consensus of scientific analysis undermining the notion that past hydrology can accurately account for hydrology over the next quarter-century.

The Draft EIR's failure to perform climate-resilient analysis is a fatal for a ski resort project whose very future, environmental and economic, depends heavily on Sierra snowpack. The DEIR's reliance on such a narrow and selective range of past hydrologic conditions, and its resistance to further study in the EIR, is fundamentally inconsistent with more than a decade of analysis and recommendations of DWR and of California's leading climate scientists. As DWR summarizes that research:

- "Climate change is having a profound impact on California water resources, as evidenced by changes in snowpack, sea level, and river flows . These changes are expected to continue in the future and more of our precipitation will likely fall as rain instead of snow. This potential change in weather patterns will exacerbate flood risks and add additional challenges for water supply reliability."

- "The mountain snowpack provides as much as a third of California's water supply by accumulating snow during our wet winters and releasing it slowly when we need it during our dry springs and summers. Warmer temperatures will cause what snow we do get to melt faster and earlier, making it more difficult to store and use. By 2050, scientists project a loss of at least 25 percent of the Sierra snowpack. This loss of snowpack means less water will be available for Californians to use."

- Climate change is also expected to result in more variable weather patterns throughout California. More variability can lead to longer and more severe droughts. In addition, the sea level will continue to rise threatening the sustainability of the Sacramento-San Joaquin Delta, the heart of the California water supply system and the source of water for 25 million Californians and millions of acres of prime farmland.

http://www.water.ca.gov/climatechange/.

That same consensus of scholarship also undermines the DEIR's notion that merely studying past hydrologic conditions (even if a wider range had been studied) could adequately account for the foreseeable range of hydrologic conditions in which the project must operate. Relying on this limiting assumption and avoiding climate-resilient analysis would here undermine the central conclusions relating to water resources in the county's environmental review. That avoidance would not simply produce a failure to study the effects of climate change "on the project," to employ the phrase used in Chapter 16. For a project whose consequences are heavily water-dependent, such as the Specific Plan, reliance on past hydrology and failure to analyze the project's climate resilience would deprive the review of a complete understanding of how the project would operate in a range of climate-impacted conditions during decades of project construction and operation. In several cases, federal and state courts have cautioned against attempts to use past hydrology to avoid climate climate-resilient analysis. (See *NRDC v. Kempthorne* (E.D. Cal. 2007) 506 F.Supp.2d

L3-22 cont.

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322, 336, 337, 369; *PCFFA v. Gutierrez* (E.D. Cal. 2008) 606 F.Supp.2d 1122, 1184; *Pacific Coast Federation of Fishermen's Ass'n v. Gutierrez* (E.D. Cal. 2008) 606 F.Supp.2d 1122, 1184.) *Voices for Rural Living v. El Dorado Irrigation District* (2012) 209 Cal.App.4th 1096. L3-22 cont.

The following sources. available and hyperlinked on DWR's website, should be reviewed and included in the record for the Specific Plan, and incorporated in new analysis and mitigation measures designed to ensure that the Specific Plan is climate-resilient. These sources rebut the excuse that information is currently lacking (DEIR 7-2), which are in any event no excuse for the county to avoid genuine analysis.

The descriptions below of climate change reports and studies are those provided by DWR http://www.water.ca.gov/climatechange/pub_video.cfm. L3-23

- California Climate Science and Data for Water Resources Management (2015)
- DWR Climate Change Achievements (2014)
- DWR Climate Change Annual Report 2013 (2014)
- "Estimating Historical California Precipitation Phase Trends Using Gridded Precipitation, Precipitation Phase, and Elevation Data", DWR Memorandum Report (July, 2014)

This exploratory study develops and describes a methodology that uses readily available research data sets to produce gridded estimates of historical rainfall as a fraction of total precipitation for areas comprising the major water-supply watersheds of California. Written by Aaron Cuthbertson (DWR), Elissa Lynn (DWR), Mike Anderson (DWR, California State Climatologist) and Kelly Redmond(Western Regional Climate Center). L3-24

- "Preparing for Change, 'N' Magazine", by Elissa Lynn, DWR (July, 2014)
- "Regional Governance of Flood Management in the Central Valley: An analysis of the Integrated Regional Water Management and Regional Flood Management Planning processes " (May, 2014)

This study analyzes the origins and functioning of the Integrated Regional Water Management and Regional Flood Management Planning processes, and the degree of coordination between them to address flood risks in the Central Valley. It examines how these two processes are working to generate multi-benefit strategies and account for climate change, and discusses opportunities for future coordination. This report was written by Esther Conrad, PhD candidate in Environmental Science, Policy and Management at the University of California at Berkeley. L3-25

- Paleoclimate (Tree-Ring) Study (February, 2014)

New Hydroclimate Reconstructions have been released, using updated tree-ring chronologies for these California river basins; Klamath, San Joaquin and Sacramento. The report, prepared by the University of Arizona, allows assessment of hydrologic variability over centuries to millennia, gives historic context for assessing recent droughts, and can be used in climate change research. L3-26

- "Cry Me a Reservoir: Water Management and Climate Change Adaptation ", Environmental Law News (Summer, 2013) L3-27

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This paper presents four commentaries on water management and adaptation to climate change by four practitioners who work on these issues, incuding DWR's Katherine Spanos.

- DWR Climate Change Annual Report 2012 (2013)
- Preparing for New Risks: Addressing Climate Change in California's Urban Water Management Plans (June 2013)

Urban Water Management Plans (UWMPs) are an important element of California's efforts to assure reliable water supplies. This study assesses how water suppliers have considered the impacts of climate change and greenhouse gas emissions in their 2010 plans, and provides recommendations for how DWR could improve its climate change guidance for 2015 UWMPs. This report was written by Esther Conrad, PhD candidate in the Department of Environmental Science, Policy and Management at University of California Berkeley.

- DWR Climate Change Annual Report 2011 (2012)
- Analysis of the Department of Water Resources volunteer Climate Cooperator Network (December, 2012)

Discusses the current state of DWR's Volunteer Climate Cooperator Network, and makes suggestions for the future of the program.

- Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future Prepublication (June, 2012)

Committee on Sea Level Rise in California, Oregon, and Washington Board on Earth Sciences and Resources and Ocean Studies Board (Division on Earth and Life Studies, The National Academies Press, Washington, D.C., www.nap.edu)

- "Climate Change and Integrated Regional Water Management in California: A Preliminary Assessment of Regional Approaches," (June, 2012)

Written by Esther Conrad, Dept. of Environmental Science, Policy and Management, University of California, this report examines the initial steps that IRWM (Integrated Regional Water Management) regions are taking in response to new requirements to address climate change vulnerabilities and consider greenhouse gas emissions in IRWM plans in California. Specifically, this report seeks to assess the manner and degree to which the climate change requirements in the 2010 IRWM Guidelines are met in Round1 Proposition 84 Planning and Implementation grant proposals, and in recently approved IRWM plans, assess current IRWM regional approaches to analyzing and adapting climate change risks in light of the overall goal to promote an adaptive management approach, and provide recommendations on key steps for DWR IRWM regions to support the development of informative climate change analyses and mechanisms for adaptive management at regional and state levels.

- California Department of Water Resources Draft Climate Action Plan Phase I: Greenhouse Gas Emissions Reduction Plan (2012)

DWR in an effort to reduce its impact on the environment and lead by example, is developing a Department-wide Climate Action Plan. The first phase of this Climate Action Plan is a Greenhouse Gas Emissions Reduction Plan, which will guide project development and decision making with respect to energy use and GHG emissions.

- "Hydrological Response to climate warming: the Upper Feather River Watershed". Huang, G., Kadir, T., Chung, F. Journal of Hydrology (2012)

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L3-27 cont.

The hydrological response and sensitivity to climate warming of the Upper Feather River Basin, a snow-dominated watershed in Northern California, were evaluated and quantified using observed changes, detrending, and specified temperature-based sensitivity simulations.

- "The Climate has Changed: Now what? Integrated Regional Water Management and Climate Change Planning a Coincidental or Inevitable Union?". Katherine Spanos. 30th Annual Water Law Conference American Bar Association Section of Environment, Energy, and Resources. San Diego, California (February 22-24th, 2012)
- Climate Change Handbook for Regional Water Planning (2011)
- "Isolated and integrated effects of sea level rise, seasonal runoff shifts, and annual runoff volume on California's largest water supply.". Jianzhong Wang, Hongbing Yin, Francis Chung. Journal of Hydrology. (May, 2011)

A detailed analysis of climate change impacts on seasonal pattern shift of inflow to reservoirs, annual inflow volume change, and sea level rise on water supply in the Central Valley of California.

- DWR Climate Change Program Annual Report 2010 (2011)
- "Climate Change Characterization and Analysis in California Water Resources Planning Studies". California Department of Water Resources (December, 2010)

A comprehensive and comparative look at planning studies conducted by DWR and its partner agencies that have addressed climate change. Thirteen planning studies completed since 2006 or in the process of being completed are reviewed and summarized.

- Coastal and Oceans Climate Action Team Sea Level Rise Task Force Final Interim Sea Level Rise Guidance Document (October, 2010)
- DWR Climate Change Achievements Brochure (2010)
- DWR Climate Change Program Annual Report 2009 (2010)
- California Water Plan Update 2009: Volume 1 Strategic Plan, Chapter 5 Managing for an Uncertain Future
- 2009 California Climate Adaptation Strategy. California Natural Resources Agency (December, 2009)

A first-of-its-kind multi-sector strategy to help guide California's efforts in adapting to climate change impacts. The 2009 California Climate Adaptation Strategy summarizes the best known science on climate change impacts in seven specific sectors and provides recommendations on how to manage against those threats.

- " Using Future Climate Projections to Support Water Resources Decision Making in California." California Climate Change Center (May, 2009)

The report evaluates how climate change could affect the reliability of California's water supply. Click Here to view a Summary Factsheet. For further information, please contact Francis Chung (chung@water.ca.gov) or Jamie Anderson (jamica@water.ca.gov)

- DWR Climate Change Program Annual Report 2008 (2009)
- "Managing an Uncertain Future; Climate Change Adaptation Strategies for California's Water" California Department of Water Resources (October, 2008)

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L3-27 cont.

Focuses discussion on the need for California's water managers to adapt to impacts of climate change, some of which are already affecting our water supplies. The report proposes 10 adaptation strategies in four categories.

- DWR News/People (Fall, 2008)

DWR's quarterly magazine highlighting the people and projects of DWR

- "Progress on Incorporating Climate Change into Management of California's Water Resources" Climatic Change (March, 2008)

Published in the March 2008 special issue of ***Climatic Change*** *-California at a Crossroads: Climate Change Science Informing Policy*. This is an 18 page condensed version of the original 350 page 2006 report of the same name. Coauthored by DWR staff.

- Proceedings of the Western Governors' Association/Western States Water Council/California Department of Water Resources Climate Change Research Needs Workshop. (May, 2007)

A summary of information presented at the conference and of water management-related climate information and policy needs. Recommendations are also presented for development of relationships with the federal climate science agencies and with academia.

- "Progress on Incorporating Climate Change into Management of California's Water Resources" California Department of Water Resources (July, 2006)

In response to Executive Order S-3-05 from Governor Arnold Schwarzenegger, this report documents the Department's progress toward incorporating multiple climate change scenarios into the management of California's water resources.

- California Water Plan Update 2005:

  - From Volume 1 Strategic Plan, Chapter 4 Preparing for an Uncertain Future
  - From Volume 1 Strategic Plan, Chapter 5 Implementation Plan, policy recommendation concerning climate change
  - From Volume 4 Reference Guide, Climate Change and California Water Resources: A Survey and Summary of the Literature (by Michael Kiparsky and Peter H. Gleick, Pacific Institute for Studies in Development, Environment, and Security)
  - From Volume 4 Reference Guide, Accounting For Climate Change (by Maurice Roos, DWR)

Other reports not included in this list, but also meriting review, are the Public Policy Institute of California's April 2015 report, *Climate Change and Water*, and M. Goulden and R. Bales, Mountain runoff vulnerability to increased evapotranspiration with vegetation expansion, Proceedings of the National Academy of Sciences, 2014 111 (39) 14071-14075 (http://www.pnas.org/content/111/39/14071.abstract?sid=7231d557-557d-401c-a33c-136256dedd25).

L3-27 cont.

The DEIR Fails to Fully Analyze and Mitigate the Project's Adverse Water Consequences

L3-28

CEQA requires a complete assessment of the project's significant environmental impacts, and analysis and adoption of feasible mitigation measures

addressing these impacts. As SVPSD noted in scoping comments, "in consideration of the District's existing water system infrastructure, there are inadequate water supply and service facilities to support the project."

The analysis in the DEIR has not overcome this concern. In addition to the central deficiencies in the WSA-derived water analysis, summarized above, the Draft EIR and WSA fail to provide key information Mutual requested in scoping comments relating to the project's water consequences, and to analyze those consequences as CEQA requires. In particular:

L3-28 cont.

[a] Fundamental deficiencies remain in the hydrologic studies remain (e.g., supply capacity of Squaw Valley groundwater basin and surface water bodies, seasonal variations in that capacity, sustainable yield of Squaw Valley groundwater basin, margins of safety to avoid groundwater depletion in multiple dry year scenario, status of underground storage tanks, and migration of subterranean pollution plumes through the basin, location and feasibility of proposed new pumps, maintenance of flow rates in Squaw Creek).

L3-29

- The DEIR fails to fully account for water usage patterns and projections (e.g., complete analysis of demand and supply, storage mechanisms (and their environmental impacts), enforceable means to make resort operations maximally water efficient.

L3-30

- The DEIR fails to fully account for project's water sources (e.g., location of sources inside and outside Squaw Valley from which the project will draw supply, and quantity of water project will draw from each).

L3-31

- The DEIR avoids Mutual's request in scoping comments to study and quantify water rights and uses throughout the basin, and analyze how holders of existing and superior rights, including those of Mutual, can be protected during shortages..

L3-32

- The DEIR fails to fully account for environmental consequences of water for the project delivered by a new mutual water company.

L3-33

- The WSA and Draft EIR both reference additional groundwater studies, but selectively decline to incorporate their analysis on the theory that it would not be "appropriate."

L3-34

- The Draft EIR concedes that the groundwater modeling used in the WSA may have a "small" bias that fails to account for extreme drawdown at local wells, and concedes that groundwater recharge conditions have not been "fully mapped or quantified," but avoids assessment and analysis of environmental consequences.

L3-35

- The EIR fails to analyze water and climate-resilient alternatives to the project.

L3-36

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Moreover, the DEIR impermissibly defers project mitigation. One representative illustration is mitigation measure 13-4, which consigns to future determination the substance of efforts to verify performance of the groundwater pumping system without making the present commitment and establishing the performance criteria CEQA requires. The measure leaves ambiguous which wells would actually be covered, and is contingent on the hope of reaching a future development agreement with SVPSD whose aim and details receive only vague description. Adding to these concerns is that, as Myers' analysis verifies, the mitigation internalizes problems with the WSA's groundwater model and assumes its use in later updates.

CEQA authorizes deferred mitigation only where practical considerations prevent earlier implementation, and the reviewing agency commits to plan that ensures specific performance criteria and is clearly articulated at the time of project approval." (*Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028 (SOCA). Courts have rejected deferred mitigation where, as here, it fails to establish clear standards and leaves unresolved the availability and environmental consequences of project-related water resources. (See *Stanislaus Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182.) Moreover, the involvement of another agency with decision-making authority provides no excuse to avoid CEQA requirement to "mitigate or avoid the significant effects on the environment of projects it carries out or approves whenever it is feasible to do so." (Pub. Res. Code, §21002.1, subd. (b); see *City of Marina v. Board of Trustees* (2006) 39 Cal.4th 341, 368-369.) Mitigation measures must provide the opportunity for both municipal suppliers--Mutual as well as PSD--to participate in ongoing efforts to avoid harm to the basin and work toward sustainable management, working with the county and other stakeholders. These mitigation measures must also ensure compensation to these suppliers for harmful well deepening, and reduction of project pumping if necessary to protect the rights of senior appropriators. L3-37

The DEIR Fails to Fully Analyze and Mitigate Cumulative Impacts

The EIR fails to fully account for the likely scale of other planned development projects in Squaw Valley, particularly in light of deficiencies in the water and climate assessment of the project. Cumulative impacts must consider a particular project over time, and the impact of the project combined with other projects causing related impacts, including past, present, and probable future projects. CEQA Guidelines § 15130(b)(1). L3-38

The inadequacies in the WSA and DEIR water analysis discussed above and in the Meyers memoranda have important implications for both the direct and cumulative impacts of the Specific Plan, because they reveal constraints on water resources significantly greater than those recognized. The direct impacts in EIR categories depending on this water analysis-- chapters 6 (biological resources), 13

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(hydrogeology and water resources), 14 (utilities and public services, and chapter 16 (climate change) are likely to be greater than the DEIR acknowledges, and Chapter 18's assessment of cumulative impacts needs to be included in that revised analysis.
The DEIR denies significant cumulative impacts to Squaw Creek based on denial of interaction with the basin, using analysis Myers has criticized (DEIR 18-37). The DEIR also impermissibly curtails cumulative impact analysis of water supply based upon the conclusion, discredited in the Myers memoranda and discussed above, that pumping to serve the project and other anticipated projects will remain within the DEIR's threshold for saturated thickness. (DEIR, 18-36 to 18-42.)

L3-38 cont.

Attached: 2012 NOP Response from SVMWC
2014 NOP Response from SVMWC

Respectfully submitted,

John Johnson
President
Squaw Valley Mutual Water Company

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SQUAW VALLEY MUTUAL WATER COMPANY
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Maywan Krach
Environmental Coordination Services
Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn, CA 95603

November 8, 2012

Dear Ms. Krach:

The Squaw Valley Mutual Water Company ("SVMWC") received a copy of the notice of preparation ("NOP") of a draft environmental impact report ("EIR") for the proposed Village at Squaw Valley Specific Plan and Phase I Project ("project"). SVMWC provides the following comments to highlight issues that SVMWC believes the EIR must address during this California Environmental Quality Act ("CEQA") review process. SVMWC's concerns fall into five principal categories, as elaborated below: (1) hydrological studies; (2) water usage patterns and projections; (3) water sources; (4) water rights; and (5) cumulative impacts.

Regarding hydrological studies, SVMWC urges Placer County ("county") to outline early in the EIR process the analyses that the county and project proponent will complete to provide sufficient background information for determining the project's impacts on water resources. These studies should include consideration of the following concerns:

- Overall supply capacity of Squaw Valley's groundwater basin and surface water bodies and seasonal variations in that capacity;
- Determination of the sustainable yield of Squaw Valley's groundwater basin, and margins of safety to avoid groundwater depletion in multiple dry year scenarios
- Status of underground storage tanks and migration of subterranean pollution plumes through the basin;
- Location of any proposed new pump(s) that the project proponent will construct as a condition of developing the location of SVMWC's current pumping stations and; determination of the feasibility of utilizing these proposed pump relocation sites (including the maintenance of water quantity, quality and reliability and the obtainment and location of easements for pipelines to connect to SVMWC's existing system);
- Maintenance and potential enhancement of the flow rates in Squaw Creek, including an examination of creek sinuosity and its impact on the supply capacity and sustainability of the groundwater basin.

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- Impacts of climate change on the availability of water, in both temporal and quantitative terms; and
- Integration of the Todd Engineering report with the results of ongoing hydrological studies, such as the joint University of Nevada, Reno and Lawrence Livermore National Laboratory's investigations.

Regarding water usage patterns and projections, the EIR must analyze and disclose the following:

- Current water usage in the basin, disaggregated by user and time of use;
- Overall anticipated water usage of the proposed project in its various stages of completion, including consideration of any fluctuations in use due to expected seasonal variations and specifically in multiple dry years;
- Comparison between current water usage and projected usage after project completion;
- Storage mechanisms (and their environmental impacts) to level out variability and differences in demand and supply; and
- Enforceable means to make the resort's operations maximally water-efficient.

Regarding water sources, SVMWC believes that the EIR must examine the following aspects of the project:

- Locations and sources inside or outside Squaw Valley from which the project will draw its supply;
- The quantity of water that the project will draw from each of these locations and sources;
- Required measures that will take effect if any of the anticipated water sources lacks sufficient supply for the resort's needs; and
- Accommodation of fluctuations and increased variability in supply that are likely to result from climate change-driven alterations in the availability of water in California, particularly in the Sierra Nevada as snowpack decreases over time and hydrographs change in both the timing and amount of flows.

Regarding water rights, the EIR must consider the superiority of existing Squaw Valley water users' rights vis-à-vis any new users. The EIR must, therefore, examine how the project proponent will ensure respect for existing users' water rights, including the rights of SVMWC, in times of water shortage. Any such shortages in supply should not be shared pro rata with all basin users; the superior rights of SVMWC and other users must be satisfied in full before new users receive any portion of the available supply within Squaw Valley. The EIR must identify measures to ensure respect for these superior rights and must contain

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contingency plans that the project will implement when the available supply is insufficient for all users. The county should also, to the extent possible, quantify water rights in the basin to understand the scope of senior users' rights.

Regarding cumulative impacts, the EIR must investigate other planned development projects in Squaw Valley to determine whether impacts to water resources will be cumulatively significant in light of these other projects. The county should identify the likely scale of any such anticipated developments and analyze whether the available water resources can accommodate them. Any insufficiency should result in additional mitigation measures to be implemented by the project proponent.

The abovementioned issues reflect SVMWC's concerns about the massive scale of the proposed project and its impacts on Squaw Valley's water resources. SVMWC believes that the CEQA process will provide a vehicle for analysis of these various concerns, and SVMWC looks forward to engaging in this process to help produce an EIR that will address the needs and rights of existing Squaw Valley residents and water users while also protecting Squaw Valley's environment and appropriately accommodating new users.

Thank you for your attention to these issues.

Sincerely,

Tim Mattheis – Board member, SVMWC
For:

John Johnson
President, SVMWC

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

March 10, 2014

Dear Ms. Krach:

The Squaw Valley Mutual Water Company ("SVMWC") received a copy of the notice of preparation ("NOP") of a draft environmental impact report ("EIR") for the proposed Village at Squaw Valley Specific Plan and Phase I Project ("project"). SVMWC provides the following comments to highlight issues that SVMWC believes the EIR must address during this California Environmental Quality Act ("CEQA") review process. SVMWC's concerns fall into five principal categories, as elaborated below: (1) hydrological studies; (2) water usage patterns and projections; (3) water sources; (4) water rights; and (5) cumulative impacts.

Regarding hydrological studies, SVMWC urges Placer County ("county") to outline early in the EIR process the analyses that the county and project proponent will complete to provide sufficient background information for determining the project's impacts on water resources. These studies should include consideration of the following concerns:

- Overall supply capacity of Squaw Valley's groundwater basin and surface water bodies and seasonal variations in that capacity;
- Determination of the sustainable yield of Squaw Valley's groundwater basin, and margins of safety to avoid groundwater depletion in multiple dry year scenarios
- Status of underground storage tanks and migration of subterranean pollution plumes through the basin;
- Location of any proposed new pump(s) that the project proponent will construct as a condition of developing the location of SVMWC's current pumping stations and; determination of the feasibility of utilizing these proposed pump relocation sites (including the maintenance of water quantity, quality and reliability and the obtainment and location of easements for pipelines to connect to SVMWC's existing system). Specifically this would apply to SVMWC's well's # 1 & 2 including the combined pumping facility for both wells located within the proposed area of development. This includes the replacement of any facility displaced by the project ;

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- Maintenance and potential enhancement of the flow rates in Squaw Creek, including an examination of creek sinuosity and its impact on the supply capacity and sustainability of the groundwater basin.
- Impacts of climate change on the availability of water, in both temporal and quantitative terms; and
- Integration of the Todd Engineering report with the results of ongoing hydrological studies, such as the joint University of Nevada, Reno and Lawrence Livermore National Laboratory's investigations.

Regarding water usage patterns and projections, the EIR must analyze and disclose the following:

- Current water usage in the basin, disaggregated by user and time of use;
- Overall anticipated water usage of the proposed project in its various stages of completion, including consideration of any fluctuations in use due to expected seasonal variations and specifically in multiple dry years;
- Comparison between current water usage and projected usage after project completion;
- Storage mechanisms (and their environmental impacts) to level out variability and differences in demand and supply; and
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Regarding water sources, SVMWC believes that the EIR must examine the following aspects of the project:

- Locations and sources inside or outside Squaw Valley from which the project will draw its supply;
- The quantity of water that the project will draw from each of these locations and sources;
- Required measures that will take effect if any of the anticipated water sources lacks sufficient supply for the resort's needs; and
- Accommodation of fluctuations and increased variability in supply that are likely to result from climate change-driven alterations in the availability of water in California, particularly in the Sierra Nevada as snowpack decreases over time and hydrographs change in both the timing and amount of flows.

Regarding water rights, the EIR must consider the superiority of existing Squaw Valley water users' rights vis-à-vis any new users. The EIR must, therefore, examine how the project proponent will ensure respect for existing users' water rights, including the rights

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of SVMWC, in times of water shortage as demonstrated by the current three consecutive year drought. Any such shortages in supply should not be shared pro rata with all basin users; the superior rights of SVMWC and other users must be satisfied in full before new users receive any portion of the available supply within Squaw Valley. The EIR must identify measures to ensure respect for these superior rights and must contain contingency plans that the project will implement when the available supply is insufficient for all users. The county should also, to the extent possible, quantify water rights in the basin to understand the scope of senior users' rights.

Regarding cumulative impacts, the EIR must investigate other planned development projects in Squaw Valley to determine whether impacts to water resources will be cumulatively significant in light of these other projects. The county should identify the likely scale of any such anticipated developments and analyze whether the available water resources can accommodate them. Any insufficiency should result in additional mitigation measures to be implemented by the project proponent.

The abovementioned issues reflect SVMWC's concerns about the substantial scale of the proposed project and its impacts on Squaw Valley's water resources. SVMWC believes that the CEQA process will provide a vehicle for analysis of these various concerns, and SVMWC looks forward to engaging in this process to help produce an EIR that will address the needs and rights of existing Squaw Valley residents and water users while also protecting Squaw Valley's environment and appropriately accommodating new users.

Thank you for your attention to these issues.

Sincerely,

John Johnson
President, SVMWC

L3

Squaw Valley Mutual Water Company
John Johnson, President
July 17, 2015

L3-1 The comment is an introductory statement and also provides a summary of detailed comments provided later in the letter. See responses to the detailed comments below.

L3-2 The comment provides a summary of detailed comments provided later in the letter. See responses to the detailed comments below.

L3-3 The comment identifies general themes that are addressed in more detail in later comments. The comment correctly identifies that the results of the WSA support the impact analysis in multiple locations within the DEIR. Specific comments addressing the assertion that the WSA is flawed are provided later in the comment letter and responses these specific items are provided below. The commenter's citations to the water code, public resources code, and CEQA case law are noted.

L3-4 The comment references two technical memoranda provided by hydrologic consultant, Tom Meyers, PhD, as appended to the comment letter submitted by Sierra Watch on the DEIR. One of these memoranda pertains to the WSA and the other pertains to the DEIR. Both memoranda are included in this FEIR as comment letter 08a, and detailed responses are provided as 08a-1 through 08a-104. Many of the comments in letter L3 Squaw Valley Mutual Water Company (SVMWC) mirror those provided in letter 08a. Where this occurs, cross-references to the most relevant detailed responses provided to letter 08a are provided. The commenter often provides their own cross references to where they identify their comment relates to the Meyers memoranda (e.g., "Meyers DEIR 2, 9-10"). Therefore, the commenter may also be cross referenced to responses provided for the identified comments in the Meyers letter. Note that many of the letter 08a responses direct the reader to the Master Response regarding water supply and Section 2.2, "Updated Water Supply Assessment and Groundwater Data," of this FEIR. The reader may go directly to these materials for responses to many of the comments provided in letter L3.

L3-5 See responses to comments 08a-2 and 08a-27 through 08a-28.

L3-6 See responses to comments 08a-4 and 08a-44.

L3-7 See responses to comments 08a-7 and 08a-63.

L3-8 See responses to comments 08a-1, 08a-3, and 08a-43 through 08a-46.

L3-9 See responses to comments 08a-1, 08a-47 through 08a-55, and 08a-28.

L3-10 See responses to comments 08a-1, 08a-4, and 08a-27 through 08a-63.

L3-11 See responses to comments 08a-44 through 08a-45.

L3-12 See the Master Response regarding occupancy assumptions, which address the questions regarding the conservative nature of the assumptions used in the EIR. Also see the Master Response regarding water supply and Section 2.2 of this FEIR regarding groundwater modelling utilizing modified occupancy rates.

L3-13 The comment provides general statements regarding the requirements for a project description, including the need to evaluate the whole of a project. No specific comments on the contents of the DEIR are provided, so no further response is provided here.

L3-14 The comment criticizes the DEIR's statement that water would be provided by the SVPSD or a mutual water company that would be formed at some point in the future should the applicant and SVPSD be unable to reach agreement. The criticism suggests that the decision on the nature of the purveyor is material to the impacts of the project on water supply. The proposed project, however, would be served from the same groundwater supply, through the same or similar well system, regardless of whether the entity providing the water is SVPSD or an as-yet not established mutual water company. The same mitigation measures would also apply whether the SVPSD is the purveyor or a mutual water company is the purveyor; see Mitigation Measure 13-4 of the DEIR. Contrary to the implications of the comment, no "other water sources or other aquifers" would be utilized beyond those evaluated in the DEIR.

L3-15 The comment states that key aspects of project-related water infrastructure—notably the location of new wells and their potential consequences for SVMWC's assets—remain fundamentally undefined and unstudied. See responses to comments 08a-5 and 08a-19 for further details regarding the proposed well locations.

The comment further states that a host of other project features remain similarly undefined, ranging from the location of new water lines, which are not specifically identified, and the role of existing pipelines, which are to be relocated or abandoned as needed. The public services and utilities required by the project are described on pages 3-22 through 3-28 of the DEIR project description, with additional detail provided in Chapter 14, "Public Services and Utilities." Water supply infrastructure in particular is described on page 3-22 of the DEIR. This description provides enough detail to conduct a programmatic analysis of the potential impacts of installing new water supply infrastructure and relocating/abandoning old infrastructure as needed. In addition, Chapter 14 references multiple utility master plans prepared by the applicant's engineer, including a water master plan that identifies locations of existing and proposed new pipelines. These utility master plans are available at the County's offices as part of the project's administrative record. In addition, the water supply assessment (WSA) was updated in 2015, as discussed in the Master Response regarding water supply. Figure 6-1 in the WSA (which is provided as Appendix A to this FEIR) shows the existing and modeled wells. A corresponding technical memo has been prepared and is provided as Appendix B to this FEIR.

Finally, the comment states that Squaw Creek restoration efforts likewise rely on a conceptual design. The proposed creek restoration is described on page 3-33 and shown in Exhibits 3-18 through 3-20 of the DEIR, which provides enough detail to conduct a programmatic analysis of the potential impacts of restoration. See response to comment 09-8 for further details.

L3-16 The comment references comments provided in the Myers memoranda. See responses to comments 08a-5 and 08a-19 for further details regarding the proposed well locations.

L3-17 The comment criticizes the project objectives as too narrow, alleges that the objectives favor the project proponent's plan, and that they unduly narrow the scope of alternatives. CEQA Guidelines Section 15124(b) states that an EIR shall include "A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR…The statement of objectives should include the underlying purpose of the project." It is, therefore, not improper for the project objectives to reflect the underlying purpose of a project. The County disagrees with the statement that the analysis of alternatives is narrow and cursory. The commenter is also referred to the Master Response regarding the Reduced Density Alternative.

L3-18 As stated by the commenter, the EIR is a program EIR. As a program EIR, it is the first tier of analysis of the overall project. The statement that further environmental review may not be necessary is true with regard to subsequent approvals; however, the term "may" has meaning. If subsequent phases of the project would result in new significant adverse impacts not previously identified within the scope of the program EIR, or a substantial increase in severity of previously identified significant and unavoidable impacts, additional environmental review would be required. (See Public Resources Code Sections 21093, 21166; CEQA Guidelines Sections 15162, 15168, 15152, 15385.) When considering subsequent discretionary approvals needed for implementation of the project, the County will first commission the preparation of a written checklist or similar device as required by Section 15168(c)(4) of the CEQA Guidelines to determine whether the activity was covered within the program EIR.

L3-19 The heading of the comment states that "The Baseline and Environmental Setting Insulate the Project from Required Drought-Resistant Water Analysis." There is no further description of this issue in the comment. Refer to response to comment L3-20 and the Master Response regarding water supply for a discussion of the methods of analysis used in the water supply assessment and baseline conditions.

The comment cites the CEQA Guidelines and various cases with respect to how lead agencies may establish the baseline in an EIR from which the project's impacts should be identified. As stated, under CEQA, the baseline is normally the existing environmental conditions at the time the NOP is released, in this case February 2014 (CEQA Guidelines 15125(c)). However, the word "normally," and case law, allows a lead agency to exercise its discretion when determining the baseline for a particular project. The lead agency may, depending on the circumstances of a project, deviate from use of the environmental conditions existing solely at the time of the NOP. (See *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 336-337; *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238, 242.) The lead agency, in this case Placer County, is required to carefully consider the appropriate baseline, and did so in in the DEIR. This is described in Section 1.3 of the DEIR and each of the Chapters 4 through 16 of the DEIR. For instance, the aesthetics section considered both winter (time of NOP) and summer conditions, because it would have been inappropriate to consider only one season at the exclusion of the other, when visual conditions differ so much between the two. In the case of groundwater conditions, a single point in time is not the best representation of the normal condition, because the groundwater system is so dynamic. Therefore, rather than relying on a single day or month in a single year, the WSA and DEIR provide a baseline that covers multiple years and, therefore, conditions. In this case, a period of record far more accurately reflects expected water conditions than simply the "snapshot in time" approach which would otherwise be reflected from use of only the NOP issue date. Also, see response to comment O8a-44 for more detailed discussion about the baseline for the WSA.

L3-20 The comment suggests the DEIR is deficient because it: (1) did not include drought conditions as of 2014 and is therefore misleading, and (2) did not include climate change effects to water supply. The comment cites to page 6-6 of the DEIR for a statement regarding drought severity; for the record page 6-6 is a biological resources map (Exhibit 6-1). The comment may refer to the following text on page 14-35 of the DEIR, but it is not possible to know:

> While the model period included a single dry year (2007) and multiple year dry period (1999-2001), ongoing drought conditions in the Tahoe region and throughout California may produce a more severe multiple year drought than any within the available historical dataset or model study period (Farr West Engineering et al. 2014). A change in snowmelt in the Squaw Creek watershed due to climate change would result in a relatively small decrease in groundwater recharge in the Basin, as in current conditions only a small portion of the snowmelt is captured as groundwater recharge while most of the snowmelt runs off as overland flow. It would be speculative to consider this and

> other scenarios beyond the 25-year horizon (which is beyond the 20-year projection requirements of WSAs). In addition, demand for water may be reduced as fewer people visit the resorts due to reduced amenity quality and availability (i.e., less snow to attract skiers).

Regardless of the comment reference, the DEIR analysis of water supply is based on 12 years of water supply data and 19 years of precipitation data that was available at the time the SVPSD prepared the WSA that was subsequently used as a primary source of water supply analysis for the DEIR.

Placer County and the SVPSD both recognize the unusual severity of the recent drought. As reported by the National Oceanic and Atmospheric Administration (NOAA), National Centers for Environmental Information, the Sierra Nevada snowpack in the 2014-2015 winter featured a record low level that is unprecedented in the past 500 years based on paleoclimate tree ring-based surveys, and has "strong likelihood of occurring only once every 500 years and only once every 1,000 years below 7,000 feet" (NOAA 2015). An event this severe, because it has occurred following three preceding years of drought, raises both a concern and an opportunity to further study performance of the groundwater basin with respect to future (project and cumulative development over the next 25 years) conditions. This type of event is truly "worst-case."

The SVPSD, therefore, updated the WSA in 2015 to reflect 2014 data and preceding drought years (see Section 2.2, "Updated Water Supply Assessment and Groundwater Data," of this FEIR). As described in the Master Response regarding water supply, even when multi-year drought conditions, including 2014-2015 are considered, the groundwater basin is expected, based on SVPSD modeling, to be able to support existing and future (with project and cumulative development) users of the basin.

With regard to climate change and its effect on water supply, the DEIR addresses this issue on page 14-35:

> While the model period included a single dry year (2007) and multiple year dry period (1999-2001), ongoing drought conditions in the Tahoe region and throughout California may produce a more severe multiple year drought than any within the available historical dataset or model study period (Farr West Engineering et al. 2014). A change in snowmelt in the Squaw Creek watershed due to climate change would result in a relatively small decrease in groundwater recharge in the Basin, as in current conditions only a small portion of the snowmelt is captured as groundwater recharge while most of the snowmelt runs off as overland flow. It would be speculative to consider this and other scenarios beyond the 25-year horizon (which is beyond the 20-year projection requirements of WSAs). In addition, demand for water may be reduced as fewer people visit the resorts due to reduced amenity quality and availability (i.e., less snow to attract skiers).

See response to comment 08a-4b for more discussion about the role of climate change in the water supply analysis and the Master Response regarding water supply for more discussion of the inclusion of data from 2012-2014.

Regarding the comment that the analysis may underestimate "extreme lows," see response to comment L4-28.

L3-21 The comment states that an "omission is even more glaring in light of the DEIR's recognition that the project, combined with other currently anticipated development, would require a 43 percent increase in average annual volume by 2040." It is assumed that the "omission" refers to the use of 2014 precipitation data in the groundwater modelling. This issue is

addressed above in response to comment L3-20 and in the Master Response regarding water supply.

The comment further states that "the DEIR avoids meaningful analysis of how the Specific Plan will operate in connection to the Truckee River Operating Agreement and Truckee-Carson-Pyramid Lake Settlement Act." This topic is discussed in the DEIR on pages 13-31 and 13-32 as it relates to groundwater use, and pages 14-12 and 14-13 as it relates to the water supply analysis. As stated on page 13-32 of the DEIR,

> Neither the Settlement Agreement nor the TROA, when effective, will limit the project applicant's nor the SVPSD's right to construct wells in Olympic Valley, subject to the conditions for presumptive compliance, or to produce groundwater from the Olympic Valley Basin. All wells proposed to be constructed as part of the proposed project must comply with all criteria for the Olympic Valley Special Zone. The project applicant must obtain a well drilling permit from Placer County prior to commencing construction. Together with its well application, the project applicant will file a Notice of Intent to Construct a Well, in prospective compliance with the TROA.

Also, see the portion of the water supply Master Response that addresses impacts on the Truckee River.

L3-22 The commenter is incorrect in stating that pages 16-19 and 7-1 of the DEIR have text that indicated climate change "will reduce water supply and reduce snowfall over the foreseeable project term." Pages 16-19 and 7-1 of the DEIR contain no text similar to what the commenter cites. Page 7-1 is the first page of the Cultural Resources chapter and contains no text related to climate change. It is assumed that the reference to page 16-19 actually refers to page 16-20, where text applicable to the comment is located. Climate change is a complex issue and predicting with certainty certain outcomes, especially for a small geographic area such as Olympic Valley, is not possible. What is stated in the DEIR relative to potential effects of climate change on water supply and snowfall is the following:

> Scientists have identified several ways in which global climate change could alter the physical environment in California (CNRA 2012, DWR 2006, IPCC 2014). These include:
>
> - increased average temperatures;
> - modifications to the timing, amount, and form (rain vs. snow) of precipitation;
> - changes in the timing and amount of runoff;
> - reduced water supply;
> - deterioration of water quality; and
> - elevated sea level.
>
> Many of these changes may translate into a variety of issues and concerns that may affect the project area.

The comment expresses concern that the DEIR does not adequately recognize the level of reduced water supply in the future due to the influence of climate change. The comment specifically states that the DEIR and WSA provide no justification for using the period of 2000 to 2012 as a characteristic hydrologic period and questions whether past hydrologic conditions are representative of likely hydrologic conditions in the future. The commenter remarks that "the DEIR's reliance on such a narrow and selective range of past hydrologic conditions… is fundamentally inconsistent with more than a decade of analysis and recommendations of [the Department of Water Resources] and California's leading climate scientists" and provides a list of related publications and a summary of some of their findings. See response to comment L3-20.

One of the findings from the research listed in the comment is that changing precipitation patterns in the Sierra will exacerbate flood risks. The potential for increased flood risk to the project area due to climate change is discussed under Impact 16-3 starting on page 16-20 of the DEIR. Here the analysis explains how the restoration of Squaw Creek, a component of the proposed project, would increase the flood conveyance capacity of Squaw Creek during high-water events.

The comment refers to the DEIR's "failure to perform a climate-resilient analysis." See Impact 16-3 starting on page 16-20 of the DEIR for discussion about the impacts of climate change on the proposed project. Also see the portion of the water supply Master Response addressing climate change effects on water supply.

The comment suggests that an understanding of the declining Sierra snowpack is important to the economic success of a ski resort. While the economic viability of the proposed project is not the concern of a CEQA document, one of the primary objects of the proposed project is to realize a year-round destination resort, consistent with the vision and objectives of the Squaw Valley General Plan Land Use Ordinance and to provide a wide range of destination resort services and amenities to guests and residents on site, as stated on page 3-7 of the DEIR. In this sense, the project would help Squaw Valley be less dependent on snow pack to support its local economy.

L3-23 See response to comment L3-22. Potential effects of climate change on the project are addressed in the discussion of Impact 16-3 beginning on page 16-20 of the DEIR. The impact is considered less than significant; therefore, no mitigation related to effects of climate change on the project is required.

L3-24 See response to comment L3-22.

L3-25 See response to comment L3-22.

L3-26 See response to comment L3-22.

L3-27 See response to comment L3-22.

L3-28 The comment makes the general assertion that there is inadequate water supply and service facilities to support the project and begins a list of items from past scoping comments that the commenter believes are not adequately addressed in the DEIR. Only general concepts are cited in this comment and responses to the list of specific items are provided below.

L3-29 The comment provides a list of asserted deficiencies in the hydrologic studies. Issues related to groundwater supply (groundwater basin capacity, sustainable yield of the groundwater basin, margins of safety to avoid groundwater depletion) are addressed in the WSA, groundwater studies, and the DEIR. Although the conclusion of the WSA is that there is sufficient water based on well saturation levels does not identify the overall groundwater basin capacity or a maximum sustainable yield, these pieces of information are not necessary for a WSA or an EIR impact analysis. Water supply and effects on groundwater conditions are assessed based on the demand projected for the proposed project and cumulative demand associated with existing and future projects. The studies indicate that there is sufficient supply to meet this demand without significant and unavoidable adverse effects, including during periods of multiple dry years. Based on the assessment criteria used in these documents, there is a margin of safety related to the withdrawals anticipated, a piece of information requested in the comment. Determining the overall groundwater basin capacity or sustained yield are actions outside the scope of the EIR and related studies.

Issues related to underground storage tanks and subterranean pollution are addressed in the DEIR in Chapter 15, "Hazardous Materials and Hazards." Maintenance of flow rates in Squaw Creek are addressed in the DEIR in Chapter 6, Biological Resources, and Chapter 13,

"Hydrology and Water Quality." Location and feasibility of proposed new pumps are addressed in the WSA and groundwater studies.

L3-30 The comment asserts that the DEIR fails to fully account for water usage patterns and projections, water storage, and the environmental effects of these items, but provides no information or examples related to where deficiencies in the document may exist. Projections on water usage are provided in the WSA and environmental effects of water usage are evaluated in the DEIR per responses provided above (see the discussion of Impact 14-1 on pages 14-31 through 14-36). A new water storage tank is included in the DEIR project description and environmental effects of this tank are evaluated in the DEIR. Various measures related to water use efficiency are identified in the VSVSP, DEIR, and the WSA. To provide a conservative assessment of impacts, many possible water efficiency measures were not included in the water demand calculations used in the WSA. Even without all possible water efficiency measures in place, the WSA concludes that water supply would be adequate. Therefore, additional water efficiency measures beyond those already committed to as part of the project are not necessary to reduce impacts to a less than significant level.

L3-31 The comment asserts that the DEIR fails to fully account for the project's water sources. The DEIR, WSA, and groundwater modeling all identify groundwater from the Squaw Valley aquifer as the source of water from the project and the quantity of water expected to be drawn from the aquifer.

L3-32 The WSA (provided as Appendix C in the DEIR) quantifies water uses throughout the Basin as requested by the commenter; identifying existing demand by water provider and projected future demand from cumulative development within the basin. Water rights are also addressed in the WSA in Section 5.7, "Water Rights and Regulatory Approvals." As indicated in this section, there are sufficient water rights to support the proposed project. There is also sufficient water within the basin to support cumulative development in Olympic Valley during multiple dry years. Therefore, there would not be a need to "protect" water rights as claimed by the commenter.

L3-33 See response to comment L3-14.

L3-34 The comment states that "The WSA and Draft EIR both reference additional groundwater studies, but selectively decline to incorporate their analysis on the theory that it would not be appropriate." It is unclear what text from the WSA and DEIR the commenter is referencing as both incorporate a significant amount of information from groundwater studies (e.g., See DEIR Chapter 13, "Hydrology and Water Quality"). Groundwater study data is also incorporated into this FEIR in the Master Response regarding water supply and in Section 2.2, "Updated Water Supply Assessment and Groundwater Data." Without more detailed information on what analysis may not have been incorporated into the DEIR and WSA, no further response can be provided.

L3-35 See response to comment L4-28 (the statement about a "slight bias" was incorrect and has been deleted from the DEIR text). Regarding groundwater recharge mapping, groundwater recharge zones were mapped in the project area (e.g., see DEIR Exhibit 13-7) to evaluate potential effects of the project on recharge potential, but were not mapped in the entirety of the groundwater basin, which would incorporate large areas well away from any potential project effects.

L3-36 See responses to comments L3-20 and L3-22. Also see the portion of the water supply Master Response addressing climate change.

L3-37 The comment claims that Mitigation Measure 13-4 is deferred mitigation because it does not include performance criteria. It also claims the mitigation is inadequate because it is based on flaws in the groundwater model and implies the DEIR does not provide adequate mitigation because it relies on the involvement of a responsible agency.

Regarding the involvement of a responsible agency, the DEIR properly recognizes that the SVPSD, a public agency, is responsible for management of much of the groundwater resources in Olympic Valley and that this agency would approve, operate, and monitor the performance of the wells, assuming that the SVSPD is the water supplier. If a new water company is formed, it would be responsible for approval, operation and monitoring of groundwater wells that serve the project. Thus, the SVSPD (or a new water company) *must* be relied upon to oversee implementation of well operations/groundwater-related mitigation. Reliance on a responsible agency for implementation of mitigation under the relevant agency's control is fundamental to CEQA. When approving a project, a lead agency is required to make findings on the disposition of impacts. As stated in Section 15091 of the CEQA Guidelines (**emphasis added**):

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) **Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.**

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Thus, one of the three possible findings is that a responsible agency, such as SVSPD, "can and should" adopt changes and mitigation for a project that are within its jurisdiction and responsibility.

Regarding comments on the groundwater model, see the Master Response regarding water supply.

Regarding performance criteria, Mitigation Measure 13-4 contains numerous performance standards: the average saturation thickness of wells must not fall below 65 percent for three consecutive months, drawdown in certain wells cannot fall below documented levels, etc. (see pages 13-63 to 13-65 of the DEIR). The mitigation measure also includes clauses that allow for additional measures if requested by the SVSPD and County, includes a management plan, and includes monitoring. This is a summary of a comprehensive mitigation plan. It is based on avoiding potential impacts, as identified in the DEIR, and provides the trigger mechanisms to ensure impacts, if they occur, remain below a level of significance.

L3-38 The comment states the cumulative impact analysis is flawed but provides no specific instances, other than to summarize comments expressed throughout comment letter L3. For discussion of cumulative impacts to Squaw Creek related to groundwater pumping changes, see Impact 18-38 on pages 18-42 through 18-5 of the DEIR. See responses to comments L3-2 through L3-37.