by the Federal Transit Administration (FTA) (Table 4.9-6) for "infrequent" ground vibration events. The comment correctly points out that FTA's recommended criterion of 80 VdB is for "residences and buildings where people normally sleep" and this does not mean the criterion should not be applied to events that occur during non-sleeping

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hours. However, when evaluating potential noise impacts, health effects are generally associated with sleep disturbance, and for this reason, when noise-generating events do not occur during the sensitive times of the day, people are less likely to be adversely impacted. As discussed on page 4.9-20 of the Draft EIS/EIR and required by RPM NOI-6, blasting would not occur during the sensitive times of the day, and therefore; would not disturb people who are sleeping. Further, blasting events would be limited and infrequent. Moreover, it is unclear whether FTA's vibration criteria are intended for assessing vibration exposure from construction activity, which is short-term in nature, in addition to vibration generated by long-term operation of transit operations (e.g., passing trains). Nonetheless, to further reduce the potential for human annoyance to be experienced by residents at this single house on the Caldwell Property, RPM NOI-4 is revised as follows to minimize the potential for human annoyance:

NOI 4. Include the following standard note on the Improvement Plans and Construction and Operation Plans: In the event of blasting, three copies of an approved plan and permit shall be submitted to the County not less than 10 days prior to the scheduled blasting. A blasting permit must be obtained from the Placer County Sheriff's Department for all blasting to be done in Placer County. Additionally, the County must be notified and give approval for all blasting done within County right-of-way. If utility infrastructure is in the vicinity where blasting is to occur, the appropriate utility companies must be notified to determine possible damage prevention measures. If blasting is required, the blasting schedule shall be approved by the County and any other utility companies with facilities in the area prior to the commencement of work.

Blasting will only be conducted by State licensed contractors.

Occupants of residential dwelling units located within 230 feet of any site where blasting would take place shall be notified (in person or via phone or written notice) at least one week before the blasting would occur to warn them of any potential annoyance. The 230-foot distance is based on the modelling performed for the project (see EIS/EIR Impact 4.9-2 and Appendix F). Only a few residences are located within 230 feet of where blasting could occur. Occupants shall be given a set window of time during the day when blasting will occur. They shall also be given a reminder approximately 1 hour before the time window for blasting begins. Notification shall indicate the approximate number of blasting events and the time frame in which they would occur (e.g., 1:00 PM to 4:00 PM).

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This measure applies to both National Forest System and private lands.

The comment also states that the EIR/EIS "fails to explain whether this vibration is so close to the residences that it could damage the homes." This statement is incorrect. The potential for construction-related ground vibration to cause structural damage to residential dwelling units is discussed on page 4.9-20 of the Draft EIS/EIR, under Impact 4.9-2 for Alternative 2. On this page the analysis explains that blasting would occur beyond 100 feet of any structure and due to the rapidly diminishing intensity of ground vibration with distance from the source no existing structures would be exposed to blasting activities that could result in structural damage. This conclusion is based on vibration modeling conducted for the project, which is referenced in the discussion of vibration causing human annoyance. As explained on the same page, the lack of sufficient vibration to cause structure damage is the reason the analysis focusses on disturbance and annoyance to people from ground vibration. Discussion under Impact 4.9-2 for Alternative 3 (page 4.9-28) indicates that blasting could occur as close as 130 feet from the nearest house. Similarly, discussion under Impact 4.9-2 for Alternative 4 (page 4.9-33) indicates that blasting could occur as close to 300 feet from the nearest house. In short, blasting would not occur close enough to an existing residence to result in structural damage.

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cont'd

is limited to nighttime impacts to residences, as the DEIR/S suggests. The DEIR/S also minimizes the impact by noting that the blasting would be for only a short period of time. *Id.* But the 80 VdB criteria is the threshold for *infrequent* events, so even occasional blasting falls into this category. DEIR/S at 4.9-8. The DEIR/S also fails to explain whether this vibration is so close to the residences that it could damage the homes.

Despite the clear significance of this impact under its own thresholds, the DEIR/S nonetheless concludes that the impact would be less than significant under CEQA for Alternative 3. DEIR/S at 4.9-28. Curiously, the DEIR/S bases this conclusion in part on the point that the “blasting activities would be . . . far enough away from sensitive receptors that ground vibration thresholds would not be exceeded.” *Id.* This directly contradicts the statement, on the *exact same page*, that the thresholds would be exceeded for at least one residence. *See id.* The DEIR/S must be revised to disclose this impact and to properly mitigate it.

0166-23

(b) The DEIR/S Fails to Adequately Mitigate the Project’s Noise Impacts.

The DEIR/S relies on a package of RPMs to mitigate the Project’s noise impacts. Specifically, the DEIR/S finds the Project’s construction and operational noise impacts to be adverse or significant under all alternatives. DEIR/S at ES-20 – 21. While the DEIR/S admits that the construction noise impacts are significant and unavoidable (*see id.*), it purports to rely on the RPMs and additional mitigation to reduce the Project’s impacts to a less than significant or no effect level (*see id.*). But these measures are legally deficient.

First, RPM NOI-1 is inadequate because it is improper deferred mitigation that provides no performance standard. As noted above, CEQA prohibits deferral of mitigation unless (1) there are practical considerations that preclude development of the measures at the time of project approval, (2) the EIR contains criteria to govern the future actions implementing the mitigation, and (3) the agency has assurances that the future mitigation will be both “feasible and efficacious.” *Californians for Alternatives to Toxics*, 136 Cal.App.4th at 17. NEPA also mandates that the EIS thoroughly analyze mitigation. 40 CFR § 1502.14(f).

Despite these legal requirements, NOI-1 provides only that the Applicant would “designate a Disturbance Coordinator, who will be responsible for responding to any local complaints about construction noise. The Disturbance Coordinator will determine the nature of the noise complaint and propose reasonable measures to correct the problem.” DEIR/S at B-9 (emphasis added). While it may be reasonable to allow the Disturbance Coordinator to define future measures to address specific complaints, the DEIR/S must provide performance criteria for doing so. For example, the DEIR/S could provide criteria for response times, standards that must be met for certain kinds of predictable complaints or identify a menu of options from which the Disturbance Coordinator will draw.

SHUTE, MIHALY
& WEINBERGER LLP

0166-22 cont'd, Noise (N)

0166-23, Noise (N)

The comment expresses concern about the RPMs and mitigation measures identified to address construction-related noise impacts for the action alternatives (i.e., Alternatives 2, 3, and 4). Noise generated by construction activity is addressed under Impact 4.9-1 for all alternatives.

The comment states: “While the DEIR/S admits that the construction noise impacts are significant and unavoidable (see *id.*), it purports to rely on the [Resource Protection Measures (RPMs)] and additional mitigation to reduce the Project’s impacts to a less than significant or no effect level.” This statement is inaccurate. It is correct that the analysis under Impact 4.9-1 determines that construction noise impact would be significant. However, the Draft EIS/EIR did not conclude that the RPMs and mitigation would reduce the impact to a less-than-significant, or no effect level. As shown on page 4.9-19, 4.9-27, 4.9-32, the Draft EIS/EIR concludes that Impact 4.9-1 would be significant and unavoidable with mitigation for Alternative 2, Alternative 3, and Alternative 4, respectively.

The comment also states that the mitigation measures addressing construction-related noise are inadequate because they defer mitigation and do not include a specific performance standard. The comment suggests that the NOI-1, which requires a designated Disturbance Coordinator, to address respond to local noise complaints, should specify response times, identify standards that must be met, or identify a menu of options from which the Disturbance Coordinator will draw. The comment further states that “NOI-2 and NOI-5 are too vague to serve as adequate mitigation.” First, the comment critiques each comment one-by-one; however, RPMs work as a suite of actions to minimize environmental effects. In the case of construction noise, no single RPM is purported to address all noise effects on its own. All applicable RPMs must be considered together to assess an overall reduction in noise impacts. In response to the concerns expressed in the comment, RPMs NOI-1, NOI-2, NOI-5, and NOI-6 are revised as follows:

NOI-1. Squaw Valley Ski Holdings will designate a Disturbance Coordinator, who will be responsible for responding to any local complaints about construction noise. The Disturbance

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Coordinator will determine the nature of the noise complaint and will propose reasonable measures to correct the problem whether a residence or other noise-sensitive receptor is exposed to a noise level that exceeds one or more of the noise level standards established in the Placer County Noise Ordinance (Article 9.36.060 Sound limits) and presented in Table 4.9-9 of the Draft EIS/EIR. If the Disturbance Coordinator determines that a noise ordinance standard has been exceeded at a sensitive receptor then the Disturbance Coordinator will work with the construction contractor to identify and implement site-specific measures to reduce the level of noise exposure to less than the applicable County standard, to the extent feasible. The Disturbance Coordinator will conclude its investigation of each local complaint within two full business days of receiving the complaint. If the investigation determines that feasible, effective noise exposure reduction measures shall be implemented, then the offending construction activity will not continue until the identified site-specific reduction measures are implemented. Site-specific measures to lessen noise exposure may include the following:

Stage construction equipment as far from the affected receptors as possible. Use quieter equipment for construction activity near affected receptors (e.g., a front-end loader instead of an excavator). Limit the number of equipment that are used at the same time in proximity to the affected sensitive receptor. Where available and feasible, only use equipment with back-up alarms that is equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. Self-adjusting backup alarms shall automatically adjust to be no more than 10 dBA louder than the surrounding background levels. Set all non-self-adjusting backup alarms to the lowest setting required to be audible above the surrounding noise levels. Install temporary noise-reducing enclosures around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors). Install temporary noise curtains as close as possible to the noise-generating activity such that the curtains obstruct the direct line of sight between the noise-generating construction activity and the nearby sensitive receptors. Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot. Specify routes of trucks hauling materials and equipment to construction sites and hauling debris away from staging areas to avoid exposing sensitive receptors to haul truck noise.

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Change helicopter flight paths to avoid exposing sensitive receptors to helicopter noise.

NOI-2. All internal combustion-engine driven equipment will be equipped properly maintained with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds will be closed during equipment operation.

NOI-5. Prior to Placer County Improvement Plan approval, the project owner or authorized managing entity shall insure that all construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers at all times during project construction as required by RPM NOI-2. It is the owner's/applicant's responsibility to obtain the services of a qualified acoustical professional to verify proper equipment mufflers if concerns relating to the issue arise. A note to this effect shall be added to the Placer County Improvement Plans where applicable.

NOI-6. Construction noise emanating from any construction activities, including any blasting and helicopter flights, is prohibited on Sundays weekends and Federal Holidays, and shall only occur:

- a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- ~~c) Saturdays, 8:00 am to 6:00 pm~~

In addition, temporary signs 4 feet x 4 feet shall be located throughout the project, as determined by the Placer County Development Review Committee (DRC), at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number for the Disturbance Coordinator where surrounding residents can report violations and the ~~developer/builder~~ Disturbance Coordinator will respond and resolve noise violations. The Disturbance Coordinator will respond to noise complaints in accordance with the requirements of RPM NOI-2. This condition shall be included on the Placer County Improvement Plans and shown in the County's development notebook.

Quiet activities, which do not involve heavy equipment or machinery, may occur at other times. Work occurring within an enclosed building, such as a building under construction with

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the roof and siding completed, may occur at other times as well.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions.

This same plan shall be submitted to the Forest Service for their review and incorporation into the Construction and Operation Plans.

The comment also states that RPM NOI-4 does not actually mitigate anything. RPM NOI-4 requires that the Applicant or its contractor obtain a permit from the County, including approval of a blasting schedule, prior to blasting and that blasting only be conducted by State-licensed contractors. By requiring that all blasting be conducted by a licensed contractor implementation of RPM NOI-4 will help prevent excessive frequency or level of blasting. By requiring a permit, including approval of the blasting schedule by the County, RPM NOI-4 will prevent blasting from occurring during noise-sensitive evening and nighttime hours.

The comment also provides a critique of RPM NOI-6, which requires, among other measures, that signs be located throughout the project site showing the time limitations when noise-generating construction can occur and showing a phone number for reporting violations and noise concerns. Again, the comment argues that implementation of RPM NOI-6 would not reduce noise impacts. Please refer to the revisions to RPM NOI-6, and the related RPM, NOI-2, which address this concern by providing greater detail on the implementation and requirements of these RPMs.

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cont'd

NOI-2 and NOI-5 are too vague to serve as adequate mitigation. NOI-2 requires that internal-combustion equipment must be "equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment." *Id.* Similarly, NOI-3 requires mufflers on construction equipment near residences. *Id.* While NOI-3 adds the requirement that the Applicant must engage the services of a professional to prove the mufflers are appropriate if there is a complaint, this RPM still falls short. Critically, these RPMs fail to identify (1) what decibel levels must be maintained by the mufflers or (2) what kind of equipment is appropriate to muffle machinery noise. As it stands, there is simply no way to determine if the mitigation would be effective.

NOI-4 does not actually mitigate anything. That RPM merely requires the Applicant to obtain blasting permits in advance of blasting. *Id.* It does not do anything to minimize the actual impacts of blasting.

NOI-6 defines allowed working hours and requires the Applicant to place signs with a phone number that neighbors can call with complaints. DEIR/S at B-10. Upon receiving a complaint, the Applicant "will respond and resolve noise violations." *Id.* But like with RPM NOI-1, this mitigation measure is legally adequate because it is vague and fails to establish performance criteria for the to-be-devised mitigation.

0166-24

(c) The DEIR/S Fails to Properly Disclose the Project's Cumulative Noise Impacts.

The DEIR/S concludes that the Project would not result in a substantial contribution to a significant cumulative noise impact because "traffic noise increases attributable [to the Project] would be minor and inaudible (i.e., less than 0.5 dBA)." DEIR/S at 4.9-39. But the whole point of the cumulative impacts analysis is to determine if an individually insignificant impact would, when combined with other cumulative impacts, be significant. *See, e.g.,* Guidelines § 15355(b) ("Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.").

Here, it was not enough for the DEIR/S to assume that since the increase in traffic noise brought by the Project would be minor, it would not have a substantial contribution to cumulative traffic noise. The DEIR/S should have explained how the Project's traffic noise would combine with other cumulative projects' noise, and what this impact would look like.

0166-25

5. The DEIR/S Fails to Adequately Analyze or Mitigate the Project's Transportation Impacts.

Although the proponents tout the Project as a solution to existing traffic problems, the DEIR/S admits that it would actually make traffic worse. The document's failure to thoroughly examine these impacts, or to mitigate them, violates CEQA and NEPA.

0166-23 cont'd, Noise (N)

0166-24, Noise (N)

The comment states that the Draft EIS/EIR does not properly disclose the project's cumulative noise impact. The cumulative noise impact discussion is presented on pages 4.9-38 through 4.9-40 of the Draft EIS/EIR. This analysis states that traffic noise increases attributable to Alternatives 2, 3, and 4 would be minor and inaudible because they would be less than 0.5 A-weighted decibels [dBA], as shown in the summary of traffic noise modeling results in Table 4.9-13 on page 4.9-25. The reason noise level increases less than 0.5 dBA are considered minor and the fact that they are inaudible is explained under the heading, "Human Response to Changes in Noise Levels," on page 4.9-3 of the EIS/EIR. In that section, it is explained that a 1-dBA increase in noise levels is imperceptible. The comment provides no evidence to the contrary.

The comment also states that, as stated in the CEQA Guidelines Section 15355(b), "cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." With respect to noise-related impacts it is important to consider the logarithmic nature of the decibel scale. As explained on page 4.9-2, a doubling of sound energy corresponds to a 3-dBA increase. The traffic noise modeling summarized in Table 4.9-13 shows roadside traffic noise levels under both existing conditions and existing-plus-project conditions. Due to the logarithmic nature of addition on the decibel scale, the traffic noise increases between existing and existing-plus-project conditions would be larger than traffic noise increases between cumulative-no-project and cumulative-plus-project conditions, which would involve higher traffic volumes. Thus, regarding the question of whether the project's contribution to traffic noise would be cumulatively considerable, it is conservative to evaluate the traffic noise increases between existing and existing-plus-project conditions to support the impact conclusion.

0166-25, Transportation and Circulation/Traffic and Parking (T&C/T&P)

The comment provides a summary of themes/issues addressed in detail in subsequent comments and states that

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the Draft EIS/EIR fails to thoroughly examine traffic impacts, and fails to mitigate them.

The transportation study provided in the Draft EIS/EIR analyzed numerous intersections, County roadways, and state highway segments during multiple peak hours under existing and cumulative conditions. See responses to comments 0166-26 and 0166-27, below, for a more detailed response to issues raised.

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0166-26

(a) The DEIR/S's Conclusion that the Project's Impact at the Intersection of Squaw Valley Road/Chamonix Place Would Be Mitigated to a Less Than Significant Level Is Not Supported by Substantial Evidence.

At the Squaw Valley Road/Chamonix Place intersection, the increase in vehicle trips from the Project would worsen the level of service (LOS) from D to E, causing a 14-second increase in delay; this increase in delay constitutes a significant impact. DEIR/S at 4.7-39. The DEIR/S concludes that this impact would be mitigated to a less than significant level primarily by employing traffic personnel to manage traffic at the intersection. *Id.* The document, however, fails to provide any evidentiary support that Squaw Valley can “manage” traffic in a manner that would eliminate this impact. The closest the DEIR/S comes is the assertion that traffic control personnel are used at the intersection of Squaw Valley Road and Wayne Road and that this intersection operates at an acceptable LOS. DEIR/S at 4.7-39. But this comparison is meaningless as the two intersections have different operating characteristics and traffic volumes. Moreover, the DEIR/S provide no support for the assertion that the intersection of Squaw Valley Road and Wayne Road actually operates at an acceptable LOS. In fact, according to the VSVSP EIR, this intersection currently operates at an *unacceptable* LOS. *See* VSVSP EIR Transportation Chapter, excerpts, at 9-57—9-58, attached as Exhibit F. Consequently, the DEIR/S's conclusion that traffic management would mitigate the Project's traffic impacts cannot be sustained.

Moreover, the EIR for the VSVSP relied on this same approach: promising to do a better job managing traffic than the ski resort currently does. Yet, Squaw Valley has a well-documented history of *mismanaging* traffic operations. In addition to the fact that Squaw Valley Road has too little capacity for the massive amount of traffic generated by the resort—a situation that will worsen significantly if the VSVSP is implemented—the resort has insufficient parking for its visitors. According to the Squaw Valley Fire Department “virtually ALL of the current issues associated with traffic and circulation in Squaw Valley – and the ripple effects on SR 89, SR 28, Donner Pass Road, West River Street and Eastbound I-80 – have their basis in poor planning and management/ operation of parking at Squaw Valley Resort.” VSVSP EIR at 3.2.7-4—3.2.7-5 (Comment LL1-6), attached as Exhibit G. The Fire Department goes on to explain that, year after year, Squaw Valley ignores the parking and circulation issues that plague the entire region. *Id.*

Courts allow a review of prior shortcomings in analyzing the adequacy of an EIR. For example, the California Supreme Court has stated that “[b]ecause an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR.” *Laurel Heights I*, 47 Cal.3d at 420. The applicant's past inability to manage its parking and vehicular flow raises significant red flags for handling the increase in traffic from

0166-26, Transportation and Circulation/Traffic and Parking (T&C/T&P)

This comment consists of four sub-comments, which are summarized below along with a detailed response.

#1: The comment states that the Draft EIS/EIR fails to provide any evidentiary support that Squaw Valley can manage the Squaw Valley Road/Chamonix Place intersection in a manner to eliminate the project impact.

This three-legged intersection is located along the portion of Squaw Valley Road where it transitions from an east-west to north-south roadway. General traffic engineering guidelines suggest that a signalized intersection (or one operated manually to assign vehicle right-of-way similar to signals) can serve about 1,500 vehicles per hour per lane. Under existing plus project PM peak hour conditions, the critical movement volume would be 719 vehicles per hour per lane, which represents about 48 percent of the intersection's capacity (i.e. LOS A). Thus, the intersection would function acceptably if operated by personnel that assign right-of-way. See subsection comment #3 below for further information.

#2: The comment states that the Draft EIS/EIR conclusion that traffic control personnel and resulting operations currently in use at the Squaw Valley Road/Wayne Road intersection is not sufficient because the Squaw Valley Road/Chamonix Place and Squaw Valley Road/Wayne Road intersections feature different operating characteristics and traffic volumes. Further, the comment states that the VSVSP DEIR shows the Squaw Valley Road/Wayne Road intersection operating at an unacceptable LOS.

Both intersections consist of three legs, though the Squaw Valley Road/Wayne Road intersection carries more traffic. As described on page 4.7-11 of the Draft EIS/EIR, the Squaw Valley Road/Wayne Road intersection currently operates at an acceptable LOS B or better due to the presence of manual traffic control. Operations were reported to be worse as part of the *Village at Squaw Valley Specific Plan DEIR* because manual traffic control was not in effect at that time. The improved traffic conditions between the time the VSVSP Draft EIR was prepared in 2014/2015 and when the Gondola Draft EIS/EIR was prepared in 2017/2018 is evidence of the effectiveness of manual traffic controls in improving intersection operations (i.e., the effectiveness of manual traffic control as a mitigation measure). Conditions at this intersection improved between 2014/2015 and 2017/2018. There was not a

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significant decline in the volume of traffic during this period. The physical characteristics of this intersection did not change. During this period, manual traffic control commenced. The conclusion drawn from this evidence is that manual traffic control has been effective at improving the operation of this intersection.

#3: The comment contends that Squaw Valley's inability to adequately manage its parking and vehicular flows raises significant red flags for handling the increase in traffic from the proposed project. It concludes by stating the Draft EIS/EIR conclusion that traffic management would prevent significant impacts lacks foundation.

There are numerous examples of traffic management plans being successful in handling large numbers of vehicles. Some common examples include sporting venues, churches, and other large gatherings. Successful traffic management plans start with detailed planning, identification of needed resources (both personnel and equipment), real-time communication during events, and self-evaluation/modification of plans to improve the plans from event to event. In addition, as stated above, improved traffic conditions between preparation of the VSVSP EIR and the Gondola EIS/EIR indicate the effectiveness of properly implemented traffic management programs in the project area. Finally, once Mitigation Monitoring and Reporting Programs (MMRPs) are adopted for the VSVSP and the Gondola, Placer County undertakes the regulatory authority, and duty, to require that the project applicant properly implement mitigation measures (as well as RPMs included in the Gondola EIS/EIR) for which the applicant is responsible. The Draft EIS/EIR for the Gondola properly concluded that the traffic management plan would reduce identified impacts to less-than-significant.

This comment is the same as a claim raised by the commenter in litigation challenging the EIR prepared for the VSVSP. In that claim, the commenter alleged that conditions of approval and mitigation measures relying upon the applicant's expansion of its traffic management program. The Placer County Superior Court denied this claim. (See *Sierra Watch v. Placer County*, Placer County Superior Court Case No. SCV-0038777, Ruling on Petition for Writ of Mandate, pp. 9-10 (August 18, 2018)).

#4: The comment cites several purported flaws associated with Mitigation Measure 4.7-9, which requires the applicant to

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manage traffic by using a three-lane coning program on days when traffic on Squaw Valley Road is expected to exceed 13,500 average daily trips. Stated flaws associated with this approach include: (1) there is no indication for how Squaw Valley will determine when the projected flow will exceed 13,500 ADT, (2) the three-lane coning program is already in use on Squaw Valley Road, (3) a program already in existence is not considered mitigation, and (4) Squaw Valley has demonstrated an inability to effectively manage traffic flows.

A number of sources can be used to estimate the following day's expected daily traffic levels, such as number of pre-purchased lift tickets, anticipated snow/weather conditions, level of lodging reservations, day of week, and historical year-over-year traffic data (collected through a permanent count station). While the three-lane coning program is already in effect, it does not always operate during both the AM and PM peak hours and may not be in operation on days when traffic volumes spike. Accordingly, the proposed three-lane coning program would be more robust, consistently used, and effective under Mitigation Measure 4.7-9 than the current program. In other words, although this program is currently implemented, Mitigation Measure 4.7-9 requires an expansion of this program. In addition, as stated above, once a MMRP is adopted for the Gondola project, Placer County undertakes the regulatory authority, and duty, to require that the project applicant properly implement mitigation measures, including Mitigation Measure 4.7-9. This oversight and enforcement authority will assist in ensuring that the three-lane coning program is effectively implemented. With respect to the applicant's implementation of traffic control measures, please see response to comment 0166-025.

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0166-26 cont'd, Transportation and Circulation/Traffic and Parking (T&C/T&P)

0166-27, Transportation and Circulation/Traffic and Parking (T&C/T&P)

The issues raised in this comment are addressed in the Master Response related to Vehicle Trip Reduction Measures provided in Section 1.8, "Master Responses" in this volume.

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the proposed Project. Accordingly, the DEIR/S's conclusion that future promises of traffic management would prevent significant impacts lacks foundation.

Similarly, the DEIR/S relies on traffic management to mitigate the Project's cumulative impacts on Placer County roadways. DEIR/S at 4.7-56. Specifically, Mitigation Measure 4.7-9 calls for Squaw Valley to manage traffic by using the three-lane coning system on days when traffic on Squaw Valley Road exceeds 13,500 average daily trips (ADT). *Id.* There are numerous flaws with this mitigation measure. First, the DEIR/S provides no indication as to how Squaw Valley will even determine which days are projected to exceed 13,500 ADT. Indeed, this is the precise approach the VSVSP EIR called for to mitigate that project's traffic impacts even though that EIR expressed doubt as to the feasibility of the measure. (*See* Exhibit F at 9-8, stating: "peak attendance days can be difficult to forecast" [VSVSP EIR Transportation Chapter]. Second, Squaw Valley already uses the three-lane coning program. DEIR/S at 4.7-4;4.7-6; 4.7-9; 4.7-11; 4.7-18. In addition, a program that is already in existence is not mitigation. Finally, as discussed above, Squaw Valley has demonstrated an inability to effectively manage traffic that fatally undermines this mitigation measure as well as the DEIR/S's conclusion that the measure would render impacts less than significant.

0166-27

(b) The DEIR/S Fails to Adopt Feasible Mitigation for the Project's Other Significant Traffic Impacts, Opting Instead to Identify These Impacts as Significant and Unavoidable.

In addition to the significant traffic impacts discussed above, the DEIR/S finds several other traffic impacts to be significant despite mitigation. These include: (1) Impact 4.7-4: Impacts at Vehicular Queuing at Caltrans Intersections; (2) Impact 4.7-11: Cumulative Impacts on Caltrans Intersections; (3) Impact 4.7-12: Cumulative Impacts on Vehicular Queuing at Caltrans Intersections; and (4) Impact 4.7-13: Cumulative Impacts on Caltrans Highways. DEIR/S at 4.7-41; 4.7-63; 4.7-64; 4.7-65. The DEIR/S identifies two mitigation measures for these impacts: (1) coordinating with Caltrans, and (2) offering to comply with a trip reduction ordinance, before concluding that these four impacts would remain significant and unavoidable.⁴ *Id.*

⁴ Oddly, Mitigation Measure 4.7-11 does not appear to apply to the proposed Project at all. It refers to approval of a Plan, rather than the Gondola Project. DEIR/S at 4.7-63. It also calls for compliance with the Placer County Trip Reduction Ordinance. *Id.* We can find no reference to the Placer County Trip Reduction Ordinance anywhere else in the DEIR/S. Moreover, the measure itself is vague and therefore unenforceable. The suggested trip reduction strategies include, for example, operation of a "convenient" shuttle system between resorts and off-site park-and-ride lots. *Id.* The DEIR/S does not identify the factors that would make a shuttle service convenient. Nor does it identify which resorts would be subject to the shuttle system. Moreover, it is unlikely that this measure refers to Squaw Valley and Alpine Meadows as the current shuttle

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The DEIR/S's perfunctory approach to mitigation is not sufficient. There are ample opportunities to mitigate the Project's transportation impacts. For example, the applicant could implement the trip reduction measures identified in the VSVSP EIR; these measures, while not mandatory, were identified to reduce that project's air quality impacts.⁵ See VSVSP EIR Air Quality Chapter, excerpts attached as Exhibit H. There is no doubt that the following list of measures are feasible since they were developed by the Placer County Air Pollution Control District, the California Air Pollution Control Officers Association, and the California Attorney General's Office (VSVSP EIR at 10-17):

- Provide free or discounted transportation service between the Village and the Amtrak station in Truckee to all overnight visitors who arrive by train. This service may be implemented in coordination with a local taxi service, the North Tahoe-Truckee Free Ski Shuttle, or other public or private shuttle service.
- Offer discounted overnight accommodations, meals, activities, or other incentives to visitors who arrive by train to the Amtrak station in Truckee and/or to groups who arrive by bus or some other emissions-efficient vehicle type.
- Offer free, shared, or discount rental bicycles to all visitors staying in the hotel or resort residential units.
- Provide shuttle service to other key destinations in the region (e.g., North/West Shore of Lake Tahoe, casinos, Truckee) to serve guests who want to tour regional offerings.
- Provide a covered bicycle parking area near entrance of all commercial establishments.
- Provide parking for and subsidize a car-sharing service for resort employees and/or patrons.
- Provide "end-of-trip" facilities for employees who bike to their work sites from outside of Squaw Valley, including showers, secure weather-protected bicycle

system between these resorts would be discontinued if the Gondola Project is implemented. DEIR/S at 2-10. Another strategy calls for the implementation of programs to better disperse the departures of skiers during peak afternoons through entertainment options and other incentives. *Id.* Yet, this strategy is entirely undefined and therefore would be impossible to enforce.

⁵ The DEIR explains that these measures are not mandatory to reduce the Project's air quality impacts to a less than significant level. Rather, the applicant would be able to select certain of these measures and demonstrate that the Project would not result in criteria air pollutant emissions in excess of 82 pounds per day. DEIR at 10-17.

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0166-27 cont'd, Transportation and Circulation/Traffic and Parking (T&C/T&P)

0166-28, Air Quality (AQ)

The comment is a summary statement that identifies topics and issues that are discussed in more detail in subsequent comments. See Comments 0166-29 through 0166-36 for a more detailed identification of comments related to air quality, and the responses provided to each one of these comments.

0166-27
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lockers, storage lockers for other gear, and changing spaces. This measure is consistent with measure TRT-5 in guidance published by the California Air Pollution Control Officers Association (CAPCOA 2010:234-236).

- Provide free transit passes or reimburse the transit costs of employees who commute from outside Olympic Valley using Tahoe Area Regional Transit or another transit service. This measure is consistent with measure TRT-4 in CAPCOA's guidance (CAPCOA 2010:230-233).
- Provide adequate secure weather-protected bicycle lockers or storage area for employees living at the East Parcel. The number of lockers or size of the storage area shall be adequate to meet the demand of employee residents.
- Provide virtual and/or real bulletin boards in common areas of employee housing units and other areas where employees congregate to foster the development of carpools and other ride sharing opportunities.

Adoption of these measures would go a long way toward reducing the Project's significant traffic impacts. Again, because these measures have been determined to be feasible, the County must require the applicant to adopt and implement enough of them to ensure that the Project's impacts would be mitigated to a less than significant level.

0166-28

6. The DEIR/S Fails to Adequately Analyze or Mitigate the Project's Air Quality Impacts.

The DEIR/S fails to fully analyze and disclose Project-related air quality impacts or to propose and evaluate feasible mitigation measures for each potentially significant impact. The DEIR/S acknowledges that Placer County is designated as a nonattainment area for the state and national ambient air quality ozone standards and for state PM10 standards. DEIR/S at 4.10-6. For this reason, one would expect the DEIR/S to contain a thorough analysis of Project-related and cumulative impacts to air quality. Instead, the DEIR/S's analysis of Project-related air quality impacts contains numerous deficiencies that must be remedied in order for the public and decision-makers to fully understand the Project's impacts. Specifically, the evaluation of the Project's air quality impacts must be revised to address: (1) failure to describe construction activities/discard emissions; and (2) underestimation of construction emissions. These omissions are discussed in greater detail below.

Because the DEIR/S indicates that the three action alternatives differ only in their route alignment, such that construction activities would be the same for all three alternatives, the comments below apply to all three alternatives.

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0166-29

(a) The DEIR/S Fails to Provide Important Details About Construction Activities.

The DEIR/S fails to describe aspects of construction activities that are critical to its analysis of emissions from these activities. For instance, the DEIR/S provides incomplete information about the amount of earth movement that would take place. The DEIR/S discloses that “fugitive dust emissions of PM10 and PM2.5 are associated primarily with grading during the site preparation phase.” DEIR/S at 4.10-14. In most cases, however, the DEIR/S provides the estimated area of disturbance only in square feet and acres and fails to indicate the *depth* of soil disturbance. *See, e.g.*, DEIR/S at 2-11 and 2-12. The missing information—the total amount of soil excavated—is essential because emissions result not only from the surface disturbance, but also from vehicles needed to move the material (whether on-site or off-site).

0166-30

Equally disturbing, it appears that Project construction emissions were estimated for only a portion of the earth movement necessary to construct the Project. Specifically, DEIR/S Appendix G indicates that the model inputs for earth moving used to estimate construction emissions were comprised of 5.50 acres and 7,500 cubic yards. DEIR/S Appendix G CalEEMod datasheets at 3. However, the DEIR/S indicates that the 7,500 cubic yards of fill only takes into account construction at the Alpine Meadows Base Terminal. DEIR/S at 2-10. Thus, the emissions model does not appear to have included earthmoving associated with construction at other Project locations, including Alpine Meadows Mid-Station, Squaw Valley Mid-Station, Squaw Valley Base Terminal, and at each of the 35 tower locations.

0166-31

In another example, the DEIR/S states that the Project involves construction of two buildings to store the gondolas when they are not in use—one on the Squaw Valley Base Terminal site and one on the Alpine Valley Base Terminal site. DEIR/S at 2-10, 2-12, 2-14. However, the document provides no details about construction of these buildings. Similarly, the DEIR/S lacks adequate data related to construction of the proposed towers. The DEIR/S provides no information as to the location of these structures or any details regarding their construction. The DEIR/S states only that “access and construction methods would vary depending on site conditions and location.” DEIR/S at 2-12. In both cases, the DEIR/S inappropriately defers the analysis and mitigation of the Project’s environmental impacts. *See* CEQA Guidelines § 15126.4(a)(1)(B); 40 CFR 1500.1(b). A revised analysis must include all pertinent information as to as the size, location, and construction activities associated with the gondola storage structures and the towers.

0166-32

Finally, the DEIR/S estimates that the Project would result in the removal of up to 500 trees. DEIR/S at 4.11-11. The DEIR/S prohibits burning the felled trees (DEIR/S, Appendix B – Resource Protection Measures, RPM AQ-19 [“During construction, no open burning of removed vegetation shall be allowed.”]), but the document fails to describe the method for disposal of these trees. A revised analysis must specify whether the vegetation would be processed on-site or

0166-29, Air Quality (AQ)

The comment states that the Draft EIS/EIR fails to provide important details about construction activities. Specifically, the comment indicates that the construction analysis did not include the depth of soil excavation during grading and site preparation phases and did not account for emissions associated with vehicles needed to move the material.

As discussed in the Draft EIS/EIR, site preparation activities would be minimal and would include vegetation clearing and some ground disturbance. Grading activities proposed at the Alpine Meadows Base Terminal would require up to 7,500 cubic yards of fill. No other project elements would require import or export of fill. The construction assumptions are summarized in Appendix G of the Draft EIS/EIR based on the description provided in Chapter 2, "Description of Alternatives."

Fugitive dust emissions from site preparation activities were estimated using CalEEMod, in accordance with PCAPCD recommendations. CalEEMod estimates dust emissions from grading equipment passes, truck loading, and bulldozing. Inputs for dust emission estimates include equipment type, daily equipment use, acreage of ground disturbance, and quantity of material to import or export.

To estimate dust emissions, the total disturbance area (i.e., 5.5 acres) was calculated based on project-specific information. CalEEMod applies fugitive dust emissions factors for grading equipment (i.e., dozers, scrapers, graders, crawler tractors) based on the number of acres per day each piece of equipment is capable of grading, on average, based on construction survey data. In addition, CalEEMod also estimates the amount of fugitive dust associated with the use of dozers based on the number of hours a dozer operates in a given day. Further, dust emissions were also estimated based on material quantities during loading/unloading activities using the tons of material to be imported. As shown in Appendix G of the Draft EIS/EIR, 7,500 cubic yards of fill would be needed. CalEEMod converts cubic yards to tons to apply this emission factor. This amount of material was entered into the model and used to estimate fugitive dust emissions from movement of material. The emissions factors and methods used by CalEEMod are approved by PCAPCD and capture the primary emission-generating construction activities. Further, it should be noted that the assumptions for daily equipment use in CalEEMod are conservative. Considering that conservative emission factors were used, maximum daily emissions were

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reported, and all sources of dust emissions were modeled, the Draft EIS/EIR does adequately evaluate and report dust emissions associated with site preparation and grading/earthmoving activities. In addition, the inputs/assumptions discussed above are also used by the modeling software to generate exhaust emissions. The items brought up by the comment would not alter the PCAPCD approved methods for calculating fugitive dust emissions or the results provided in the Draft EIS/EIR.

0166-30, Air Quality (AQ)

The comment asserts that emissions from earth movement were only estimated from construction of the Alpine Meadows Base Terminal and not from earthmoving associated with the Alpine Meadows Mid-Station, Squaw Valley Mid-Station, Squaw Valley Base Terminal, and the 35 tower locations.

As discussed in Chapter 2, "Description of Alternatives," of the Draft EIS/EIR, only the Alpine Meadows Base Station would require substantial earth moving. In all other locations, minimal ground disturbance would occur. As shown in Appendix G of the Draft EIS/EIR, the total disturbance area was calculated to be 5.5 acres, which accounts for ground disturbance at all project components. As explained in the response to Comment 0166-29, CalEEMod estimates dust emissions based on the number/type of equipment and acreage of ground disturbance. The estimated quantity of fill material (i.e., 7,500 cubic yards) that would be required for the entire project has also been accounted for in the dust emissions calculations. No further analysis is necessary.

0166-31, Air Quality (AQ)

The comment states that the Draft EIS/EIR did not provide details about the construction of proposed buildings, lacks adequate details related to construction of the proposed towers, and does not provide information of tower location. The comment also states that the Draft EIS/EIR defers the analysis and mitigation of the project's impacts. However, the comment provides no nexus between the asserted lack of detail and the impact analysis.

Page 4.10-14 of the Draft EIS/EIR includes construction details such as construction schedule, construction activities that

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would take place (e.g., site preparation, vegetation clearing, building construction, blasting, helicopter use, and tree removal), and identifies all components of the project that were evaluated (e.g., base terminals, mid-stations, lift towers, etc). The discussion further identifies the locations of proposed equipment staging areas and helicopter landing zones.

Emissions modeling was conducted using project-specific information and anticipated building sizes and material excavation/movement quantities. Assumptions used for the construction modeling are included in detail in Appendix G of the Draft EIS/EIR. PCAPCD-approved modeling software CalEEMod was used to conduct the construction analysis that uses conservative assumptions associated with the use of heavy-duty equipment, worker commute trips, vendor deliveries, and material hauling. The estimated emissions were based on the total anticipated construction disturbance area and building sizes, as shown in Appendix G of the Draft EIS/EIR.

The location of the proposed towers does not affect the results of the air emissions because emissions are estimated based on inputs described above, that do not depend on specific location within the overall disturbance area. Nonetheless, the number of towers, and their approximate location, by alternative, are shown in Exhibit 4.9-1 and based on the best available information at the time the Draft EIS/EIR was prepared. As the Draft EIS/EIR states with respect to tower locations:

Towers

A total of 35 towers would be installed along the gondola alignment under Alternative 2, with 24 on private land and 11 on NFS lands. The project applicant has provided preliminary tower locations that are used in this EIS/EIR; however, exact locations and designs for each tower have not been determined at this time. Determination of exact tower placement will be part of final project engineering and design once a single alternative has been selected (i.e., if an alternative is approved at the conclusion of the NEPA/CEQA process). On NFS lands, final engineering and design will require consultation with the Forest Service hydrologist/soil scientist and other technical specialists as appropriate. Placer County will have a similar role in final engineering and design on non-NFS lands. Four "tower zones" (Zones A, B, C, and D) have been delineated in Exhibits 2-3, 2-4, 2-5, and 2-6 to highlight areas with similar site conditions for tower

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placement. Details about tower construction are discussed below.

(Draft EIS/EIR, page 2-12.)

As this passage indicates, the exact placement of each tower has not been determined for the proposed project. The same is true with respect to Alternatives 3 and 4. (See Draft EIS/EIR, pp. 2-27-2.28.)

For additional information on the feasibility of identifying the precise location of towers, please see response to comment 0166-5. Specific locations will be finalized based on site-specific conditions and engineering requirements during the final design phases. However, air emissions have considered the construction activities associated with all of the proposed project components. Therefore, the emissions do accurately represent all anticipated construction activities and no additional analysis is necessary.

0166-32, Air Quality (AQ)

The comment states that the Draft EIS/EIR failed to describe the method for disposal of trees that would be removed during project construction and recommends that a revised analysis should be included that explains whether the vegetation would be processed on-site or hauled off site.

The discussions of Impact 4.12-3 in the Draft EIS/EIR provide an estimate of the number of trees removed under each alternative, up to 328 trees under Alternative 2, up to 237 trees under Alternative 3, and up to 214 trees under Alternative 4. Marketable trees would be removed for processing into lumber. As described on page 2.13 of the Draft EIS/EIR, "tree removal would be accomplished via helicopter, skidding, hauling off-site, chipping, or lop-and-scatter, depending on the specific site conditions and accessibility." RPMs TREE-1 through TREE-12 provide numerous details on methods of tree removal and treatment of slash and other non-marketable materials.

The comment is correct that emissions associated with tree removal were not quantified. In response, an additional analysis that quantifies emissions associated with truck hauling is provided. To provide a conservative estimate, the maximum total number of trees that could be removed under any alternative, 328 trees under Alternative 2, was rounded up to 350 trees. Based on project-specific arborist's survey data, the average tree diameter on the project site is 17 inches. Based

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on a study conducted by the University of Arkansas, conifer trees with a diameter of 17 inches can weigh 3,344 pounds (2013). A logging truck was assumed to have a capacity of 26 tons (USDA 2004). Thus, 350 trees would result in 585 tons of haul material requiring up to 23 truckloads. Assuming each truck leaves the site full and returns empty, a total of 46 truck trips would be required. Using CalEEMod and the construction material hauling component, tree hauling could result in maximum daily emissions during the site preparation phase of 0.23 lb/day of ROG, 0.9 lb/day of NO_x, 0.06 lb/day of particulate matter (PM₁₀), and 0.02 lb/day of fine particulate matter (PM_{2.5}). When combined with reported construction emissions in Table 4.10-5 of the Draft EIS/EIR, maximum daily emissions would still not exceed any PCAPCD threshold of significance. Calculations are provided in Appendix G of the Final EIS/EIR. The discussions of Impact 4.10-1, "Short-Term, Construction-Generated Emissions of ROG, NO_x, PM₁₀, and PM_{2.5}" are adjusted for all action alternatives to incorporate these additional emissions.

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hauled off-site. Then, it must calculate the emissions from any equipment used for chipping/spreading or incinerating trees, or from any trucks used to haul trees off-site.

0166-33

(b) The DEIR/S Underestimates Construction Emissions.

In addition to the omissions discussed above, the DEIR/S's analysis of construction emissions relies on improper and inaccurate assumptions. First, the DEIR/S relies on the CalEEMod model for Project emission estimates. DEIR/S at 4.10-9. But this model fails to take into account several Project elements that would add substantially to projected construction emissions. Specifically, the CalEEMod model does not appear to account for emissions from site preparation, all earthmoving activities, and blasting. As discussed further below, these activities would result in potentially significant emissions that may exceed the Placer County Air Pollution Control District's (PCAPCD) significance thresholds.

For example, before construction and paving can occur, a construction site must be properly prepared. This activity includes demolition, site preparation, and grading. Demolition involves removing existing structures or paving; site preparation involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading; and grading involves the cut-and-fill of land to ensure that the proper base and slope are created for the foundation.⁶ The Project site areas where the towers would be located are predominantly in roadless, undisturbed areas and would require significant site preparation. DEIR/S at 4.10-14. Yet, the DEIR/S appears to only account for emissions associated with grading and omits emissions associated with site preparation. DEIR/S Appendix G, CalEEMod Data Tables at 3. A revised analysis must disclose these emissions and identify feasible mitigation to minimize the impacts.

0166-34

Second, as discussed above, the DEIR/S fails to include all emissions associated with earthmoving. Moving the cut and fill around on site results in fugitive dust emissions, as this activity involves dumping materials, spreading materials around the site or onto storage piles, and loading out from storage piles onto a truck or with a front-end loader. These emissions must be included in a revised analysis.

0166-35

Third, the DEIR/S states that "some" rock-blasting using explosives may be required to prepare the Project site for development. DEIR/S at 2-11 and 4.10-14. The DEIR does not provide an estimate for how much rock would have to be blasted, stating only that, "some blasting may be required to remove outcroppings during terminal, mid-station, and lift tower construction." DEIR/S at 4.10-14. The DEIR/S goes on to state that if blasting is used, "some minimal fugitive dust emissions could occur depending on the size of the blast and material

⁶ See California Air Pollution Control Officers Association, CalEEMod User's Guide, Version 2016.3.2, p. 31; available at: <http://www.calcemod.com/>, accessed November 15, 2017.

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0166-32 cont'd, Air Quality (AQ)

0166-33, Air Quality (AQ)

The comment states that the Draft EIS/EIR underestimates construction-related air emissions from site preparation/demolition, earthmoving activities, and blasting. Demolition is not proposed, so no additional analysis is needed for this construction activity. Emissions associated with site preparation, grading, and earthmoving were evaluated in detail, as explained in response to comment 0166-29. Additional comments were received related to blasting activities and are addressed in responses to comments 0166-35 and 0166-36. The construction emissions analysis is consistent with the methodology recommended by the PCAPCD, the agency with regulatory authority over air quality in the project area.

0166-34, Air Quality (AQ)

The comment states that the DEIS/DEIR does not quantify all emissions associated with earthmoving activities. Emissions associated with site preparation, grading, and earthmoving were evaluated in detail, as explained in response to comment 0166-29. No additional analysis is necessary.

0166-35, Air Quality (AQ)

The comment states that the Draft EIS/EIR did not specifically quantify air emissions from blasting that would be required during construction activities.

The comment is correct that emissions were not quantified specifically for this individual activity. Blasting emissions were not quantified because they typically represent a negligible portion of the overall project emissions for a construction project. In addition, blasting emissions depend on site specific conditions, not available at the time the Draft EIS/EIR was prepared. Nonetheless, to provide complete disclosure, criteria air pollutant, oxides of nitrogen (NOx) were quantified using U.S. Environmental Protection Agency (EPA) AP-42 Emission Factors for Explosive Detonation, included in Chapter 13. Miscellaneous Sources (EPA 1980). The U.S. EPA has developed emissions factors for explosives (e.g., ANFO and

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trinitrotoluene [TNT]) for CO, methane, NO_x, and H₂S, among other pollutants. The EPA AP-42 Emission Factors for Western Surface Coal Mining, included in Chapter 11. Mineral Production Industry (EPA 1998) were used to quantify the emissions of PM₁₀ and PM_{2.5} from the use of explosives to break up rock for gondola construction.

Using emission factors for NO_x, one ton of explosives would result in 17 pounds of NO_x. Blasting takes considerable preparation and planning and is only used in areas where other more typical construction methods are infeasible. The areas where blasting could potentially be needed are minimal in comparison to the entire site and therefore, large quantities of explosives would not be used. As a conservative assumption, based on typical blasting activities occurring on construction sites in one day, 1,000 pounds of explosives would be more than enough to complete construction for the gondola (SE Group pers. comm.). Assuming, very conservatively, that 1,000 pounds of explosives were used in a single day (which is highly unlikely for this particular project), that would result in 8.5 pounds of NO_x emissions. Combining these emissions with the maximum daily emissions reported in Table 4.10-5, would result in 76.7 pounds/day of NO_x emissions, still below the PCAPCD threshold of 82 pounds/day. It should be noted that this emissions scenario assumes that the maximum blasting, helicopter use, and all grading/site preparation activities are occurring on one single day. This level of intensity is not anticipated, and is likely impossible due to safety protocols for keeping personnel and equipment at safe distances from blasting, and therefore this analysis is conservative. See Appendix G of the Final EIS/EIR for calculations.

Regarding particulate matter, the EPA uses a formula of 0.000014 lbs of total particulate matter less than 30 microns in diameter generated per a square foot of area exposed to blasting (EPA 1998). Of this total particulate matter generated, 52 percent is comprised of PM₁₀ and 3 percent is comprised of PM_{2.5}. Using this EPA data, a blast breaking up material over an acre area would generate 0.317 lbs of PM₁₀ (43,560 square feet X 0.000014 lbs total particulate generated per square foot X 0.56 of total particulates comprised of PM₁₀) and 0.018 lbs of PM_{2.5} (43,560 square feet X 0.000014 lbs total particulate generated per square foot X 0.03 of total particulates comprised of PM_{2.5}). Using an extreme scenario of 4-acres of area being blasted in the same day for gondola construction (which exceeds the combined disturbance areas of all towers and the Alpine Meadows and Squaw Valley mid-

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stations provided in Table 2-2 of the Draft EIS/EIR), this would generate approximately 1.27 lbs of PM10 and 0.07 lbs of PM2.5. Even under this extreme blasting scenario, construction emissions of PM10 would stay well below 10 lbs/day with the PCAPCD threshold being 82 lbs/day (See Table 4.10-6 in the EIS/EIR). PCAPCD does not provide a threshold for PM2.5; however, the existing emissions estimate in EIS/EIR Table 4.10-6 is 1.8 lbs/day and adding 0.07 lbs would increase the emissions by approximately 3.9%. As stated above, this is an extreme blasting scenario, the actual blasting disturbance area would be smaller than 4-acres (e.g., not all tower footings are expected to require blasting for installation), and for safety and purely logistical reasons (distance between blasting sites), not all blasting would occur on the same day. In addition, a number of RPMs have been included in the project that would reduce dust emissions by requiring the preparation and approval of a dust control plan (RPM AQ-10) in addition to other measures that would ensure onsite dust is controlled. Therefore, if estimates of PM10 and PM2.5 emissions from blasting were included in the EIS/EIR, it would not change the impact analysis or conclusions.

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being blasted.” DEIR/S at 4.10-15. However, the DEIR/S provides no details, let alone any support for the claim that emissions would be “minimal.”

Blasting and drilling the charge holes for placement of explosives generate emissions of fugitive dust, including particulate matter (“PM10” and “PM2.5”). Significantly, Placer County is in nonattainment with state ambient air quality standards for PM10 and PM2.5. DEIR/S at 4.10-6. Further, the detonation of explosives generates emissions of nitrogen oxides (“NOx”), carbon monoxide (“CO”), and sulfur oxides (“SOx”), among others. *See*, <https://www.irmi.com/articles/expert-commentary/construction-blasting-fundamentals>. CalEEMod does not estimate emissions associated with blasting and the DEIR/S does not provide separate emission estimates for blasting.

Depending on the amount of blasting, emissions associated with blast hole drilling and explosives could be substantial and may lead to an exceedance of the PCAPCD’s thresholds of significance for NOx and particulate matter. The DEIR/S indicates that blasting may take place at all Project locations, including at any of the 35 tower sites. DEIR/S at 4.1-15. By failing to estimate emissions associated with the blasting required to prepare the Project site, the DEIR/S fails to identify potentially significant impacts on air quality. As a result of this omission, it fails to require adequate mitigation.

0166-36

In sum, the DEIR/S provides an incomplete description of construction activities related to the Project and an inadequate analysis of related air quality impacts, in violation of CEQA and NEPA.

0166-37

7. The DEIR/S Fails to Adequately Analyze or Mitigate the Project’s Greenhouse Gas Impacts.

Analysis of greenhouse gas (GHG) emissions is essential under CEQA and NEPA. Scientists agree that existing conditions are such that we have already exceeded the capacity of the atmosphere to absorb additional GHG emissions without risking catastrophic and irreversible consequences. Therefore, even seemingly small additions of GHG emissions into the atmosphere must be considered cumulatively considerable. *See Communities for Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 120 (“the greater the existing environmental problems are, the lower the threshold for treating a project’s contribution to cumulative impacts as significant.”); *see also Center for Biological Diversity v. National Highway Traffic Safety Admin.* (9th Cir. 2007) 508 F.3d 508, 550 (“we cannot afford to ignore even modest contributions to global warming.”).

0166-38

This DEIR/S concludes that the Project would result in less-than-significant impacts related to greenhouse gas emissions. DEIR/S at 2-35 and 4.11-10. However, as detailed above, the DEIR/S presents an incomplete description of the Project and its construction activities, which results in a flawed greenhouse gas analysis. The DEIR/S underestimates the Project’s

0166-35 cont'd, Air Quality (AQ)

0166-36, Air Quality (AQ)

This comment is a summary of the detailed comments above related to air quality. See detailed responses to comments 0166-29 through 0166-35 above. No further response is necessary.

0166-37, Greenhouse Gases (GHG)

The comment states that the Draft EIS/EIR fails to adequately analyze or mitigate the project’s GHG impacts and that even seemingly small additions of GHG emissions must be considered cumulatively considerable. This comment introduces the topic of GHG emissions, but does not address the content, analysis, or conclusions in the Draft EIS/EIR.

Emissions associated with construction and operation of the project are shown, by source, in Table 4.11-1 of the Draft EIS/EIR. Construction activities that were evaluated included site preparation, grading, building construction, and mobile-sources from worker commute, vendor deliveries, and material hauling activities. Operational-related emissions included increases in vehicle traffic associated with increased skier days, operation of the gondola, and long-term maintenance activities.

As discussed on page 4.11-9, PCAPCD has adopted construction thresholds of significance of 10,000 metric tons of carbon dioxide equivalent CO₂e/year and operational thresholds of significance of 1,100 MT CO₂e/year (PCAPCD 2016). In accordance with PCAPCD guidance, projects that exceed these thresholds are said to have a cumulatively considerable contribution to climate change. Discussions for Impact 4.11-2 (Alt.2), Impact 4.11-1 (Alt. 3), and Impact 4.11-1 (Alt. 4) compared project construction and operational emissions to these thresholds and were shown to not exceed either threshold. For these reasons, the conclusion of less than significant regarding GHG emissions is accurate. No further analysis or mitigation is necessary.

0166-38, Greenhouse Gases (GHG)

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The comment asserts that the GHG analysis is incomplete and does not include emissions estimates from blasting and from tree removal activities. The comment references previous comments related to the project description. See responses to those comments above related to this topic.

The comment is correct that emissions from blasting and off-hauling of trees were not included in the GHG analysis. Regarding blasting, typically an ammonium nitrate and fuel oil (ANFO) mixture is used to remove rock. Explosives of this type create a deficiency in oxygen resulting in emissions of carbon monoxide (CO), particulate matter, nitrogen oxides (NO_x), methane (a GHG), hydrogen sulfide (H₂S), hydrogen cyanide, and ammonia (EPA 1980).

Blasting emissions were not quantified because they typically represent a negligible portion of the overall project emissions for a construction project. In addition, blasting emissions depend on site specific conditions, not available at the time the Draft EIS/EIR was prepared. Nonetheless, to provide complete disclosure, methane emissions were quantified using U.S. Environmental Protection Agency (EPA) AP-42 Emission Factors for Explosive Detonation, included in Chapter 13. Miscellaneous Sources (EPA 1980). The U.S. EPA has developed emissions factors for explosives (e.g., ANFO and trinitrotoluene [TNT]) for CO, methane, NO_x, and H₂S.

Of the above mentioned emissions, methane is considered a GHG. Using emission factors for methane, one ton of explosives would result in 1.1 pound of methane. To illustrate how minimal these emissions are, using an extremely high hypothetical scenario (well above anticipated actual explosives use) of one thousand pounds of explosives used for each day of construction (i.e., 200 days), a total of 100 tons of explosives would be used, resulting in 1,430 pounds of methane over the construction period. Converting these emissions to metric tons of CO₂E, results in an additional 16.2 MTCO₂E. See Appendix G of the Final EIS/EIR for calculations.

Regarding the off-hauling of removed trees, emissions were quantified as discussed in the response to Air Quality comment 0166-32. Annual GHG emissions associated with tree off-hauling would result in less than 2 MTCO₂E for the entire construction period. Combining emissions from blasting and tree hauling to the construction emissions reported in Table 4.11-1 would result in a new total of 587 MTCO₂E, which is still below the PCAPCD threshold of 10,000 MTCO₂E/year. No changes to the analysis or additional mitigation is necessary.

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GHG emissions because it fails to adequately evaluate emissions from construction activities. For example, explosives detonation results in emissions of GHGs, including carbon dioxide ("CO2"), yet the DEIR/S does not take these emissions into account. Similarly, the document does not account for emissions from equipment needed for tree removal, and chipping and spreading or incinerating the 500 felled trees. While the DEIR's proposed mitigation (RPM AQ-17 and AQ-18) would prohibit the use of diesel generators and limit idling time for diesel-powered equipment, it fails to address GHG emissions resulting from blasting and tree removal operations. A revised analysis must account for, and mitigate, all Project-related GHG emissions.

0166-39

Finally, the DEIR/S fails to analyze the Project's consistency with relevant state plans, policies and regulations adopted for the purpose of reducing greenhouse gas emissions. As we pointed out in comments submitted on the Notice of Preparation for the Project, the DEIR/S must specifically analyze how the Project would comply with the state's long-term goals for greenhouse-gas emissions reductions, including those set forth in AB 32, the Global Warming Solutions Act of 2006, and Executive Orders S-3-05 and B-30-15. The DEIR/S must also analyze whether the Project would be inconsistent with any sustainable-communities strategy adopted for the region pursuant to SB 375.

0166-40

8. The DEIR/S Provides an Incomplete and Flawed Analysis of the Project's Growth-Inducing Impacts.

Both CEQA and NEPA require an analysis of a project's potential to induce growth. CEQA Guidelines § 15126(d); 40 CFR § 1508.8(b). A proposed project is considered either directly or indirectly growth-inducing if it: (1) fosters economic or population growth or additional housing; (2) removes obstacles to growth; (3) taxes community services or facilities to such an extent that new services or facilities would be necessary; or (4) encourages or facilitates other activities that cause significant environmental effects. While the growth-inducing impacts of a project need not be labeled as adverse, the secondary impacts of growth (e.g., loss of open space/habitat/ agricultural lands, air quality, transportation, etc.) may be significant and adverse. In such cases, the secondary impacts of growth inducement must be disclosed as significant secondary or indirect impacts of the project.

The Court of Appeal in *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, set out the general framework for considering population-related impacts under CEQA. An EIR

should, at a minimum, identify the number and type of housing units that persons working within the [p]roject area can be anticipated to require, and identify the probable location of those units. The [EIR] also should consider whether the identified communities have sufficient housing units and sufficient services to accommodate the anticipated increase in population. If it is concluded that the

0166-38 cont'd, Greenhouse Gases (GHG)

0166-39, Greenhouse Gases (GHG)

The comment suggests that the GHG analysis should specifically evaluate how the project would comply with the State's long-term goals for greenhouse gas emissions reduction, including those set forth in Assembly Bill 32, the Global Warming Solutions Act of 2006, and Executive Orders S-3-05 and B-30-15, as well as any sustainable communities strategies adopted pursuant to Senate Bill 375.

As discussed on page 4.11-9, PCAPCD has adopted thresholds for determining the significance of GHG impacts. As discussed in the PCAPCD CEQA Thresholds Justification Report (October 2016), the District conducted a rigorous analysis to establish thresholds of significance for construction and operations emissions. As stated on page 14 of the report, the thresholds were developed considering:

The GHG significant thresholds adopted by other air districts. The historical CEQA projects reviewed by the District over the last thirteen years (2003 to 2015). The applicable statewide regulatory requirements by 2030. The special geographic features in Placer County.

As implied by the list of considerations, state policy (regulatory requirements) were included in the formation of thresholds. The PCAPCD established construction thresholds of 10,000 metric tons of CO2e/year and operational thresholds of significance of 1,100 MT CO2e/year. In accordance with PCAPCD guidance, projects that exceed these thresholds are said to have a cumulatively considerable contribution to climate change and could potentially conflict with State reduction efforts and adopted plans. Thus, projects that do not exceed these thresholds, would not conflict with established State reduction strategies and plans. Discussions for Impact 4.11-2 (Alt.2), Impact 4.11-1 (Alt. 3), and Impact 4.11-1 (Alt. 4) compared project construction and operational emissions to these thresholds and were shown to not exceed either. In fact, both construction (a total of 568 MT CO2e) and operations (755 MT CO2e/year) emissions would be less than the 1,100 MT CO2e/year established for operations, which is the most stringent of the two thresholds. Further, as discussed on page 4.11-11, Squaw Valley Ski Holding is currently finalizing contracts with Liberty Utilities and seeking approval from the California Public Utilities Commission to secure 100 percent of

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the electricity demands of their operations from renewable sources. Procuring renewable energy sources and reducing overall operational GHG emissions is consistent with the State's overall GHG reduction strategy. For these reasons, the conclusion of less than significant regarding GHG emissions is accurate. No further analysis or mitigation is necessary.

Regarding consideration of the Sacramento Area Council of Governments (SACOG) sustainable community strategy (SCS), the project is neither covered by nor excluded by the SCS. While it is, in effect, a transportation project, the project does not rely on public funding and is not included on the list of transportation projects covered by the SCS. The gondola would, however, serve one of the projects listed in the SCS, the Squaw Valley Village Specific Plan, which is forecasted in the SCS to provide 750 housing units within the 2035 planning horizon. (SACOG 2016). By providing a gondola between Squaw Valley, where the housing units would be built, and Alpine Meadows, which is part of the ski resort, it is clear the gondola would reduce vehicle-miles traveled between the resorts. For this reason, even if the SCS does not specifically contemplate the project, the project is not inconsistent with the SCS.

0166-40, Other NEPA/CEQA Analysis (ONCA)

The comment describes CEQA and NEPA requirements associated with growth-inducing impacts. These are discussed in Section 5.2.3, "Growth-Inducing Impacts," in the Draft EIS/EIR. The comment further states that the Draft EIS/EIR provides an incomplete and flawed analysis of the project's growth-inducing impacts. This statement provides a summary of detailed comments provided below, but does not specify what is incomplete or flawed in the analysis. See responses to the detailed comments below that address this statement.

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communities lack sufficient units and/or services, the [EIR] should identify that fact and explain that action will need to be taken

Id. at 370; *see also* CEQA Guidelines Appx. G § XII(a) (directing analysis of whether project would induce substantial population growth; Guidelines § 15126.2(d) (“Discuss the ways in which the proposed project could foster economic or population growth” and “EIR “discuss the characteristic of [the] project[] which may encourage and facilitate other activities.”). NEPA has similar requirements. *See* 40 C.F.R. § 1508.8(b) (requiring EIS to address indirect effects that are “reasonably foreseeable,” including effects related to “population density or growth rate”); *City of Davis v. Coleman* (9th Cir. 1975) 521 F.2d 661, 680-681 (finding an EIS inadequate for failure to include a “detailed discussion of the project’s probable impact on growth, land use or the planning process in the area,” an “estimate of the increased demand for . . . city services which increased population would occasion,” or indication that the effects on community cohesion and the tax base [had] been studied”). Once the EIR/S determines the action needs to provide sufficient housing and/or services, CEQA and NEPA require it to examine the environmental consequences of such action. *See Napa Citizens*, 91 Cal.App.4th at 373 (EIR must disclose “environmental consequences of tapping” water resources needed to serve growing population); *Stop H-3 Assoc. v. Dole* (9th Cir. 1984) 740 F.2d 1442, 1461-1462 (finding the indirect effect discussion in an EIS adequate because it included “reasonably sufficient data for decisionmakers to take the requisite ‘hard look’ at the environmental consequences”).

0166-41

Here, while the DEIR/S acknowledges the Project will involve 6-8 months of construction and that the “project is expected to result in approximately 7,371 additional visitor-days per month” (DEIR/S at 5-13), the document has not properly evaluated the environmental impacts from this growth and related indirect growth. For example, the project applicant has acknowledged that the linkage of ski terrain at Squaw and Alpine is key to making Squaw Valley a “World Class” all-season resort, and that this feature is sure to attract many new visitors to the area. Yet new people coming to the area, drawn by the Project and the economic activity it creates, will require housing and services. Providing housing and services will have environmental impacts, and CEQA requires analysis of those impacts. The DEIR/S, however, fails to provide an accurate estimation of the new growth or a proper analysis of its environmental consequences. Rather, it simply assumes, based on no evidence or analysis, that existing housing and services will be sufficient. *See* DEIR/S at 5-12 to 5-13.

If the gondola serves its intended purpose to help bring visitors to the area and make Squaw/Alpine a “World-Class” resort, the Project will expand the economic base of the area and spur visitation and development beyond the immediate project. New shops and restaurants will open to serve visitors. Resort employees will have more money to spend, and local businesses will grow. Further, many visitors to the Project will not limit themselves to day use of Squaw and Alpine, as the DEIR/S suggests. Rather, they will likely extend their visit to other top attractions, like Lake Tahoe. Lake Tahoe, however, is reaching its environmental carrying

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0166-40 cont'd, Other NEPA/CEQA Analysis (ONCA)

0166-41, Other NEPA/CEQA Analysis (ONCA)

Consistent with NEPA and CEQA, and as explained below, the Draft EIS/EIR discusses the ways in which the project could foster economic or population growth, either directly or indirectly.

Specifically, the Draft EIS/EIR discusses the project's growth-inducing potential in two categories: growth caused by project-related employment and growth as a result of increased resort visitation (see pages 5-11 through 5-13). Project-related employment is further broken down by short-term construction employment (30 to 40 workers during peak construction over a 6-to 8-month construction period) and long-term operational employment (two new full-time, year-round employment positions and eight full-time, seasonal positions; or five full time equivalent employees [FTEEs]).

For both construction and operational employment, the Draft EIS/EIR states that this employment is expected to be accommodated by the existing workforce in the project vicinity. The Draft EIS/EIR also acknowledges that some construction personnel could be brought in from outside the region; however, the jobs would be temporary (one construction season) and, thus, employment attributable to the project would not reasonably be expected to generate population growth or demand for new housing.

In terms of increased resort visitation, SE Group and RRC Associates prepared a report evaluating the anticipated changes to annual snow sports visitation as a result of the project (SE Group and RRC Associates 2018). This report is discussed in several places in the Draft EIS/EIR, including Chapter 2, "Descriptions of Alternatives," and Sections 4.1, "Recreation," 4.4, "Land Use," 4.5, "Socioeconomics and Environmental Justice," 4.7, "Transportation and Circulation," and 5.2.3, "Growth-Inducing Impacts." As discussed in this report, the project is expected to result in approximately 7,371 additional visitor-days per month (or approximately 246 visitors per day), and these additional visitors would be limited to short-term visits (i.e., a day or days) during the operating (winter season) (SE Group and RRC Associates 2018). The Final EIS/EIR analysis of growth induced by the project describes the temporary and short-term nature of these visits, and states that this increase in visitation would not increase the long-term,

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permanent population of the area. The Final EIS/EIR discusses indirect growth and concludes that existing commercial services (e.g., hotels, gas stations, retail stores) in the vicinity are available to serve peaks in winter visitation. That is, commercial services are geared towards having sufficient capacity to serve peak, or near peak, winter populations (e.g., weekends and holidays). As described in the SE Group and RRC report, there are existing factors that limit peak levels of visitation to Squaw Valley and Alpine Meadows, with the primary factor being parking capacity. Therefore, increased visitation attributable to the proposed project would be added during non-peak days/periods when there is "capacity" for additional visitors. Therefore, daily visitation numbers would not exceed existing peak visitation numbers that retail services are already capable of serving. Thus, the project's increased visitation would not result in substantial indirect growth in the area; as stated under Impact 4.5-1 (Alt. 2) in the Final EIS/EIR, indirect growth would be marginal given the scale of overall snowsports visitation at Squaw Valley and Alpine Meadows and in the greater Lake Tahoe region. This is supported by the fact that anticipated increase in visitation resulting from Alternative 2 is within the existing range of variability for total annual snowsports visitation at Squaw Valley and Alpine Meadows resulting from factors such as variations in annual snowfall, national/regional demographic trends, and the competitive marketplace (SE Group and RRC Associates 2018).

The Draft EIS/EIR also discusses how the project may encourage and facilitate activities that, either individually or cumulatively, would affect the environment, including the potential for an increase in visitor population that may impose new burdens on existing facilities (e.g., recreation facilities, transportation facilities, water supply). These types of impacts are evaluated throughout the Draft EIS/EIR.

It bears noting that, while the project is intended to enhance the visitor wintertime experience at both Squaw Valley and Alpine Meadows, the project would only operate in the winter and, therefore, would only generate increased visitation in the winter. While the project is expected to result in employment growth, employment needs would be minor, achieved by the existing area workforce, and would primarily be seasonal (as described above).

The comment states that existing housing or services would not be sufficient to support the project's increased visitation. No information is provided to support this statement. The comment

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correctly notes that the project is intended to enhance the visitor experience at both resorts, and while this could expand the economic base of the area (as discussed in the Visitation and Use Assessment [SE Group and RRC Associates 2018], discussed above), these indirect effects are evaluated in Sections 4.5 and 5.2.3 of the Draft EIS/EIR.

Finally, the comment states that project visitors will likely extend their visit to other attractions, such as Lake Tahoe, which could lead to significant environmental impacts to the Lake Tahoe Basin, including degradation of lake clarity and water quality. This issue was not addressed in the Draft EIS/EIR for the reasons described on page 4.17-24 of the Draft EIS/EIR. In summary, indirect effects on Lake Tahoe water quality associated with additional vehicular trips to and from the Lake Tahoe Basin would be minor and would be below thresholds established for the protection of lake water quality. The gondola project is expected to generate only a small amount of VMT in the Lake Tahoe Basin, and only in winter; therefore, the project would not cause VMT to exceed carrying capacity thresholds (see page 4.17-24 of the Draft EIS/EIR for further discussion).

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capacity and any additional induced visitors to that sensitive area would likely result in a significant environmental impact, as there is a known link between vehicle miles traveled and environmental impacts to the Lake Tahoe Basin, including degradation of Lake clarity and water quality. See, e.g., Exhibit I (comment letter of the Tahoe Regional Planning Agency on the Squaw Valley Specific Plan Draft EIR). In brief, cars generate fine sediment and tailpipe emissions that directly contribute to algae increase in the Lake.⁷

0166-42

Finally, conservationists also flag the role of the project in providing new “growth-inducing” infrastructure, which could encourage new development in a treasured alpine landscape. That’s because the gondola would not only connect to the existing Alpine Meadows development and proposed development in Squaw Valley, it would also connect with a new development proposed for the White Wolf property in between the two resorts.

Although details remain scarce, would-be White Wolf developer Troy Caldwell has submitted initial plans to build 38 luxury homes, a ski lift, a lodge, tennis courts, and equestrian facilities – with a connection to the new gondola as a central amenity.

0166-43

Ignoring these alarming facts, the DEIR/S simply jumps to the unsupported conclusion that despite the draw the gondola is intended to create at these resorts, the Project would not induce any notable indirect growth in the area that would result in significant impacts. CEQA and NEPA require more.

0166-44

C. The DEIR/S’s Analysis of Alternatives Is Inadequate.

A proper analysis of alternatives is essential to comply with CEQA’s mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988), 198 Cal.App.3d 433, 443-45. As stated in *Laurel Heights I*, “[w]ithout meaningful analysis of alternatives in the DEIR, neither the courts nor the public can fulfill their proper roles in the CEQA process . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the consequences of action by their public officials.” 47 Cal.3d at 404 (1998). The discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the

⁷ See, e.g., Final Tahoe Total Maximum Daily Load Report. November 2010. Prepared by California Regional Water Quality Control Board, Lahontan Region and Nevada Division of Environmental Protection. Source Analysis. p.7-8. Available at https://www.waterboards.ca.gov/lahontan/water_issues/.../tmdl/lake_tahoe/.../tahoe_tmdl.pdf (Excerpts attached hereto as Exhibit J); *Fugitive Dust Emissions from Paved Road Travel in the Lake Tahoe Basin*, attached hereto as Exhibit K.

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0166-41 cont'd, Other NEPA/CEQA Analysis (ONCA)

0166-42, Other NEPA/CEQA Analysis (ONCA)

The proposed White Wolf development is included in the list of cumulative projects (Table 3-3 and Exhibit 3-1) in the Draft EIS/EIR. Cumulative effects of the project in connection with other probable future projects (including the proposed White Wolf Development) are evaluated by resource topic in Sections 4.1 through 4.17. Development of the proposed Gondola project would be separate and independent from the proposed White Wolf development.

Under Alternatives 3 and 4, residents and guests of the White Wolf development would be able to access the ski resorts via the Alpine Meadows mid-station. Such access may provide a desirable amenity to such residents, and may therefore make residences in the White Wolf development more valuable than they would be without such access. The additional value provided by such access, however, is speculative. In addition, it is speculative whether, by providing such access, the project would make the White Wolf development project more economically feasible than would otherwise be the case. The project does not provide access or other infrastructure to the White Wolf development. In this respect, the project would not induce growth with respect to the White Wolf development. The Draft EIS/EIR appropriately identifies the White Wolf development as another project that is reasonably foreseeable, because the County has received an application for that development. The White Wolf development is therefore included in the discussion of cumulative impacts. In this fashion, the Draft EIS/EIR discloses the impacts that would occur if both the project and the White Wolf Development are approved. For additional information, please see response to comment 0166-6.

0166-43, Other NEPA/CEQA Analysis (ONCA)

As discussed in responses to comments 0166-40 through 0166-42, the Draft EIS/EIR adequately evaluates the project’s growth-inducing impacts and the project would not result in a significant growth-inducing impact.

0166-44, Alternatives (A)

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The comment provides an overview of the requirement to address alternatives in an EIS/EIR. The comment does not address the project. The comment is noted.

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project, even if these alternatives would impede to some degree the attainment of the project objectives or would be costlier. CEQA Guidelines § 15126.6(b).

Similarly, the evaluation of alternatives is the “heart” of an EIS. 40 CFR § 1502.14 (2004). It “guarantee[s] that agency decisionmakers have before them and take into proper account all possible approaches to a particular project . . . which would alter the environmental impact and the cost-benefit balance . . .” *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1228 (9th Cir. 1988) (internal citations and quotations omitted). NEPA’s regulations and Ninth Circuit case law also require an agency to “[r]igorously explore and objectively evaluate all reasonable alternatives.” § 1502.14(a) (emphasis added); *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir. 1985) (EIS must consider “every” reasonable alternative).

The federal courts, in the Ninth Circuit as elsewhere, have consistently held that a federal agency’s failure to consider a reasonable alternative is fatal to a NEPA analysis. *See, e.g., Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519-20 (9th Cir. 1992) (“The existence of a viable, but unexamined alternative renders an environmental impact statement inadequate.”); *Forty Most Asked Questions Concerning CEQ’s NEPA Regulations*, 48 Fed. Reg. 18,026 (March 16, 1981) (“In determining the scope of alternatives to be considered, the emphasis is on what is ‘reasonable’ rather than on whether the proponent or applicant likes or is itself capable of carrying out the particular alternative. Reasonable alternatives include those that are practical or feasible from a technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.”). “In order to be adequate, an environmental impact statement must consider not every possible alternative, but every reasonable alternative.” *Friends of Endangered Species v. Jantzen*, 760 F.2d 976, 988 (9th Cir.1985); *California v. Block*, 690 F.2d 753, 766-67 (9th Cir.1982); *Save Lake Washington*, 641 F.2d at 1334 (9th Cir.1981).

1. The DEIR/S Fails to Consider a Reasonable Range of Alternatives.

The DEIR/S is defective because it fails to consider a reasonable range of alternatives, including any alternative other than a gondola to provide access between the two resorts. CEQA requires that every EIR analyze a reasonable range of potentially feasible alternatives to a proposed project. *See* Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a); *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866 (EIR for outdoor composting facility legally deficient for failure to consider alternative that would significantly reduce air quality impacts). NEPA requires that an EIS do the same. *See* 40 CFR § 1502.14; *National Parks & Conservation Ass’n v. Bureau of Land Management* (9th Cir. 2010) 606 F.3d 1058, 1072 (BLM’s EIS for land swap overturned for failure to analyze a “reasonable range of alternatives.”).

To be reasonable, the range of alternatives analyzed in an EIR must provide enough variation from the proposed project “to allow informed decision making” regarding options that would reduce environmental impacts. *Laurel Heights I*, 47 Cal.3d at 404-05. Here, the three

0166-44 cont'd, Alternatives (A)

0166-45, Alternatives (A)

The comment states that the EIS/EIR’s analysis of alternatives is deficient because it does not consider an action alternative involving a connection between Squaw Valley and Alpine Meadows that does not include a gondola.

In September 2015 and October 2015, the Tahoe National Forest (TNF) and County, respectively, accepted applications from Squaw Valley Ski Holdings, LLC (SVSH), the project applicant, to install, operate, and maintain an aerial ropeway system (gondola) connecting the Squaw Valley and Alpine Meadows ski areas. The Forest Service must respond to SVSH’s land use application, which proposes additional lift infrastructure be approved to improve connectivity between Alpine Meadows and Squaw Valley. Placer County’s responsibility under CEQA is predicated upon the review of an application for a conditional use permit and Squaw Valley General Plan and Land Use Ordinance (SVGPLUO) amendment. Thus, this applicant-proposed NEPA/CEQA analysis process is driven by the Proposed Action put forth by SVSH, as described in Section 2.2.2 of the Draft EIS/EIR. In response to issues identified internally by the Forest Service and Placer County, and externally by the public during the scoping process, a reasonable range of alternatives was developed to meet the project objectives. The EIS/EIR analyzes in detail the No Action Alternative and three action alternatives. Differences between the action alternatives (Key Issues) are discussed in Section 2.4.1 of the EIS/EIR. Additionally, four alternatives were considered but eliminated from detailed analysis, including improvements to the existing shuttle system, alternative route alignments, a buffer zone around the National Forest System-Granite Chief Wilderness, and alternative technologies. These alternatives were ultimately eliminated from detailed analysis because they failed to meet the Forest Service purpose and need and/or the CEQA project objectives. Section 2.3 of the Final EIS/EIR provides additional information on these alternatives considered but not evaluated further, and explains why they were eliminated from detailed analysis. In addition, Master Response 1.8.2 addresses the “Improvements to Existing Shuttle System Alternative,” which involves expanding the existing shuttle system between the resorts.

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action alternatives differ only by the gondola's alignment. All three alternatives include roughly the same number of towers (between 33 and 35), 2 base terminals and 2 mid-stations, and 8 Gazex Exploders. *See* DEIR/S Table 2-1. The alternatives would also all disturb roughly the same amount of land. *See* DEIR/S Table 2-2.

Due to the lack of clear distinctions among alternatives, as the DEIR/S explains, there is very little difference in environmental effects among them. *Id.* at 5-13. For example, all of the alternatives would have significant and unavoidable impacts on visual resources, traffic, and noise. DEIR/S at Table 2-3. Alternatives that do not reduce the Project's significant and unavoidable impacts do not contribute to the "reasonable range" of alternatives required by CEQA. *See* Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a) & (b). As the primary purpose of alternatives analysis under CEQA and NEPA is to explore options to proposed actions that will adversely affect the environment, assessing slightly different variations of proposals with essentially identical environmental effects does not constitute an adequate alternatives analysis.

Notably, the DEIR/S fails to seriously evaluate non-gondola alternatives. In its scoping comments, Sierra Watch encouraged the County and the Forest Service to consider evaluate alternatives that could achieve Project objectives without the negative environmental impacts attendant to a gondola.

0166-46

2. The DEIR/S Fails to Properly Evaluate an Alternative that Would Improve the Existing Shuttle System.

In the section entitled "alternatives considered but not further evaluated, the DEIR/S identifies an alternative entitled "Improvements to existing shuttle system." DEIR/S at 2-30. Under this alternative, the fleet of shuttle vehicles would be expanded (types, sizes, fuel sources, user amenities) and the timing, location, and scheduling of the route would potentially be changed and shortened. DEIR/S at 2-30. Yet, rather than flesh out this alternative and evaluate its merits as compared with the proposed Project, the DEIR/S rejects it for further consideration, suggesting it does not adequately meet the Project's purpose and need. DEIR/S at 2-30. But this justification fails. An EIR may not discard an alternative based on overly narrow project objectives. *North Coast Rivers Alliance v. Kawamura* (2016) 243 Cal.App.4th 647, 668-69 (agency may not employ artificially narrow project objectives to constrain alternatives analysis); *Env'tl. Prot. Info. Ctr. v. United States Forest Serv.* (9th Cir. 2007) 234 F.App'x 440, 443 (noting that the agency "may not define the goals of its projects so narrowly that only its preferred alternative will meet those goals").

Here, the DEIR/S essentially asserts that the only way to improve access between the two resorts is by building a gondola. *See, e.g.*, DEIR/S at ES-2, 3 ("Provide a system where the gondola segment between the Squaw Valley base terminal and mid-station can operate independently from the remainder of the gondola so that this segment can potentially function as

0166-45 cont'd, Alternatives (A)

0166-46, Alternatives (A)

Please see Master Response above on the Improvements to Existing Shuttle System Alternative provided in Section 1.8, "Master Responses."

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a ski lift if the remainder of the gondola is not operational because of weather, maintenance, or other factors;" "Use a facility alignment that allows vehicles and equipment to reach gondola cabins from the ground to evacuate people from the cabins, if necessary, during an emergency situation;" and "Provide opportunities for skiers to offload at mid-stations to provide easier access to existing skiable terrain.") This approach is tantamount to saying that the objective of the Project is to implement the Project. Narrowing the Project's goals in this way tilts the analysis of alternatives unavoidably—and illegitimately—toward the proposed gondola.

In rejecting the "improvements to existing shuttle system" alternative, the DEIR/S states that just 2.7 percent of total downhill snow-sport visits currently use the existing shuttle and that this low shuttle usage is an indicator that guests do not find a shuttle system convenient and/or effective. DEIR/S at 2-30. The DEIR/S, however, fails to provide any description of the existing shuttle service. If the existing shuttle system operates at, or over, capacity or if riders are forced to endure lengthy wait times, this would certainly cause low ridership. In fact, elsewhere in the DEIR/S, the document explains that the current visitor experience requires that visitors wait 30 minutes for a shuttle. Executive Summary at 1. The fact that visitors may find the current shuttle system inadequate does not mean that an enhanced system would also be ineffective.

Had the DEIR/S considered an alternative that enhances the shuttle system rather than merely continuing the current deficient service, it could have determined that a state-of-the-art shuttle system would dramatically increase ridership. As the DEIR/S asserts, the fleet of vehicles and user amenities could be expanded (and frequent and reliable service is the most basic of these amenities) and the route could potentially be changed and shortened. DEIR/S at 2-30. In addition, an enhanced transit system alternative could explore an operational scenario in which Squaw Valley operates one of the three reversible lanes on Squaw Valley Road, as a transit-only lane. Given the volume of vehicular traffic traveling on Squaw Valley Road, an exclusive transit lane could be operational only during non-peak hours. Nonetheless, it could greatly improve shuttle transit times between the two resorts since the majority of those needing access to the other resort likely occurs during non-peak hours. It cannot be disputed that a well-designed enhanced transit alternative would, in addition to facilitating improved access between the two resorts, encourage increased transit use throughout Olympic Valley. Increasing transit ridership would reduce motor vehicular trips, minimize Squaw Valley's parking shortages, while also reducing air pollution and greenhouse gas emissions.

3. The County May Not Approve the Project Because a Feasible Alternative Exists That Would Meet the Project's Objectives and Would Diminish its Significant Environmental Impacts.

Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet a project's objectives and would diminish or avoid its significant environmental impacts. Pub. Res. Code § 21002; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 731; *see also* CEQA Guidelines §§ 15002(a)(3), 15021(a)(2),

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0166-46 cont'd, Alternatives (A)

0166-47, Alternatives (A)

The action alternatives differ considerably in magnitude of anticipated environmental impact. The comment quotes part of a sentence on page 5-13 of the Draft EIS/EIR (within Section 5.2.4), where it is stated that there is little difference in effects among the action alternatives. This quotation consists of summary text, and does not reflect fully the Draft EIS/EIR's analysis. The full sentence quoted by the comment reads: "As shown in Table 2-3, *based solely on impact significance conclusions*, there is little difference in effects among the action alternatives" (emphasis added). The impact significance conclusions themselves are limited in their ability to fully characterize the exact nature of an environmental impact because there are considerable nuances associated with impacts under each alternative that must be described in much greater detail. For this reason, a considerable amount of narrative text was provided within the EIS/EIR to distinguish the magnitude of anticipated environmental impacts in a way that the impact significance conclusions on their own could not have accomplished.

In short, an adequate range of alternatives with varying degrees of environmental impact was considered and analyzed for this project. For example, Alternative 4 is a feasible action alternative that would meet the project's identified NEPA purpose and need and CEQA project objectives and would at the same time diminish or avoid significant environmental impacts. Please refer to Section 2.4.1 of the Final EIS/EIR, which notes differences between the action alternatives for the project's key issues. Please also refer to the Master Response discussing Improvements to Existing Shuttle System Alternative, provided in Section 1.8, "Master Responses," which describes why this potential alternative was eliminated from detailed analysis in the EIS/EIR.

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15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. An alternative need not meet every Project objective or be the least costly in order to be feasible. *See* CEQA Guidelines § 15126.6(b).

The DEIR/S identifies Alternative 4 as the environmentally superior alternative. DEIR/S at 5-15. Moreover, as the DEIR/S acknowledges, because all three action alternatives call for the development of a gondola between the two ski resorts, there is little difference in environmental effects among the alternatives. *Id.* at 5-13. Consequently, Alternative 4, like the proposed Project (Alternative 2), would accomplish all of the Project Objectives. *Id.* at ES-2, 3. Consequently, approval of the Project would violate CEQA.

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II. Approval of the Project Would Violate Section 4(f) of the Department of Transportation Act.

In enacting section 4(f) of the Department of Transportation Act, Congress declared that "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands [and] wildlife and waterfowl refuges . . ." 49 U.S.C. § 303. To realize these broad goals, the Act sets forth two fundamental substantive mandates: (1) prohibiting federal agencies from approving transportation projects that require use of a public park, recreation area or wildlife refuge unless there are no feasible and prudent alternatives to using the parkland; and (2) requiring transportation projects which use a public park, recreation area or wildlife refuge to include all possible planning to minimize harm to the parkland. 49 U.S.C. § 303(c).

As the Supreme Court has explained, the "very existence" of section 4(f) demonstrates "that protection of parkland was to be given paramount importance." *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 412-413. By holding that only alternatives that included additive costs or community disruption of "extraordinary magnitude" could justify an exemption to section 4(f), the Court clarified that choosing a siting alternative that requires use of a public park or recreation area simply because it is the least expensive or most efficient choice does not meet the rigorous mandate of the provision. *Overton Park* thus sharply limited the discretion of federal agencies in approving proposed transportation projects affecting 4(f) resources.⁷

Under the Transportation Act, a transportation project need not be physically located on or within public parkland to qualify as "using" that land. Rather, 4(f) will apply if the project's adverse impacts on the parkland amount to "constructive use." As federal regulations explain, "constructive use" occurs when:

[A] transportation project does not incorporate land from a section 4(f) resource, but the project's proximity impacts are so severe that the protected activities,

⁷The standards outlined in the *Overton Park* case have been codified by the Department of Transportation's section 4(f) implementing regulations at 23 CFR § 771.135.

0166-47 cont'd, Alternatives (A)

0166-48, Other (O2)

The provisions contained in Section 4(f) of the Department of Transportation Act are not applicable for this project. According to the Federal Highway Administration, the authority ultimately responsible for making all decisions related to Section 4(f) (including the applicability of 4(f) to a specific property), Section 4(f) applies only to projects that receive funding from or require approval by an agency of the U.S. Department of Transportation.

This project would not receive federal funding from an agency of the U.S. Department of Transportation, nor would the project require approval from an agency of the U.S. Department of Transportation. The relevant governmental agencies for this project are Placer County and the Tahoe National Forest (Truckee Ranger District), neither of which are subsidiaries of the U.S. Department of Transportation. As such, the provisions contained in Section 4(f) of the Department of Transportation Act do not apply to this project.

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features, or attributes that qualify a resource for protection under section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the resource are substantially diminished.

23 CFR §771.135(p)(2). Examples of constructive uses include noise increases, substantial aesthetic impairment, restriction of access, vibration impacts, and ecological intrusions, among others. *See* 23 CFR § 771.135(p)(4).

The courts have applied section 4(f) to constructive uses in a wide variety of circumstances. For example, in *Brooks v. Volpe*, 460 F.2d 1193, 1194 (9th Cir. 1972), the Ninth Circuit found that a highway adjacent to a campground was subject to section 4(f) despite the fact that there was no actual use of protected lands. Other courts have found constructive use of section 4(f) lands resulting from such impairments as increased noise, unsightliness, and impaired access. *See, e.g., Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 202 (D.C. Cir. 1991) (holding noise from airport expansion would impact nearby park); *Citizen Advocates for Responsible Expansion, Inc. v. Dole*, 770 F.2d 423, 439 (5th Cir. 1985) (holding highway project would cause aesthetic and visual intrusion on protected park and historic buildings); *Monroe County Conservation Council v. Adams*, 566 F.2d 419, 424 (2d Cir. 1977) (holding highway would restrict access to park because nearby residents would have to cross four lanes of heavy traffic).

Here, all of the gondola alternatives discussed in the DEIR/S would severely impact 4(f) resources at Granite Chief Wilderness, Squaw Saddle, and the Five Lakes Trail. DEIR/S at 4.3-11—4.3-12; 4.3-14—4.3-15; 4.3-16—4.3-17. *See*, <https://protectgranitechief.wordpress.com/2018/06/07/new-study-indicates-all-squaw-alpine-gondola-alternatives-impact-granite-chief-wilderness-visitors/>, attached as Exhibit L. In particular, the construction of gondola infrastructure, under any of the alignments, would be plainly visible from locations within the Granite Chief Wilderness, Squaw Saddle, and the Trail; these impacts include visibility of helicopters, machinery, and work crews. DEIR/S at 4.3-12. Operation of the gondola may also create visual impacts for users of the Granite Chief Wilderness and the Trail during the summer as cabins (summer-only moving of cabins for system maintenance), towers, and wire-rope would be visible from Views 14 and 16, Five Lakes Trail, Granite Chief Wilderness, and Squaw Saddle. *Id.* Equally concerning, noise from construction activities (e.g., off-road equipment and helicopters), operational noise from the Gazex exploders and the gondola itself, and vibration from the blasting required to remove rock outcroppings would interfere with the use of Granite Chief Wilderness, Squaw Saddle, and the Trail. *See* DEIR/S Noise Chapter. All of these impacts would significantly reduce the opportunities for primitive and unconfined recreation for users in these recreational areas. *Id.*

In light of these effects, the Forest Service must consider a feasible and prudent alternative to the gondola—one that does not constructively use Granite Chief Wilderness, Squaw Saddle, and the Five Lakes Trail. The Act also requires that the Service include all

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possible planning to minimize harm to this land. Because the EIR/S lacks an adequate range of alternatives, but instead promotes only the gondola, any approval of the Project would contravene the Transportation Act.

Respectfully submitted,

SHUTE, MIHALY & WEINBERGER LLP



Amy J. Bricker



Laurel L. Impett, AICP
Urban Planner

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Exhibits

Exhibit A	Biological Resources Letter Report, Michael White, Ph.D. June 6, 2018.
Exhibit B	Sierra Watch Comment Letter to Placer County dated December 5, 2017 re: Segmentation with attachments.
Exhibit C	Visual Acuity Testing, From the Laboratory to the Clinic; Bailey and Kitchin, 2013.
Exhibit D	Google Earth Map of Munchkins Ridge.
Exhibit E	Squaw Valley Alpenglow Guided Backcountry Tour webpage.
Exhibit F	VSVSP EIR Transportation Chapter, excerpts.
Exhibit G	VSVSP EIR Squaw Valley Fire Department Comments on Draft Environmental Impact Report (Comment LL1), excerpt.
Exhibit H	VSVSP EIR Air Quality Chapter, excerpts.
Exhibit I	Tahoe Regional Planning Agency, Comments on EIR for the Village at Squaw Valley Specific Plan, December 22, 2015.
Exhibit J	Final Tahoe Total Maximum Daily Load Report. November 2010.
Exhibit K	"Fugitive Dust Emissions from Paved Road Travel in the Lake Tahoe Basin," October, 2009.
Exhibit L	"Protect Granite Chief" website.

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EXHIBIT A

0167

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0167-1, Summary (S2)

The comment provides a summary of detailed comments provided below. See responses to the detailed comments below.

Ms. Laurel L. Impett
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421

June 6, 2018

RE: Squaw Valley-Alpine Meadows Base-to-Base Gondola Project

Dear Laurel:

0167-1

I am a professional ecologist with 30 years of experience with environmental impact analyses, conservation planning, habitat restoration, and conservation land management. I have reviewed the documents for the referenced project and submit these comments specifically on environmental analyses for the vegetation, botany, wildlife and aquatics, and wetlands issue areas. Major issues include:

- The EIR/EIS does not provide an adequate description of the project, including the specifics on construction techniques, chemicals that may be released into the environment, and levels of noise, vehicle use, and human activity that will be required to build the specific alternatives. The EIR/EIS defers an assessment of these impacts to a future consultation with resource and permitting agencies. This document does not provide adequate detail to assess the true nature of the environmental impacts of the individual alternatives.
- The project is inconsistent with conservation and resource management objectives of federal, state and local agencies. There are many regulations and policies, discussed in more detail below, that require avoidance and minimization of impacts when feasible. The proposed project does not avoid or minimize impacts to sensitive resources to the degree practicable, and the least damaging alternative is not proposed.
- Proposed Resource Protection Measures (RPMs) and Mitigation Measures do not mitigate significant project impacts to a level less than significant. The proposed RPMs and Mitigation Measures involve training, planning, consultations, and undefined, future compensatory mitigation measures. The proposed RPMs and Mitigation Measures do not eliminate or adequately compensate for the significant impacts that would occur as a result of the project. In particular, the significant impacts to the Federal Endangered and California Threatened Sierra Nevada Yellow-legged Frog (SNYLF) and its designated Critical Habitat are not avoided, minimized or adequately mitigated.

I offer additional detailed comments on specific sections below.

Sincerely,



Michael D. White, PhD

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Squaw Valley-Alpine Base-to-Base Gondola Project
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Section 1.3 Purpose and Need and Project Objectives

0167-2 | The EIS purpose is to improve developed winter recreation opportunities in the Scott Management Area, consistent with Tahoe National Forest (TNF) Land and Resource Management Plan (LRMP); however, the project is not consistent with LRMP objectives. The EIR/EIS correctly states that Alpine Meadows Special Use Permit applies to the Scott Management Area of the TNF LRMP, but it does not acknowledge that a significant portion of Alternative 2 would affect the Granite Chief Management Area. The Granite Chief Management Area abuts the Scott Management Unit at the boundary of the Granite Chief Wilderness. The document describes the area of private land at the eastern edge of the Granite Chief Wilderness, but within the Wilderness Boundary, that will be traversed by the proposed project, but states that Wilderness Area protection does not apply to these lands and the lands serve no regulatorily defined buffer functions. However, the EIR/EIS does not acknowledge that the Resource Management Emphasis for the Granite Chief Management Area includes managing the privately owned area as Wilderness and acquiring private inholdings within the designated Wilderness boundary. The proposed project is inconsistent with the resource protection and management directives for the Granite Chief Management Area, and, in fact, creates additional threats and concerns that are at odds with the management emphasis of this unit.

0167-3 | Project alternatives include features that cause significant impacts but are not required by the EIS project Purpose and Need. All action alternatives include development of an avalanche mitigation system, primarily on public land. However, the need for an avalanche mitigation system is not part of the project's NEPA/EIS Purpose and Need. Furthermore, while an avalanche mitigation system is included in the project's CEQA/EIR Purpose and Need, based on the rationale provided in the EIR/EIS for the avalanche mitigation system it would be required only as a means of avoiding damage to new infrastructure associated with Alternative 2. Therefore, development of an avalanche mitigation system on public lands is not necessary to protect infrastructure associated with Alternatives 3 and 4. If the need for the avalanche mitigation system is independent of the gondola alignment, then this should be discussed and presented as part of the EIS Purpose and Need.

Section 2 Description of Alternatives

0167-4 | The EIR/EIS provides an incomplete and inadequate description of construction required for the proposed project. Construction of a "temporary" access road, tower sites, mitigation avalanche system, and associated infrastructure in this rugged and sensitive terrain would be the largest impacts of the project, but little information is presented to assess their complete effects in the EIR/EIS, and the document defers detailed siting and analyses to future consultations and approvals. The document also draws a distinction between permanent and temporary impacts that cannot legitimately be made without more detail.

For example, portions of the project area are so steep that project biologists were not able to access them by foot or were required to rappel to reach them, but the EIR/EIS states that the project will be designed so that "minimal excavation and material export" will be required. What is minimal? How will vehicles and equipment actually be moved to the site and what types of terrain modifications will be required? Section 4.15 (Wetlands) states "...wetlands and other waters would be temporarily disturbed during construction activities but would be restored to original contour and revegetated after construction..."

0167-2, Purpose and Need (P&N)

The resource management emphasis for the Granite Chief Management Area is beyond the scope of this analysis because the private lands within the congressionally mapped GCW are not publicly owned and therefore are not managed in accordance with the Forest Plan. As stated in a footnote on pages 1-13 and 4.1-4 of the Draft EIS/EIR, "A portion of Alternative 2 is located on private lands that are within the Granite Chief Management Area where Forest Service management does not apply to the private lands."

However, Section 4.3, "Wilderness" still includes discussion of the potential wilderness characteristics of those private lands within the congressionally mapped GCW, as well as the potential future acquisition of those private lands by the United States government.

0167-3, Purpose and Need (P&N)

The Gazex avalanche mitigation system was included as part of all action alternatives as presented in the Draft EIS/EIR. However, since publication of the Draft EIS/EIR, the Gazex avalanche mitigation system has been removed as a component of any of the action alternatives for this project. See the Master Response on this topic in Section 1.8, "Master Responses," for more information on the removal of Gazex from the project.

0167-4, Project Description (PD)

Table 2-2 of the EIS/EIR presents a comparison of disturbance of alternatives. Construction practices for each action alternative are discussed in Section 2.2 of the EIS/EIR. For example, Exhibit 2-2 provides an overview of the alignment for Alternative 2. The exhibit also shows the approximate location of the construction access road. Exhibits 2-4, 2-5 and 2-6 show close-ups of base terminals and mid-stations; these exhibits also show the approximate location of the construction access road. The text describes the construction access route as follows as it relates to the Alpine Meadows mid-station: "Additionally, construction equipment (including a tracked excavator and spider excavator¹) and materials (lift equipment, generator, and tools) would be transported to the site via a temporary construction access route primarily on private lands (approximate route is depicted in Exhibit 2-2). This route would be approximately 15 feet wide and would be utilized during

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construction in snow-free conditions, and potentially by over-the-snow machinery if snow remains in some areas when construction begins. Construction will only occur when soil conditions are such that there will not be excessive disturbance from machinery, grading, or construction activities that would lead to erosion. All-terrain vehicles would also use the identified route to access the site (primarily for construction crew transport) once the area is clear of snow. Further details regarding this access route, including the alignment and permitted machinery, will be developed prior to implementation as part of a Route Plan developed by the project applicant and provided to the Forest Service and Placer County for review and approval. All temporary access routes will be approved by both the Forest Service and Placer County prior to construction, in accordance with RPM MUL-3. Winter maintenance and emergency access would be provided to this facility over-the-snow using snowmobiles and snowcats along the same temporary construction access route identified in Exhibit 2-2. There would be no long-term summer maintenance route to this facility; a permanent access road to the mid-station is not proposed. The temporary construction access route would be restored to its previous condition after construction is complete." (Draft EIS/EIR, page 2-11).

Similar information is provided with respect to the temporary access route to the Squaw Valley mid-station (see Draft EIS/EIR, page 2-12). As the Draft EIS/EIR notes, construction access would be provided by an existing road, so no new disturbance would occur with respect to construction access. The Draft EIS/EIR also identifies the temporary access that would be provided during construction of towers, depending on the area in which the towers are located (Draft EIS/EIR, page 2-12). "Overall, the base terminals and mid-stations would disturb approximately 5 acres. Tower footings would disturb a maximum of 0.5 acre (35 towers x 600 square feet maximum disturbance each, including temporary disturbance, access and staging). In total, gondola construction would disturb up to approximately 5.5 acres." (Draft EIS/EIR, p. 2-13.)

The Draft EIS/EIR also describes temporary construction access required under Alternative 3. Exhibits 2-9, 2-11 and 2-12 show the location of the temporary construction access road for Alternative (see Draft EIS/EIR, p. 2-17).

The same information is provided for Alternative 4 (See Exhibits 2-13, 2-15, 2-16, 2-17). Under Alternative 4, access to the Alpine Meadows mid-station "would require

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construction of a segment of new permanent road on the Caldwell property" (Draft EIS/EIR, p. 2-27).

Table 2-2 summarizes the amount of disturbance that would occur under each alternative. This table includes information regarding the amount of disturbance associated with temporary construction access. This table also estimates the amount of disturbance that would occur under each alternative, both permanently and during construction, associated with construction of the mid-stations and towers. The estimates are necessarily preliminary because temporary construction access roads have not been designed. Nevertheless, sufficient information exists to evaluate whether the temporary construction access roads would result in significant impacts.

The Draft EIS/EIR acknowledges that the exact placement of each tower has not been determined for the proposed project or for Alternatives 3 and 4. Table 2-1 provides, however, a summary of the design characteristics of each alternative, including the number of towers (See Draft EIS/EIR, pp. 2-27-2.28). Exact placement of towers requires engineering the alignment approved by the County and Forest Service. At this time, it is not known whether the County and Forest Service will approve the proposed project, approve an alternative alignment, or disapprove the project (in effect, approving "no project". Preparing project plans at an engineering level of detail is both costly and time consuming. Such expense would be wasted in the event the County and Forest Service do not approve the project as proposed. Even if the County and the Forest Service do approve the proposed project, or an alternative, final engineering plans would be prepared for three alignments, even though at most only one alignment would be approved. Requiring an engineering level of detail at this point in time would therefore be a needlessly wasteful exercise.

In addition, final engineered plans are not needed in order to identify the impacts associated with the project. Rather, sufficient information must be provided to assess the project's impacts. Such information typically consists of conceptual or preliminary plans, with engineering details to follow if and when the agency approves the project. In this case, the applicant has provided sufficient information to enable the County and Forest Service to quantify the impacts related to construction. In particular, the EIS/EIR discloses the number and general location of towers under each alternative, the approximate location of construction access roads, the areas that will be disturbed during construction of the mid-

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stations. The information is provided for all three action alternatives. The EIS/EIR also acknowledges that during project design the locations and areas of disturbance may shift either to meet engineering specifications, or to avoid sensitive resources if it is feasible to do so.

The comment notes that some areas are so steep that they were inaccessible to biologists, and states that these areas are particularly sensitive to disturbance during construction. The temporary access roads would not be located on such areas.

Construction activities would be timed to avoid periods during which wet soil conditions could result in erosion; in particular, RPM SOILS-5 requires that "Soil-disturbing activities will be avoided during periods of heavy rain or excessively wet soils consistent with criteria developed by the Lahontan Regional Water Quality Control Board (LRWQCB)."

Additionally, construction and implementation of the action alternatives would occur in accordance with Resource Protection Measures included in the EIS/EIR as Appendix B. Potential construction-related impacts to wetlands are discussed in Section 4.15.3 of the EIS/EIR. Furthermore, it is noted that many of the final details of actual on-the-ground construction requirements are not yet known but will be overseen in detail and permitted as appropriate by the TNF and Placer County in accordance with the Resource Protection Measures (Appendix B) which have been developed specifically for this project.

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Squaw Valley-Alpine Base-to-Base Gondola Project
Page 3

0167-4 cont'd, Project Description (PD)

0167-4
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suggesting that some terrain modifications would occur. The EIR/EIS also states that the gondola towers "could" be anchored to rock but "some" blasting "could" be required, and that "Construction will only occur when soil conditions are such that there will not be excessive disturbance from machinery, grading, or construction activities that would lead to erosion." What are these conditions? How often do they occur and how will they be measured and monitored? The EIR/EIS states that blasted material will be scattered around the site. Over what area? What is the nature of the material (e.g., quantity of fine grained materials that could be washed into sensitive aquatic habitats)? Are there associated chemicals that could be discharged into sensitive habitats? How will it be scattered, by hand or with machinery? What noise levels would be generated by the project and for how long? The document states that in building the Gazex avalanche mitigation system "No temporary or permanent access roads would be required. Materials would be flown in by helicopter." How will construction crews access the Gazex system sites and how frequently and for how long will access be required? Can the avalanche mitigation system be constructed if the "temporary" access road associated with Alternative 2 is not built (i.e., in Alternatives 3 and 4)? As project construction is not adequately described and quantified, the environmental impact analyses in the EIR/EIS do not and cannot accurately estimate impacts. A complete analysis of environmental impacts necessitates knowing how much and where terrain modification will be required (e.g., grading and blasting), the disposition and characteristics of spoils, levels of noise generated over what areas and other construction details.

0167-5, Hydrology and Water Quality (H&WQ)

It is acknowledged that based on the scale of Exhibit 4.17-1 (pg. 4.17-4) it is difficult to confirm from Exhibit 4.17-1 (pg. 4.17.4) that the Alternative 2 alignment is entirely outside the Five Lakes Creek Watershed. However, Exhibit 4.16-1, "Topography of the Project Area" (pg. 4.16-2) is of sufficient scale to confirm, looking at the topographic markings, that the alignment of Alternative 2 is downslope to the east of the Five Lakes Creek Watershed. In addition, in assessing the Proposed Action, project hydrologists and aquatic biologists did review project data through GIS analysis allowing greater detail to be evaluated.

0167-5

Likewise, the Project Description does not provide an accurate description of the location of the project relative to local topography and drainage. The Alternative 2 gondola alignment is proposed along the local watershed boundaries between the Five Lakes and Barstool Lakes and the Bear Creek drainage. While not discussed in the Project Description section, the Wildlife and Aquatics section (4.14) states that drainage from disturbed areas will be to the east away from Five Lakes and Barstool Lake, but the EIR/EIS does not provide enough information to validate this. In addition, the Gazex avalanche mitigation system appears to be located outside of the Barstool Lake basin but the project description is inadequate to verify this. Where is proposed infrastructure located, what terrain modifications required to build the project, and will these terrain modifications alter local drainage patterns? More details are needed to adequately assess the environmental impacts of the project.

Potential ground disturbances at the Alpine mid-station under Alternative 2 would be situated such that disturbance area runoff would flow down gradient to the east and away from the Five Lakes basin. The types of disturbance required to implement elements of each action alternative are described in Section 2.2 of the EIS/EIR. Table 2-2 presents a comparison of disturbance quantified under each alternative. None of the disturbances associated with any of the action alternatives would be sufficient to constitute terrain modifications which would alter local drainage patterns.

0167-6

Skidding trees may not require new roads but could impact sensitive resources. The document needs more description, mapping, and quantification of these impacts.

The Gazex avalanche mitigation system was included as part of all action alternatives as presented in the Draft EIS/EIR. However, since publication of the Draft EIS/EIR, the Gazex avalanche mitigation system has been removed as a component of any of the action alternatives for this project. See the Master Response on this topic in Section 1.8, "Master Responses," for more information on the removal of Gazex from the project.

0167-7

The EIR/EIS does not adequately describe long-term maintenance of the proposed project. Presumably this will happen during non-winter seasons when the potential for impacts to sensitive resources is greatest. What type and frequency of maintenance is required? What types of equipment will be used for maintenance? Will lubricants, paints, solvents or other chemicals be used? Where are they stored and how and with what frequency are they moved to the site? Section 4.12 (Vegetation) states that vegetation management under the gondolas would continue in the future. How will the area be accessed, by what equipment and how frequently?

0167-6, Project Description (PD)

Section 4.12 Vegetation

0167-8

The significance of impacts should be assessed based on the intensity of the effects within the context that they occur. The Vegetation Section of the document reports acreages and species composition of vegetation communities but does not provide an accurate description of the condition of the resources in

Skidding of trees would occur in accordance with Resource Protection Measures presented in Appendix B of the EIS/EIR. Specifically, 12 RPMs specific to tree removal are included on page B-32. For example, RPM Tree-1 states that skidding trees is prohibited in wetlands or other waters. Where tree skidding may occur in proximity to wetlands, tree removal must use cable systems, helicopter yarding, or ground-based equipment to prevent any disturbance to wetlands. Aquatic

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habitat must be "fully protected from disturbance and sedimentation." (Draft EIS/EIR, page B-32).

0167-7, Project Description (PD)

Operation and maintenance of the proposed project would occur in accordance with Resource Protection Measures (RPMs) presented in Appendix B of the EIS/EIR. RPMs have been incorporated into all action alternatives and include requirements for the applicant to adhere to spill prevention practices, prepare construction and operation plans for Forest Service and Placer County review, prepare an erosion and sediment control plan, etc.

The comment states that maintenance activities would presumably occur during the non-winter season, when impacts would presumably be greater. This comment is incorrect. Maintenance would also occur during the ski season, using snowmobiles and snowcats. (Draft EIS/EIR, page 2-11).

The manufacturers of the gondola require that infrastructure be maintained to certain standards, in accordance with the relevant maintenance manual. Gondola maintenance can generally be categorized into cabin and grip maintenance, terminal maintenance, and sheave assembly maintenance. Cabin and grip maintenance would occur at the base terminals and operating buildings (indoors); terminal maintenance would occur on-site at each base terminal location; and sheave assembly maintenance would occur on-site at each tower location. Each terminal would have road access for maintenance, and a special maintenance carrier on the gondola line would be used for access to each tower location for sheave assembly maintenance. All materials required for proper maintenance practices would be used in accordance with the manufacturer's specifications; this includes lubricants, oils and other materials that may be needed for maintenance and have been approved by relevant federal, state and local agencies.

Vegetation management under the gondola would entail trimming back limbs and trees that would otherwise encroach into the gondola airspace corridor; this process would be carried out with hand tools and chainsaws and access would occur via truck, four-wheeler or on foot (depending on the specific location).

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0167-8, Vegetation (V)

Section 4.12 "Vegetation" of the Draft EIS/EIR includes an Environmental Setting subsection 4.12.1.1 which describes existing ground disturbances consisting of ski resort infrastructure, including buildings, roads, ski trails, and hiking trails, and native habitats throughout the study area.

The comment states that the Draft EIS/EIR does not provide an accurate description of the condition of the resources in the project area. The Environmental Setting section of Section 4.12, "Vegetation" provides sufficient information to adequately assess environmental effects and addresses varying quality and importance of habitat through the consideration of "Sensitive Natural Communities" and "Riparian Habitats." Table 4.12-1 identifies the types of habitat located within the study area for each alternative, and lists typical plant species located within that habitat. The table also identifies the amount of that habitat type/vegetation located within the study area for each alternative. The text provides further information on the characteristics of each habitat type. Those habitats that are considered particularly sensitive are identified. The EIR also identifies trees located in the area, and provides information on the health of these trees. (Draft EIS/EIR, pp. 4.12-8 through 4.12-13.) The comment does not state that this information is inaccurate. Rather, the comment states that additional information should be provided regarding the relative quality of the habitat. The EIS/EIR does, however, identify those habitats that are considered sensitive. Further differentiating the habitat types based on the relative quality of that habitat is not necessary to assess the project's impacts.

The project elements and proposed locations have been designed to minimize impacts to sensitive areas as much as possible. The sensitive natural communities in the project area mentioned in the comment (i.e., referencing Draft EIS/EIR page 4.12-27) are generally unaffected by the project.

One exception is mesic and riparian shrubland (0.09 acre). Because of the low height of the overstory vegetation, removal of the vegetation to allow passage for the gondola cabins under Alternative 3 would be limited or unnecessary. The amount of acreage identified for disturbance is a conservative estimate; the actual amount that would be disturbed is expected to be less because, once the final design has been developed, the corridor of vegetation will likely be narrower than assumed in the EIS/EIR. Additionally, RPMs BIO-39 and

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BIO-40, which require replacement either on-site or through compensatory mitigation for losses of wetland and riparian habitats, ensure that impacts to mesic and riparian shrubland are substantially lessened.

See response to comment 0167-2, above, regarding the Granite Chief Management Area.

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0167-8
cont'd

the project area. Project facilities should avoid high quality resources to the extent feasible, but the document does not provide adequate information to make this determination. Although no habitat quality descriptions are provided, pg. 4.12-27 states that sensitive communities in the project areas have "limited distribution and are particularly vulnerable to environmental effects." Are all sensitive habitats in the project area equally vulnerable? This section also does not analyze the project impacts for consistency with the objectives for the Granite Chief Management Area.

0167-9

Vegetation management under the gondolas would be required, but insufficient information is provided to assess potential effects of this maintenance. How will the area be accessed, by what equipment and how frequently?

0167-10

The proposed project is inconsistent with Placer County Policies on avoiding ecologically fragile areas (e.g., Placer County General Plan Policies 6.D.1, 6.D.3, 6.D.14). In addition, the greatest vegetation impacts are associated with the proposed alternative.

0167-11

The Vegetation Section provides a poor cumulative analysis, but states (pg. 4.12-35) that "Decades of growth and development, Comstock-era logging, hydrologic modification, livestock grazing, and fire suppression activities in the project area have resulted in an overall adverse cumulative condition for riparian habitat and sensitive natural communities. Considering only past and present projects, the cumulative condition is adverse." The EIR/EIS does not acknowledge that the proposed project would adversely affect the already cumulatively adverse condition of the resources of the area. Furthermore, the proposed mitigation measures are unlikely to adequately compensate for these cumulative impacts (discussed further below under Section 4.14 Wildlife and Aquatics and Section 4.15 Wetlands).

0167-12

The proposed alternative is not the least damaging. Alternative 2 has the greatest vegetation community impacts, and more trees are at risk of removal, damage or mortality under Alternative 2. In addition, it is not clear that the analysis of impacts for Alternatives 3 and 4 adequately assessed the impacts associated with construction of the proposed avalanche mitigation system.

Section 4.13 Botany

0167-13

Surveys conducted for special status plants are not adequate. While not presented in Section 4.13, Appendix H (Biological Resources) states: "For administrative reasons, most of the 2015 and 2016 survey dates were later than the blooming time for many of the special-status plant species that have the potential to occur." There were nine survey dates in 2015 and 2016, and six remaining survey dates in 2017, one of which was directed at a single species. Therefore, appropriately time surveys for special status plants occurred on five dates in October of 2017; i.e., only one-third of all the special status plant surveys conducted for the project were in the appropriate survey window. And while some special status plants can be identified from dried fruits and seeds, some species cannot, and even though plants can be identified from dried fragments, documenting the abundance and distribution of special status plants should be done during the appropriate flowering period. Although no special status plants were documented, the document states that the project area has a "high diversity and high potential for special status plants." The project area must be surveyed during biologically appropriate time periods to accurately document the baseline conditions that would allow adequate analyses of impacts to these resources.

0167-8 cont'd, Vegetation (V)

0167-9, Vegetation (V)

The comment notes that vegetation management under the gondola [alignment] would be required, but states that insufficient information is provided to assess potential effects of this maintenance. The comment further asks how the area will be accessed, by what equipment and how frequently.

As identified in Section 4.12, "Vegetation," tree removal associated with Gondola construction would be directed towards removing trees that interfere with safe Gondola operation. Continued safe Gondola operation would focus on future vegetation management as part of project maintenance, and therefore, would be directed at the ongoing trimming and removal of trees that may grow towards the Gondola towers, cables, or the cabin path of travel. Trees could be trimmed or felled by staff travelling over existing roads, on foot, or via over the snow vehicles. As stated in Chapter 2 of the Draft EIS/EIR, temporary construction access routes would be restored to pre-project conditions after construction is complete and no long-term/summer maintenance routes will be established. Trees would be trimmed/felled while they are relatively small in size, and therefore, trees or branches would be left on the ground unless adjacent to an existing road and there was a desire to remove the material by vehicle using existing roads. The frequency of vegetation management would be based on the rate of tree growth, as vegetation management would be in response to trees causing a safety hazard. For this reason, a specific maintenance schedule cannot be provided. The effects analysis in the Draft EIS/EIR is consistent with this approach to vegetation management.

0167-10, Vegetation (V)

The commenter states that the proposed project is inconsistent with Placer County Policies on avoiding ecologically fragile areas (e.g., Placer County General Plan Policies 6.D.1, 6.D.3, 6.D.14). The policies that the commenter mentions are: Policy 6.D.1. The County shall encourage landowners and developers to preserve the integrity of existing terrain and natural

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vegetation in visually-sensitive areas such as hillsides, ridges, and along important transportation corridors. Policy 6.D.3. The County shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools. Policy 6.D.14. The County shall require that new development avoid ecologically-fragile areas (e.g., areas of special status, threatened, or endangered species of plants, and riparian areas). Where feasible, these areas should be protected through public or private acquisition of fee title or conservation easements to ensure protection. The comment provides no examples or specific instances where the project is inconsistent with these policies.

The project has been designed to minimize impacts consistent with these policies, both through the selection of action alternative alignments and the placement of towers and temporary construction access roads. The comment does not acknowledge RPMs and mitigation measures that reduce biological resources impacts further, which are consistent with Placer County General Plan Policies.

Furthermore, the commenter states that the greatest vegetation impacts are associated with the proposed alternative. This statement is consistent with the results provided in Section 4.12 of the Draft EIS/EIR, Alternative 2 does have the greatest acreage extent of vegetation impacts. This information is incorporated into the determination of the Environmentally Superior Alternative provided in Section 5.2.4 of the Draft EIS/EIR.

0167-11, Vegetation (V)

The comment states that the vegetation section provides a poor cumulative analysis. The comment does not provide specific examples to support this statement, or provide specific information that is relevant to the cumulative impact analysis. The comment also states that the EIR/EIS does not acknowledge that the proposed project would adversely affect the already cumulatively adverse condition of the resources of the area. This comment is incorrect, as the Draft EIS/EIR does not conclude there would be no adverse contribution to cumulative effects, but states at the end of the first, fourth, and last paragraphs on page 4.12-36 that the action alternatives would not make "a considerable contribution to a cumulative effect." Consistent with the requirements of NEPA and CEQA, a project need not make "no contribution" to an adverse

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cumulative effect, but should avoid making a substantial contribution.

Additionally, the comment states that the proposed mitigation measures are unlikely to adequately compensate for the project's cumulative impacts. The comment does not provide specific reasons specifying why the mitigation measures in Section 4.12 "Vegetation" of the Draft EIS/EIR is inadequate.

Cumulative analysis under Section 4.12 "Vegetation" were included under Subsection 4.12.4 Cumulative Effects starting on page 4.12-34 of the Draft EIS/EIR. The implementation of various RPMs identified in Appendix B of the Draft EIS/EIR would reduce significant impacts on sensitive natural communities because they would ensure that sensitive habitat is avoided to the extent feasible, and that sensitive habitats that cannot be avoided are restored following construction or compensated for in a manner that results in no net loss of these habitats. Based on the no net loss standard required by state and federal laws, as applied to the project by the RPMs, Alternatives 2, 3, and 4 would not have a considerable contribution to the overall adverse cumulative effect on sensitive habitats in the project area.

Construction of Alternatives 2, 3, and 4 would result in the removal of trees and the possible removal, damage, or mortality of trees, some of which are protected by local ordinances and state regulations. However, RPMs REV-3, TREE-10, and TREE-11 would reduce significant impacts on trees to a less-than-significant level because impacts on trees requiring County tree permits would be minimized consistent with the County ordinances, tree removal would be conducted in a manner that would preserve and protect surrounding natural resources, and qualifying removed trees would be compensated for through new plantings or payment of tree replacement mitigation fees. Because the magnitude of tree removal is expected to be low relative to the distribution and availability of forest land in the region; most tree removal would be limited to common vegetation types; many of the trees that would be removed are within, or along the edges of existing developed areas; and compensation for removed trees would be implemented; tree removal as a result of Alternatives 2, 3, and 4 is not expected to contribute to changes in the composition, abundance, or regional patterns of forest resources in the region. Therefore, Alternatives 2, 3, and 4 would not make a considerable contribution to any cumulative effect related to tree removal in the region.

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The comment does not provide specific information indicating that this analysis is incorrect.

0167-12, Vegetation (V)

The comment states that the proposed alternative is not the least damaging, that Alternative 2 has the greatest vegetation community impacts, and that more trees are at risk of removal or mortality under Alternative 2. This statement is consistent with the results provided in Section 4.12 of the Draft EIS/EIR, Alternative 2 does have the greatest acreage extent of vegetation impacts and greatest potential impact on individual trees. This information is incorporated into the determination of the Environmentally Superior Alternative provided in Section 5.2.4 of the Draft EIS/EIR.

The Gazex avalanche mitigation system, which was included as part of all action alternatives as presented in the Draft EIS/EIR. However, since publication of the Draft EIS/EIR, the Gazex avalanche mitigation system has been removed as a component of any of the action alternatives for this project. See the Master Response on this topic in Section 1.8, "Master Responses," for more information on the removal of Gazex from the project.

0167-13, Botany (B)

The comment states that the surveys conducted for special-status plants are not adequate because most survey dates were outside of the appropriate survey window. While it is true that surveys conducted in 2015 and 2016 were later than the blooming period for many of the special-status plant species that have potential to occur in the project area, sites where potential special-status plants were identified only to genus during the 2015 and 2016 surveys were revisited during the blooming season in 2017 to finalize the species level identifications needed to determine species status. As noted on page 4 of the Botanical Survey Report, other plants that were not identifiable to species level in the field were collected and examined under a microscope until a definitive identification could be made. Therefore, all plants encountered during the 2015 and 2016 surveys were identified to the species level, and no special-status species were found. All the botanical surveys were conducted by a botanist that is an expert in the flora of this area of the Sierra Nevada and is fully

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qualified to identify special-status species that occur in the region with a high degree of confidence even when they are not in full bloom. The comment incorrectly identifies that surveys were conducted on five dates in October 2017; surveys were conducted on July 6 and August 6, 8, 12, 15, 16, and 29, 2017. Surveys were conducted in August and October of 2015 and September and October of 2016. The comment further states that the Botanical Survey Report describes the project area as having "high diversity and high potential for special status plants" which is taken out of context since the report notes that although about 340 vascular plants and 25 mosses were observed in the study area and this is a relatively extensive plant list on a per-area basis, this is often the result for long narrow study sites with substantial elevation changes within them (Appendix H1 Botanical Survey Report 2015-2017 p. 6). As noted in the Botanical Survey Report, habitat that is potentially suitable for several special-status species is present, but no special-status species were observed on the site during surveys carried out during 2015-2017 (Appendix H1 Botanical Survey Report 2015-2017 p. 5). The information provided in the Draft EIS/EIR provides a fully adequate description of baseline botanical resources conditions and the potential for special-status plant species to occur.

Per the impact analysis in Section 4.13, eight special-status species that are difficult to detect during surveys may be present in mesic (wet) habitats. RPMs BIO-2 and BIO-3 incorporated into the project require that once a project alternative is selected and construction is approved, a complete pre-construction floristic survey be conducted in construction activity areas (including all vehicle travel routes), and lands within 50-feet of construction activity areas. The pre-construction floristic survey will include all rare plants, fungi, and non-native invasive plants, and be conducted during a time that coincides with the greatest number of blooming periods for target species. Therefore, additional opportunities to identify special-status plants would occur prior to construction. The requirement for pre-construction surveys also provides the opportunity to identify new occurrences of species that may have become established between the time of field surveys in support of the EIS/EIR and the initiation of project construction.

This comment also refers to the Gazex avalanche mitigation system, which was included as part of all action alternatives as presented in the Draft EIS/EIR. Because the same Gazex avalanche mitigation system was included for all action

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alternatives, survey results and potential impacts associated with the system identified for Alternative 2 also apply, without change, to Alternatives 3 and 4. However, since publication of the Draft EIS/EIR, the Gazex avalanche mitigation system has been removed as a component of any of the action alternatives for this project. See the Master Response on this topic in Section 1.8, "Master Responses," for more information on the removal of Gazex from the project.

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0167-13
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The impacts to special status plants should be reassessed after conducted appropriately timed field surveys for these resources. In addition, it is not clear that the analysis of impacts for Alternatives 3 and 4 adequately assessed the impacts associated with construction of the proposed avalanche mitigation system.

0167-14

The Botany Section documents three noxious, invasive plants in the project area, and comments on their expansion during the several years that baseline studies were taking place. This speaks to the high threat invasive plants pose to natural areas in the project vicinity, and the high potential for moving invasive plants established in the project area into new habitats. This impact is underestimated in the analysis, particularly the potential for spread of propagules from existing populations to habitats in the Granite Chief Management Area. While RPMs such as tire washing are proposed, these measures should only be implemented as a last recourse; avoidance of disturbances that facilitate invasions of noxious species into sensitive habitats would eliminate the potential impact entirely. While the proposed RPMs can reduce the risk of introducing invasive plants into this sensitive wildland area they cannot eliminate the risk. As the Center for Invasive Plant Management states in its Invasive Plant Prevention Guidelines (which are based on the USDA Forest Service's "Guide to Noxious Weed Prevention Practices") "The most effective, economical, and ecologically sound approach to managing invasive plants is to prevent their invasion in the first place."

Section 4.14 Wildlife and Aquatics

0167-15

Perhaps one of the most significant impacts of the proposed project would be to wildlife and aquatic species, in particular, the Federal Endangered and California Threatened Sierra Nevada Yellow-legged Frog (SNYLF). The Wildlife and Aquatics Section lacks context crucial to making informed decisions about this project. For example, the Sierra Nevada Ecosystem Project (SNEP) found that aquatic, riparian and meadow ecosystems are the most degraded in the Sierra Nevada and many aquatic and riparian species are at risk of extirpation. As a result, SNFPA Goals are to: "protect and restore desired conditions of aquatic, riparian, and meadow ecosystems in Sierra Nevada national forests; and provide for the viability of species associated with those ecosystems." Furthermore, the Mountain Yellow-legged Frog Conservation Assessment for the Sierra Nevada Mountains of California, USA (USDA 2014) emphasizes the importance of conserving populations of SNYLF throughout its range to ensure genetic diversity is maintained. The proposed project is within the Five Lakes Critical Habitat Subunit (Subunit 2D), a relatively small Subunit which has few known populations of SNYLF remaining other than at Barstool Lake. The Five Lakes Critical Habitat Subunit is described as follows:

"The Five Lakes subunit consists of approximately 3,758 ha (9,286 ac), and is located in the eastern portion of Placer County, California, approximately 2 km (1.25 mi) west of Highway 89 and 12.3 km (7.7 mi) east of Foresthill Road. Land ownership within this subunit consists of approximately 2,396 ha (5,921 ac) of Federal land and 1,362 ha (3,365 ac) of private land. The Five Lakes subunit is located entirely within the boundaries of the Tahoe National Forest, including area within the Granite Chief Wilderness. This subunit is considered to be within the geographical area occupied by the species at the time of listing, and it contains the physical or biological features essential to the conservation of the species, is currently functional habitat sustaining frogs, and is needed to provide for core surviving populations and their unique genetic heritage.

0167-13 cont'd, Botany (B)

0167-14, Botany (B)

The comment states that the potential to introduce existing invasive plants established in the project area into new habitats, particularly the potential for spread of propagules from existing populations to habitats in the Granite Chief Management Area, is underestimated. The comment further states that while RPMs such as tire washing are proposed, these measures should only be implemented as a last recourse; avoidance of disturbances that facilitate invasions of noxious species into sensitive habitats would eliminate the potential impact entirely.

Multiple RPMs address reducing the risk of introducing or spreading noxious weeds, including RPMs BIO-3 through BIO-8. In particular, RPM BIO-3 requires that before construction activities begin, the applicant will treat invasive plant infestations in the construction activity area, and within 50-feet of the construction activity area, thereby eradicating known noxious weed infestations before construction begins. Other RPMs require that any new invasive plant infestations discovered during construction will be documented, reported to the land owner, and treated where needed as determined by the Forest Service on National Forest System (NFS) lands and by Placer County on private lands. Because the Forest Service invasive plant infestation criteria are more stringent than Placer County's, the same criteria applied by the Forest Service will be applied to private lands. After construction is complete, the applicant will monitor all construction disturbance areas for new noxious weed invasions and expansion of existing weed populations and treat invasive plant infestations where needed as determined by the Forest Service on NFS lands and by Placer County on private lands. Post-construction monitoring for noxious weeds would be conducted annually for three years. The comment states that the most effective, economical, and ecologically sound approach to managing invasive plants is to prevent their invasion in the first place. Invasive plants are already present in the project area as described in the Draft EIS/EIR, due to ongoing non-winter recreation, the spread of weeds could still occur, thus implementing RPM BIO-2 through BIO-8 would substantially lessen the potential for invasive weed introductions and spread.

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0167-15, Wildlife and Aquatics (W&A)

The comment provides a summary of SNEP, SNFPA, MYLF Conservation Assessment for the Sierra Nevada Mountains of California, and the USFWS description of the Five Lakes Critical Habitat subunit which are consistent with information provided in the Draft EIS/EIR. No specific issues related to the content, analysis, or conclusions in the Draft EIS/EIR are raised in this comment.