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July 16, 2015

Via Federal Express

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

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

Dear Ms. Krach:

This firm represents Sierra Watch on matters relating to the proposed Village at Squaw Valley Specific Plan ("Project"). On behalf of our clients, we respectfully submit these comments to help ensure that agency decision-makers fully comply with the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.* Our clients are deeply concerned about the far-ranging environmental impacts the Project would have on Squaw Valley, Lake Tahoe, and beyond.

After carefully reviewing the draft environmental impact report ("DEIR") for the Project, we have concluded that it fails in numerous respects to comply with the requirements of CEQA. As described below, the DEIR violates this law because it fails to: (1) adequately describe the Project, (2) analyze the significant environmental impacts of the Project or propose adequate mitigation measures to address those impacts, and (3) undertake a legally sufficient study of alternatives to the Project.

"The Environmental Impact Report ("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

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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).

Where, as here, the environmental review document fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of either statute. *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.”). As a result of the DEIR’s numerous and serious inadequacies, there can be no meaningful public review of the Project. Placer County must revise and recirculate the DEIR/S in order to permit an adequate understanding of the environmental issues at stake.

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This letter, along with the report prepared by Dr. Tom Myers addressing the Project’s impacts on water supply and water quality (Exhibit 1), the reports prepared by the Conservation Biology Institute addressing the Project’s impacts on wetlands and riparian habitats and the Sierra Nevada yellow-legged frog (Exhibits 2 and 3), and the report prepared by MRO Engineers (Exhibit 4) addressing the Project’s transportation impacts, constitute our client’s comments on the DEIR. We respectfully refer the County to these consultant reports, both here and throughout these comments.

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Finally, it is also important to point out that the Project demonstrates a disturbing disregard for the Placer County General Plan and the Squaw Valley General Plan’s and Land Use Ordinance’s (“SVGPLUO”) provisions designed to protect the fundamental values of Eastern Placer County, Squaw Valley and the Lake Tahoe region. Squaw Valley is an environmentally sensitive area that is just outside of California’s most treasured resource, the Lake Tahoe Basin. Although the applicant proposes to amend the General Plan, these amendments would likely only serve to undermine the integrity of the County’s planning efforts which were designed to protect the natural resources of Squaw Valley and to prevent serious damage to the neighboring Lake Tahoe Basin. Thus, because the Project conflicts with fundamental General Plan provisions so as to result in significant environmental impacts, and because the County has failed to adequately identify these conflicts in the EIR, approval of the Project would violate not just CEQA, but also the California Planning and Zoning Law, Gov’t Code § 65000 *et seq.*

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**I. THE PROJECT VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**A. The DEIR Provides an Incomplete Description of the Project and the Project Setting.**

CEQA’s most fundamental requirement is that an EIR contain an accurate and complete project description. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; *see also* CEQA Guidelines § 15124. 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. As the Supreme Court has explained, 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.

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An essential defect of this DEIR is its thoroughgoing failure to accurately describe the Project. The County may claim the EIR need not specifically describe Project components at this stage because the Project involves a long-range plan, but this is insufficient. The Project involves the adoption of a Specific Plan and sets forth a detailed development proposal. CEQA considers such an approval to be far enough along in the process to merit a thorough environmental review. In fact, CEQA includes an explicit exemption regarding specific plans, which provides that if later approvals are consistent with a specific plan, they need not undergo further CEQA review. CEQA Guidelines § 15182. Thus, this is very likely to be the only environmental review conducted for this Project. The County must therefore describe all Project components in as accurate and detailed a manner as possible.

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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

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public who rely on the EIR—cannot accurately assess the potentially significant impacts of the proposed Project.

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**1. The DEIR Lacks a Complete Description of Project Components.**

Any reasonably complete description of the Project would give the public and decision-makers a sense of what this resort would look like, how it would work, and how it would fit into life in the Tahoe region. The purported project description does none of this. It is effectively no description at all; it is merely a suggestion of the applicant’s general conceptual scheme for the resort. There is certainly no grand vision for how this Project would be developed. This failure echoes throughout the document: because the Project is incompletely described, none of its impacts can be fully analyzed. As fully described below, the Project is so thinly described that it appears to be essentially unplanned, and certainly is not ready for the approvals that the applicant is requesting.

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Huge parts of the Project—the Mountain Adventure Camp, for example—are not described at all. The DEIR omits other critical details including, but not limited to, a complete description of the General Plan and Specific Plan amendments needed for the Project, construction activities, creek restoration and other mitigation, recreational amenities, needed public services, and employee housing to be built in conjunction with the Project. The DEIR likewise fails to reveal specifics about assumptions being made about various Project components, such as occupancy levels and consumption rates. The following are a few specific examples of how the lack of information regarding a project component can affect the environmental analysis:

**Squaw Creek Restoration.** The restoration of Squaw Creek, including habitat restoration, is a part of the Project and an objective of the Project. DEIR at 3-1. The DEIR states that “natural resources in Olympic Valley would be protected and enhanced, including habitat restoration within Squaw Creek to enhance the creek’s natural functions.” *Id.*; see also DEIR at 3-7.

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Despite this fact, the DEIR explains restoration actions have not yet been finalized or implemented. See DEIR at 6-15 (“While extensive planning and coordination efforts have been undertaken, restoration actions have not yet been finalized or implemented.”). The DEIR also includes other language indicating that uncertainty regarding this Project component results in attendant uncertainty regarding impacts and mitigation:

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- “Lowered groundwater elevations could also affect planting and restoration success during any creek restoration undertaken in the project area. While planned creek restoration should help sustain soil moisture and potentially higher groundwater levels (Balance Hydrologics 2014a, 2014b), no data is available to compare post-restoration groundwater levels.” *Id.* at 6-44.
- “While the groundwater model includes topographic elevations after proposed creek restoration occurs, it does not include hydrologic benefits to groundwater or water availability to vegetation. Therefore, benefits of restoration to water levels were not modeled, and the extent to which this may occur as a result of the proposed project cannot be confirmed at this time.” *Id.* at 6-42.
- “While additional seasonal wetland habitat (including riparian) is anticipated to increase by 3.2 acres within the restoration area (Balance Hydrologics 2014a, 2014b), the amount and distribution of riparian habitat included in the restoration plan has not been specifically defined (Balance Hydrologics 2014a).” *Id.* at 6-55.
- “If riparian habitat is enhanced by creek restoration, this increase in habitat would potentially provide yellow warbler more nesting habitat. If some riparian habitat is lost, nesting yellow warbler habitat could be lost as well.” *Id.* at 55, 56.
- “The extent to which the increased functionality of the creek would offset the potential groundwater impacts to riparian vegetation along the Squaw Creek western and upper east channel or whether the additional acreage would fully mitigate for the potential impacts, is unknown.” *Id.* at 6-55.

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**Transit Center and Services:** The Project includes a transit center that would be constructed within the Village Area. *Id.* at 3-22. This transit center is intended to provide a convenient transit hub for both public and private transit services traveling within, to, and from the Village Area. *Id.* The Project would also include low-emission vehicle shuttle service within the Village, as warranted, to provide mobility for visitors, guests, and employees. The DEIR even implies that vehicular trip generation associated with the Project would be less than expected when it states that “the project provides easy access to ski facilities and other amenities by transit, through provision of new transit services as well as a new transit center.” *Id.* at 10-12.

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The DEIR, however, includes no detail about the transit center. For example, it does not disclose the size of the transit center or the nature of the public and private transit services that would be provided. Nor does it disclose information about the low-emission shuttle service that would be provided. The DEIR must provide this information to complete an adequate analysis of transportation impacts. In particular, it is important to disclose the applicant’s transit mode share goal for the proposed Project and the projected ridership on the public and private transit.

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In addition, Policy CP-4 of the Specific Plan states the Project would “encourage use of regional transit services (including services from commercial airports) and participate as appropriate in expansion of regional transit services through financial support, such as subsidies and/or funding programs.” The DEIR never describes how regional transit services would be encouraged. It does not identify the subsidies or funding programs that would be provided to support transit. Nor does it provide any information on anticipated transit service from commercial airports.

**Water Supply.** The DEIR acknowledges that the Project would need a new water supply and would entail the construction of new wells, but states the applicant has not yet resolved whether the water would be provided by the Squaw Valley Public Services District (“SVPD”) or by a new water company created by the applicant. The DEIR claims the number of new wells and the final well configuration cannot be determined until this decision has been made. However, there are two versions of the Specific Plan, both dated April 2015; one version shows the option of creating a new water company. The other version shows the option of creating a water company has been removed. *See* Village at Squaw Valley Specific Plan excerpts, attached as Exhibit 5. Thus, the project description is currently unstable and deficient on this topic, and must be revised to reflect the current situation.

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As set forth more fully below (*see* Section I.B.1 (water supply)), knowing the number and location of the wells is necessary for an adequate analysis and mitigation of water supply impacts. For example, the number of wells effects the rate of pumping and hence the drawdown from a given location. Similarly, the location of the wells (i.e., proximity to Squaw Creek) can impact the amount of water drawn from the Creek. The DEIR can and must provide details as to the number, location, and pumping regimen for the Project so that the public may be duly informed about the resulting environmental impacts.

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**Employee Housing.** The DEIR does not adequately describe the Project’s plans for meeting the County General Plan’s employee housing requirements. The County’s

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General Plan requires that new developments provide housing for at least 50 percent of the full-time equivalent (“FTE”) employees generated by the Project. In describing how the Project will meet this standard, the DEIR provides a detailed explanation of the employee housing planned on-site, which would house up to 300 of the 386 employees for which the Project must provide housing, including specific information regarding location, layout, and size. Notably, the planned employee housing is made up of mostly four-person dorm bedrooms and some studio apartments. See DEIR Appx. D at 3-4. The Project does not provide for any housing to accommodate employees with families.

In its description of the Project’s planned employee housing, the DEIR fails to provide any useful information about the nature of the remaining employee housing the Project must provide. The DEIR merely states that the Project “would employ other methods” to provide the rest of the required housing. DEIR at 3-13. The DEIR then describes these “other methods” by simply recounting all of the options allowed by the County for satisfying the employee housing requirement when housing is not provided on the project site. *Id.* These options are: providing off-site housing (including housing outside of Squaw Valley), dedicating land needed for housing, or paying an in-lieu fee to the County. *Id.* The DEIR does not explain which option or options the applicant plans to use or even hint at the most likely course the Project would take. Nor does it describe if the housing would accommodate employees with families, who would otherwise need to draw on the area’s existing housing resources. The need for this housing is not speculative. The applicant knows exactly how much employee housing it must provide and what the options it has for providing it. The DEIR must explain this aspect of the Project, including detail regarding the location of the housing—which could even be outside of Squaw Valley—information that is necessary to determining the Project’s impacts.

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**Fire Station.** The Project requires construction of a new fire substation to accommodate the Project’s increased demand on emergency services. The DEIR provides barely any description of this aspect of the Project, omitting critical details about the fire substation, including its specific location, design, size, or footprint. See DEIR at 3-27. When discussing the station’s location, the DEIR states that it might be built within the Project’s boundaries, or an old fire station might be renovated, or it might be built off of the Project site—essentially saying that the fire substation could be built anywhere in the area. *Id.* This information is insufficient to allow decision-makers and the public to consider the possible environmental impacts of the Project. Indeed, with no concrete description of the location or nature of the fire substation, the DEIR fails to consider the

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impacts of the new fire substation at all, as discussed below (Section I.B.14 (public services)).

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**Wastewater Retention Facilities.** The description of the wastewater retention facilities that may need to be built with the Project is likewise inadequate. The DEIR admits that if the Project’s peak wastewater flows would overload an existing interceptor, the Project would need to include facilities to hold the Project’s wastewater for release during lower flow times. The project description mentions that this would require construction of “enlarged pipes, vaults, or tanks,” but goes into no further detail. DEIR at 3-25. Further, it fails to identify where these facilities would be constructed, which is necessary for an accurate analysis of the facilities’ environmental impact. The DEIR merely states that the detention facilities would be “located in the plan area.” CEQA requires more detail for a description of a potentially significant component of the Project, even if it is not guaranteed to be built.

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The DEIR’s failure to describe these Project components renders it legally inadequate. The EIR must be revised to provide these necessary details so that the public and decision-makers can adequately assess the Project’s impacts.

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**2. The DEIR Improperly Segments Linked Projects.**

Next, the DEIR fails to reveal other projects that are anticipated in connection with the proposed Project. Longstanding CEQA law holds that where two projects are linked, they must be analyzed together. *See Bozung*, 13 Cal.3d at 279, 282; *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1231 (construction of a Lowe’s home improvement center must be analyzed in same EIR as adjacent City roadway improvements). Here, the County is aware of at least two planned actions that are clearly related to the Project. Yet, the DEIR is completely silent as to these projects. First, the Project applicant has recently announced its plans to connect Squaw Valley and Alpine Meadows via a gondola. *See Squaw Valley – Alpine Meadows Base to Base Gondola*, attached as Exhibit 6; *see also*, “Gondola would create 1 of largest US ski areas near Tahoe,” attached as Exhibit 7. Connecting the two resorts would create a sort of “super resort” that attracts even more visitors (and hence more traffic, air pollution, water, and public utility use, etc.) than currently planned with just the Project. *Id.* Further, the proposed gondola traverses federally designated Granite Chief Wilderness, creating potentially significant biological and visual impacts. *Id.* The County must revise and recirculate the DEIR with a consideration of this proposed connection, and its attendant environmental impacts.

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Second, as discussed below (*see* Section I.B.1 (water supply)), the Squaw Valley Public Services District (“SVPSD”) has been planning a water project to provide additional water to Squaw Valley. SVPSD’s proposed “Project 60” in the Draft Tahoe Sierra Integrated Regional Water Management Plan would fund the construction of a 2,000,000 gallon water storage tank to serve as a pipeline terminal to facilitate export of water from Martis Valley to Squaw Valley. *See* Tahoe Sierra IRWM, attached as Exhibit 8. Even though SVPSD has sought grant funding and is publically pursuing this option, the DEIR makes no mention of this. Project 60 would undoubtedly result in additional potentially significant environmental impacts not evaluated in the DEIR. These include, but are not limited to, growth-inducing impacts, biological and hydrological impacts from streamflow disruptions to Martis Creek and other surface waters receiving discharge from the Martis Valley aquifer and the construction of an eight-mile pipeline next to and across the Truckee River. The DEIR must examine this proposal, and these and other potentially significant environmental impacts that may result from it.

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**3. The DEIR Fails to Adequately Describe the Tahoe Regional Setting.**

In addition, the DEIR fails to adequately portray the Project setting, including the regional context. Namely, the DEIR fails to recognize the importance of the Project’s location to the neighboring Lake Tahoe Basin. The Basin is an area of “statewide, regional, or areawide significance,” that requires special attention in a CEQA analysis. CEQA Guidelines § 15206(b)(4)(A). Here, the Project would undoubtedly impact the Basin, including by bringing in significant traffic, air and light pollution, and noise that would be experienced by visitors for miles around. Increased traffic would also increase the amount of pollutants, such as oil, grease, and toxic chemicals that run off into the Truckee River and Lake Tahoe. The DEIR may not escape this important regional context simply by claiming that the Project is located outside of the Basin. Rather, the DEIR must recognize the areas of overlap and analyze and mitigate any impacts to the Basin. The County must also “consult with transportation planning agencies and public agencies [in the Basin] that have transportation facilities within their jurisdictions that could be affected by the project.” CEQA Guidelines § 21092.4(a).

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**4. The DEIR Employs an Improper Occupancy Rate for Its Analysis.**

Finally, the DEIR fails to provide critical information about occupancy of the proposed Project. The Project’s occupancy necessarily informs numerous impact analyses, including for example, water demand, energy consumption, biological

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resources, and population and housing. The DEIR’s hydrology and public services sections appear to use an occupancy rate of 55% based on surveys conducted during the recession period of 2009 to 2011. *See* Exhibit 1 (Myers Report). The DEIR also uses the 55% occupancy rate for the population and housing analysis, without explanation. The Land Use and Forestry analysis makes reference to the applicant’s Economic Impact and Urban Decay Analysis (“Economic Analysis”), which states that the average occupancy for hotels and motels in 2014 was 51%. Economic Analysis at 34. Yet, the area is no longer in full recession and the Economic Analysis makes clear that the occupancy rate varies significantly from day to day, “the average occupancy rates range from a low of 41% on Sunday for a calendar year 2014 to a high of 89% for a Saturday in August.” *Id.* More importantly here, a primary objective of the Project is to turn Squaw Valley into a year-round world class resort destination. Thus, unless the applicant is prepared to agree to a condition to limit occupancy to 55% (or whatever figure is used in the various analyses), the DEIR must assume full occupancy at all times of the year for its impact analyses. To do otherwise would run the risk that the Project—if it is highly successful as would be the applicant’s goal—would result in many more environmental impacts than the DEIR reveals.

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If the County believes a lower than full occupancy is more realistic, the DEIR should analyze *both* full occupancy and the lower predicted level. However, the DEIR should clearly identify the occupancy rate that was assumed for *each* impact analysis. Moreover, inasmuch as this occupancy rate would be expected to vary daily (mid-week may be very different than weekends) as well as seasonally, the DEIR must clearly identify all of these occupancy rates. The DEIR must provide *clear evidence* that each impact analysis relied on accurate occupancy rates, and again must also provide an analysis for full occupancy to present the maximum environmental impacts allowed under the Plan. In the absence of this information, neither decision-makers nor the public are able to determine the accuracy of the EIR’s impact analyses. The DEIR’s current approach of “downsizing” environmental impacts by relying on low occupancy rates is unacceptable.

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In sum, the total failure of the project description makes the rest of the DEIR inadequate as well. Because the concrete details of the Project are unknown, its environmental impacts cannot be accurately analyzed, nor can effective mitigation be identified. The fog of uncertainty surrounding the Project and its impacts leads inevitably to deferred analysis and mitigation; over and over again the DEIR states essentially that impacts will be determined as they happen and mitigation will be worked out then.

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