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Fourth, the graphs in Exhibits 13-24 – 13-26 are insufficient to evaluate groundwater/surface water interactions. As Dr. Myers explains, they are “too coarse to make any definitive observations” about the length of time that the simulated groundwater level is below the stream bottom. Exhibit 1 at 18. Dr. Myers recommends the preparation of depth/frequency plots described as follows:

[T]he plot should show the proportion of time the water level is below various depths. For example, there would be a percent time the water level is below various levels. Such graphs would improve the assessment of the time the water level is below various critical depths, as may be important for riparian species or other species requiring wet refugia.

09-99

Exhibit 1 at 18.

Fifth, the DEIR improperly foregoes discussion of a possible significant groundwater impact. The DEIR admits that its modelling assumed all wells contemplated in the WSA would be built but that “the actual number of future wells could be fewer and the effect more locally severe in the vicinity of some wells modeled.” DEIR at 13-73. The DEIR then goes on to dismiss the potential significance of this impact because the water provider “would site wells and operate the system in a manner that minimizes groundwater effects and achieves results consistent with the groundwater modelling and WSA.” *Id.* The DEIR cannot decline to analyze this potentially significant impact, especially when there is no guarantee that the wells would be constructed in a manner consistent with the WSA.

09-10

Sixth, the DEIR completely fails to describe the potentially significant impacts that would occur if the creek restoration project turns out to be unsuccessful (Impact 13-6). The DEIR states: “While successful implementation of the creek restoration would be a beneficial impact overall, without monitoring, adaptive management, and assurances of ongoing funding to support these activities, creek restoration efforts might not provide the anticipated benefits, and could ultimately result in greater disturbance to hydrologic conditions and degradation of water quality than benefit.” DEIR at 13-76. The document makes no mention of what those impacts would actually be if restoration fails. Without this fundamental impact analysis, the DEIR fails to fulfill its purpose as an informational document.

09-101

Nor does the DEIR recognize that there could be effects on water quality if the restoration is successful. Dr. Myers explains that when the newly restored channel decreases sediment passing through the Village stretch and entering the stretch of the

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Creek through the meadow, it could increase erosion in the meadow. Exhibit 1 at 19. This is because flow with lower sediment loads can be “hungry” for additional sediment and trigger more erosion in the meadow. *Id.* Also, if restoration increases the Creek’s flood conveyance capacity, less water would be temporarily detained, increasing flow rates through the meadow, which could increase erosion. *Id.* The DEIR errs because it does not disclose the potential for these impacts.

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Another error arises in the DEIR’s discussion of impacts from managing runoff water flows. Here, the DEIR describes the Project’s Low Impact Development (“LID”) stormwater quality protection systems, which would exclude offsite water (runoff from the mountain). DEIR at 13-79 The DEIR claims this would allow the LID system to more effectively treat the onsite runoff. *Id.* However, as Dr. Myers concludes, “this may have the effect of allowing more sediment to pass through the site and into Squaw Creek because the offsite runoff [which carries more sediment] is not treated and therefore may reach the Creek with less sediment removed than there is currently.” Exhibit 1 at 19. The DEIR should evaluate this potential impact of the Project’s change to the area’s stormwater management systems.

09-103

Finally, the DEIR’s analysis of the Project’s impacts on water quality fails to disclose impacts on the Truckee River’s water quality, which the DEIR acknowledges is already impaired for sediment. Squaw Creek drains into the Truckee River, and impacts on Squaw Creek’s water quality therefore may degrade the Truckee River’s water quality. The DEIR must analyze this potentially significant impact.

09-104

The DEIR’s analysis of the Project’s hydrology and water quality impacts suffers from serious flaws. Such defective analysis thwarts CEQA’s fundamental purpose to inform the public and decision-makers and is in itself a CEQA violation. The EIR must be revised to correct these deficiencies and recirculated.

09-105

(c) The DEIR Does Not Identify Adequate Mitigation for the Project’s Impacts on Hydrology and Water Quality.

The DEIR relies on Mitigation Measure 13-2a to protect water quality by requiring revegetation of all areas temporarily disturbed by construction. DEIR at 13-49. However, the DEIR provides no description of what revegetation would look like. Would the applicant be required to use native plants? Drought tolerant plants? How dense must the revegetation be? How much growth is adequate to mitigate the Project’s impacts? As it is currently written, this measure is vague and unenforceable.

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**Reader: numbers 09-107
through 09-109 not used.**

The measure also requires that the revegetation “shall include regular watering to ensure adequate growth.” *Id.* However, the DEIR does not discuss the potential environmental impacts of requiring watering for what may be a very large swathe of newly planted vegetation. We can find no indication that this potential irrigation was accounted for in the water demand for the Project. Because the Project area already suffers from a limited groundwater supply that the Project would further tax, the DEIR must disclose the potential impacts of this mitigation measure. *See* Guidelines § 15126.4(a)(1)(D).

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Other mitigation measures for impacts to hydrology and water quality rely on implementation of mitigation measures for other impacts. However, several of those measures are legally deficient. For example, Mitigation Measure 13-5 requires implementation of measures 13-4 and 6-1c, which suffer from myriad problems, enumerated above. Further, one reason that measure 13-5 purports to rely on measure 6-1c is because measure 6-1c “requires monitoring of riparian vegetation in the portions of the creek that would be most affected by reduction in groundwater levels, and replacement of such vegetation if it is lost.” DEIR at 13-75. However, measure 6-1c allows for replacement vegetation to be planted *off-site*, which would do nothing to reduce water quality impacts from drawdown at the creek site. *See* DEIR at 6-49.

09-110

Similarly, Mitigation Measure 13-6—intended to mitigate any impacts from improper restoration of Squaw Creek—relies solely on implementation of measures 6-1a and 6-1b. DEIR at 13-76. The DEIR states that these measures will “assure the development of performance criteria for creek restoration, monitoring and adaptive management for the restoration, and ongoing funding to support these activities.” *Id.* But reliance on these measures does not achieve these goals.

09-111

As discussed above, measure 6-1a suffers numerous deficiencies in its own right. But additionally, it would not achieve what measure 13-6 relies on it to. Measure 6-1a does not provide any description of or standards for monitoring the successfulness of creek restoration. Nor does it describe what an adaptive management plan would entail. For its part, measure 6-1b requires compensation for unavoidable loss of stream and riparian habitat from Project construction and monitoring of the compensatory sites. DEIR at 6-48. However, the measure’s description of the required monitoring plan says nothing about how management of compensatory habitat would be adapted if the restoration work were to fail. *Id.* at 6-49. And neither Measure 6-1a nor 6-1b provide any mechanism for the “ongoing funding to support” the management of the restored creek that measure 13-6 relies on them to provide.

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The DEIR must be revised to correct the numerous deficiencies in the DEIR’s mitigation for hydrology and water quality.

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(d) The DEIR’s Analysis of Cumulative Impacts to Hydrology and Water Quality is Insufficient.

The DEIR does not provide a sufficient analysis of the Project’s contribution to cumulative impacts on water quality in the area. Most glaringly, the DEIR fails to consider the Project’s contribution to water quality impacts outside of the Squaw Valley area. The DEIR erroneously asserts that “[p]rojects outside the Olympic Valley would not interact with the proposed project relative to impacts on hydrology and water quality in Squaw Creek, other surface waters, and in the Olympic Valley Groundwater Basin.” DEIR at 18-37. However, Squaw Creek drains directly into the Truckee River, and impacts to the Creek’s flow and water quality very well could contribute to impacts to the Truckee River, which would also come from developments outside Squaw Valley. This is a major error, and the DEIR must be revised accordingly and recirculated.

09-113

4. The DEIR Fails to Adequately Analyze the Project’s Transportation Impacts.

Transportation in and around Olympic Valley is a critical issue. Unfortunately, the DEIR’s analysis of transportation impacts fails to achieve CEQA’s most basic purpose: informing governmental decision-makers and the public about the potential significant environmental effects of a proposed activity. CEQA Guidelines § 15002(a). In fact, the DEIR’s analysis is riddled with flaws. For example, the DEIR omits an analysis of summer daily traffic despite the DEIR’s assertion that the Project is expected to generate three times more traffic in the summer than in the winter. The DEIR also substantially underestimates the volume of winter peak-hour traffic and relies on faulty methodology to identify the amount of traffic the Project would be expected to generate. The DEIR also fails to analyze the Project’s impacts on regional transportation facilities in the Tahoe region, such as I-80, and does not evaluate the effect that the Project’s increase in traffic would have on emergency access. In addition, the DEIR fails to identify feasible mitigation for the Project’s significant and “unavoidable” impacts.

09-114

The Report prepared by Neal Liddicoat at MRO Engineers (“MRO Report”), attached as Exhibit 4, provides detailed comments on the shortcomings in the DEIR’s transportation impacts analysis. Some of its most troubling errors are as follows.

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(a) The DEIR Errs Because It Does Not Analyze Daily Summer Conditions.

The Project would generate three times more traffic in the summer (8,410 new daily trips) than in the winter (2,821 new daily trips), but the DEIR fails to analyze summer daily traffic conditions on the area’s highways. See DEIR at 9-3. In fact the DEIR’s transportation chapter contains no information relating to daily traffic for summer conditions at all. What information that is provided is contained in the DEIR’s air quality chapter.

As the MRO Report explains, the addition of over 8,400 daily vehicles each summer to the local road system (with all of them on Squaw Valley Road) would adversely impact traffic operations and the quality of life of nearby residents. Exhibit 4 at 2. Because the DEIR provides no analysis of summertime daily traffic operations, Mr. Liddicoat analyzed two key locations. He determined that the addition of the Project traffic would increase the summer daily traffic volume from 12,900 vehicles per day to (“VPD”) to 21,310 VPD on Squaw Valley Road west of Squaw Creek Road. This increase in traffic would constitute a significant impact, as the volume/capacity (“V/C”) ratio along this segment would increase from 0.86 (level of service (“LOS” D)) to 1.42 (LOS F). *Id.* On Squaw Valley Road west of State Route (“SR”) 89, the daily traffic volume would increase from 12,600 VPD to 21,010 VPD, with a corresponding increase in V/C ratio from 0.56 (LOS A) to 0.93 (LOS E). This would also represent a significant impact. *Id.* at 3. Given the substantial amount of traffic that would be generated by the Project in the summer, there is no plausible explanation for the DEIR’s failure to analyze summer traffic operations. The EIR should be revised to provide this analysis.

09-115

(b) The DEIR Underestimates The Volume of Winter Peak Hour Traffic.

Next, the DEIR underestimates the volume of winter peak hour traffic and therefore substantially underestimates the Project’s traffic impacts. The DEIR addresses conditions in three peak-hour scenarios: (1) Winter Saturday AM Peak Hour; (2) Winter Sunday PM Peak Hour; and (3) Summer Friday PM Peak Hour. The DEIR explains that the analysis of winter Saturday AM peak hour is particularly important because “this represents conditions when the most skiers use the mountain.” DEIR at 9-4. Yet, as the MRO Report explains, the fact that the most skiers are using the mountain means that they are already at Squaw Valley; they are not *travelling to* Squaw Valley. Exhibit 4 at 4. Consequently, the analysis of the winter Saturday AM peak hour is of little value in determining the transportation impacts of the Project.

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In order to accurately analyze the Project’s traffic impacts in the winter, the DEIR should have analyzed winter Friday afternoon traffic. The DEIR acknowledges the importance of analyzing traffic operations on Friday afternoons when it discusses summer operations:

For this DEIR, the summer condition represents a Friday afternoon peak hour in August . . . Friday afternoon conditions typically represent peak conditions resulting from various recreational activities and overnight visitor travel to seasonal residences, rentals, or other lodging accommodations. DEIR at 9-3.

09-116
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MRO aptly questions this approach: “If Friday afternoon is the peak time in the summer, why not in the winter, when all of the same conditions regarding recreational activities (e.g., skiing) and overnight visitor travel (such as the proposed Project) apply?” Exhibit 4 at 4.

In a further complication, the DEIR gives the misleading impression that the Project would generate substantially less traffic in the winter than the summer. As the MRO Report explains, in the summer Friday PM peak hour, the Project is estimated to generate *over four times as much traffic* as in the winter Saturday AM peak hour. Exhibit 4 at 6. Compared to the winter Sunday PM peak hour, the summer Friday PM peak hour represents over three times as much project-generated traffic. *Id.* Given the fact that Squaw Valley is a ski resort, it is difficult to understand why the greatest volume of the Project’s traffic would occur in the summer – and by a sizable margin. Inasmuch as one of the Project objectives is to provide a resort that is “on par with peer world class North American ski destinations” (DEIR at 3-1), the DEIR’s assertion that the Project would generate far more traffic in the summer than the winter simply makes no sense.

09-117

Because the DEIR substantially underestimates the volume of winter peak-hour traffic, the EIR must be revised to include an analysis of winter Friday PM peak hour conditions. In addition, inasmuch as the Project is expected to generate substantial traffic volumes in the summer Friday PM peak hour, the revised EIR should also analyze conditions when the summertime visitors depart, i.e., Sunday PM peak hour.

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(c) The DEIR Understates the Project’s Traffic Impacts Because it Understates the Project’s Trip Generation.

A critical failure in the DEIR’s analysis of the Project’s traffic impacts is the document’s assertion that the Project is not expected to add much traffic. DEIR at 9-37. This belies common sense. As noted above, one of the Project objectives is to provide a resort that is “on par with peer world class North American ski destinations.” DEIR at 3-1. Achieving this objective would certainly result in substantial growth in day-skier demand. Moreover, we can find no logical explanation why a project that proposes to build 29,530 square feet of restaurants, 27,700 square feet of retail, a massive indoor amusement park, and 850 residential units (1,493 bedrooms) would not attract additional visitors.

09-118

One of the best examples of the DEIR’s failure to accurately estimate the Project’s trip generation is the indoor amusement park known as “Mountain Adventure Camp.” Although the DEIR estimates that 1,200 guests would likely visit this amusement park every day, the document asserts that this attraction would generate only 58 car trips per day. *Id.* at 9-38, Table 9-18. The DEIR provides no evidentiary support for this unreasonably low trip generation estimate other than to assert that users of the amusement park would already be staying at Squaw Valley.⁴ Clearly, the Project would generate more traffic than the DEIR discloses because, as the DEIR clearly explains, the numerous restaurants, retail venues, Mountain Adventure Camp, outdoor winter ice skating, and summer performance area “will be available to the broader community.” *Id.* at 4-10.

09-119

Second, the DEIR determines its residential trip generation rates based on parking supply, an approach that is contrary to standard practice in the traffic engineering profession. The DEIR estimates trip generation from the condo hotel and fractional cabins as follows: 0.75 guest parking spaces per 1-bedroom unit; 1.0 guest parking space per 2-bedroom unit; and 1.25 guest parking spaces per 3-bedroom unit. *See* DEIR Appx. G. As the MRO Report explains, “there is simply no connection between the number of parking spaces and the volume of traffic generated in any peak-hour period. To be valid, the trip generation estimate must be based on the size of the actual ‘generator,’ which in this case is the number of lodging units.” Exhibit 4 at 7.

09-120

⁴ If the applicant intends to rely on this estimate, the County must condition the Project with a provision that states that users of the amusement park shall be restricted to those who are staying in the Squaw Valley condos or hotels.

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This is a critically important point since, as discussed further below, the Project does not appear to provide a sufficient amount of parking for its proposed uses. If the proposed parking supply is inadequate, the Project's trip generation would be underestimated. Of particular concern is the proposal to provide only 0.75 parking spaces per 1-bedroom unit at a development at which, surveys show, 100 percent of those individuals arrive by car. See DEIR 9-18 – 9-12, Tables 9-12 – 9-15; Exhibit 4 at 13. According to the trip generation tables presented in DEIR Appendix G, 1,118 of the 1,255 condo hotel units – i.e., 89 percent – would be 1-bedroom units. Thus, the Project would provide inadequate parking due to allocation of less than one parking space per unit to almost 90 percent of the lodging development.

09-120
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Third, the DEIR substantially underestimates the trips that would be generated for the East Parcel retail land uses because the DEIR preparers relied on incorrect data. The Project includes a convenience market on the East Parcel, yet the DEIR relies on trip generation rates for a shopping center. Exhibit 4 at 6. When the East Parcel retail is appropriately treated as a convenience market, it is found to generate at least 6.5 times as much traffic as the DEIR indicates.

09-121

The EIR must be revised to include an accurate accounting of the Project's trip generation. Once the EIR identifies all of the trips that would be generated by the Project, the traffic analysis must also be revised.

(d) The DEIR Largely Ignores the Project's Effects on Emergency Access.

If approved, the Project would cause numerous highways in the area to operate at LOS F, i.e., gridlock. According to the MRO Report, this means that at traffic signal-controlled intersections the average driver would be delayed for over 80 seconds. Exhibit 4 at 10. At a stop sign, a driver would be delayed for over 50 seconds. *Id.* Setting aside for a moment the audacity of a Project that specifically allows gridlock on surrounding highways, the DEIR essentially ignores the effect that these congested highways would have on emergency access.

09-122

Squaw Valley Road and SR 89 are the only roadways by which emergency vehicles could approach or depart the proposed Project. What would be the effect on emergency vehicle response time when Squaw Valley Road between Squaw Creek Road and the Village area operates at LOS F? The DEIR never tells us. Nor does the DEIR evaluate a scenario where emergency vehicles attempt to leave the Squaw Valley resort at

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the same time as extensive traffic congestion builds (e.g., queues reaching 800 – 825 feet) in the two eastbound lanes on Squaw Valley Road at SR 89. 09-123
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The DEIR includes a “Wildland Fire Evacuation Plan,” yet this plan includes no quantitative analysis with respect to whether adequate capacity exists on area roadways to accommodate the crush of traffic that would occur during an evacuation. Further, there is no indication of the incremental impacts of the added traffic resulting from construction of the proposed project. On a “typical” day, the added delays caused by the Project’s traffic would be inconvenient and irritating. On a day when a wildfire threatens, the effects of the additional traffic could be disastrous. In a scenario where a wildfire is moving up Squaw Valley Road toward the Village, there is absolutely no way for residents or visitors to flee and no way in for the emergency responders. The DEIR cannot simply ignore this very real threat to public safety. 09-124

(e) The DEIR Fails to Analyze Regional Traffic Impacts Including Impacts to I-80 or its Ramps.

The DEIR fails to analyze the Project’s regional traffic impacts including impacts on I-80 and its on-and off-ramps, in clear violation of CEQA. The California Supreme Court has emphasized that “an EIR may not ignore the regional impacts of a project approval, including those impacts that occur outside of its borders; on the contrary, a regional perspective is required.” *Citizens of Goleta Valley*, 52 Cal.3d at 575. An EIR must analyze environmental impacts over the entire area where one might reasonably expect these impacts to occur. *See Kings County Farm Bureau*, 221 Cal.App.3d at 721-23. This principle stems directly from the requirement that an EIR analyze all significant or potentially significant environmental impacts. Pub. Res. Code §§ 21061, 21068. An EIR cannot analyze all such environmental impacts if its study area does not include the geographical area within which these impacts would occur. 09-125

If the proposed Project were approved, extensive new traffic would travel on I-80. In fact, according to the MRO Report, more than 50 percent of the visitors to the proposed Project would travel eastbound on I-80. *See Exhibit 4 at 10.* In the summer time, this means that there would be about 4,300 additional daily trips that would travel on I-80 and its ramps. By not analyzing the Project’s regional impacts, including impacts on I-80 and its ramps, the DEIR leaves the public and decision-makers in the dark as to the Project’s regional traffic impacts. The revised EIR must evaluate these impacts.

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(f) The DEIR Does Not Describe Existing Parking Deficiencies or Analyze the Impacts to Area Roadways That Would Result From Insufficient Parking.

Parking at Squaw Valley is already severely deficient. Motorists are currently forced to park along Squaw Valley Road since the parking lot at the Village routinely fills up. Despite this fact, the DEIR fails to include *any* information about existing parking deficiencies; instead it focuses only on parking needs associated with the proposed Project. DEIR at 9-7. Without an accurate accounting of existing parking supply and demand, an assessment of future parking needs is all but meaningless. The DEIR must be revised to include: (1) the amount of existing off-street parking spaces and (2) the number of vehicles that currently park on Squaw Valley Road on an average winter day and a peak winter day. Using this information as the baseline, the revised analysis must then identify parking demand and supply for the proposed Project.

09-126

The revised analysis must also describe the implications for traffic flow when on-site parking is constrained. The document must provide this analysis for existing conditions and under “with project” conditions. For example, as drivers search for the rare available parking spaces, some of those drivers inevitably wait in parking aisles for other drivers to depart, thereby blocking on-site traffic flow. A substantial parking deficiency also has implications with respect to air quality and greenhouse gas emissions, as late-arriving patrons would be forced to circulate through the parking facilities in a fruitless effort to find an available space. These potential environmental impacts, which have been ignored in the DEIR, must be addressed.

(g) The DEIR Fails to Adequately Describe Existing Public Transportation in the Area.

Given the Project’s significant traffic impacts, public transit could play an important role in meeting some portion of the Project’s transportation needs. Inasmuch as the Project purports to include a transit center and the proposed Specific Plan includes policies calling for the Project to supplement public transit (DEIR at 9-33), it is important for the public and decision-makers to fully understand how transit currently works in the region, the Project’s impacts on transit, and opportunities to increase transit use. Unfortunately, the DEIR fails to provide this necessary information and analysis.

09-127

For example, the DEIR does not provide sufficient information about existing Tahoe Area Regional Transit (“TART”) service. The document states that the Saturday morning bus between Tahoe City and Squaw Valley is close to capacity. DEIR at 9-24.

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