

011

Tavern Inn Condominium Association
 Peter M. Morrisette, President
 July 1, 2015

011-1 The comment provides information regarding the nature of the Tavern Inn, describing it as being a community of homeowners and residents some of whom live at the Tavern Inn all year.

011-2 The County is in receipt of the Tavern Inn's March 20, 2014 letter, which was provided in response to the revised NOP. Even though the commenter incorporates the NOP letter by reference, it is not considered a comment on the contents of the DEIR. The purpose of the NOP is to solicit comments from agencies and the public on the scope of what should be addressed in the DEIR. CEQA does not require lead agencies to provide written responses to comments in response to NOPs; however, all comments received on the NOP, including the letter from the Tavern Inn, were considered or otherwise addressed in the DEIR to the extent such comments raised potential environmental issues associated with the project. For instance, visual simulations of the East Parcel depict the general view from the Tavern Inn (Exhibit 8-20 of the DEIR) and the impact is evaluated on pages 8-49 to 8-50; noise impacts from the East Parcel, including shipping and receiving, are evaluated in the noise analysis of the DEIR, pages 11-19 and 11-20 (construction noise), and page 11-26 (loading dock noise); other impacts are addressed in the appropriate sections of the DEIR. Thus, potential impacts related to project development at the East Parcel, which is the focus of the NOP comment letter in question, were described and analyzed throughout the DEIR and in this FEIR.

The proposed development of the East Parcel was modified several times after release of the NOP, in large part to address environmental issues raised in the NOP as well as in response to the analysis of environmental impacts as part of the EIR process. Thus, while the NOP comment letter raised issues for consideration during preparation of the DEIR, they are not comments on the project as proposed, or how it was addressed in the DEIR. Further, this comment does not link specific concerns expressed in the referenced NOP letter to the contents of the DEIR, so a further response is not possible. Finally, the balance of comment letter O11, provided by this commenter, does address the specific contents of the DEIR and addresses many of the same issues, specific to the DEIR contents, covered more generally by the NOP comment letter. See responses to comments O11-3 through O11-14.

Also, see the Master Response regarding the East Parcel, which addresses additional modifications to proposed development at this parcel.

011-3 See the Master Response regarding the East Parcel, which discusses the applicant's proposed changes to the East Parcel made in response to input received from the community to date and incorporated to lessen impacts. These changes are also discussed in Section 2.1, "Project Modifications," of this FEIR. For the reasons discussed in Section 2.1, the analysis of the East Parcel in the DEIR and supplemental information provided in this FEIR are adequate to analyze and disclose the environmental effects of the East Parcel portion of the project at this time. Also, see response to comment 09-59 regarding the programmatic nature of the project and, thus, the DEIR. As described in the DEIR and response to comment 09-59, when subsequent activities in the program (including the East Parcel) are proposed, the County must determine whether the environmental effects of those activities were covered in the program EIR and whether additional environmental documents must be prepared. If a later activity would have effects that were not examined in the program EIR, a project-specific CEQA document must be prepared.

011-4 See the Master Response regarding the East Parcel, which discusses land use compatibility issues, including division of an established community. Furthermore, as stated on page 4-20 of the DEIR,

To physically divide an established community, a project must introduce or expand an element that creates a hindrance to safe and efficient movement throughout the community. An example of a type of project that could physically divide an established community is a new highway or railroad that passes through a community. These types of projects may hinder safe pedestrian and bicycle crossings and create a real or perceived disconnection in the community.

The project would not introduce elements that would physically divide the community and no physically dividing elements currently exist.

The comment also states that mitigation measures should be considered including relocating the shipping & receiving facility, market, and visitor parking lot to a different location. See response to comment I63-2 regarding the alternative locations that were considered for the shipping & receiving facility. Also, see the Master Response regarding the East Parcel, which discusses the applicant's proposed changes to the East Parcel. As described therein, these project components are proposed to remain at the East Parcel; however, modifications have been proposed to the East Parcel layout in response to concerns expressed by the Squaw Valley Design Review Committee and members of the public as described in Section 2.1 of this FEIR.

011-5 See the Master Response regarding the East Parcel, which discusses the potential for long-term land use conflicts.

011-6 The primary driveway to the East Parcel would be situated along Squaw Valley Road directly across from Tavern Way. The driveway would be situated along a segment of Squaw Valley Road that currently consists of two eastbound travel lanes, a two-way left-turn lane, and one westbound travel lane. As shown in Exhibit 9-10 in the DEIR, during the Saturday Winter AM peak hour, 25 vehicles (primarily employee trips) would turn right into the East Parcel driveway from westbound Squaw Valley Road (via SR 89, i.e., 92 vehicles enter Squaw Valley Road at Intersection #11 and 67 vehicles remain at Intersection #10, indicating that 25 vehicles left Squaw Valley Road at the East Parcel). During the Sunday Winter PM peak hour, 44 vehicles would turn left out of the East Parcel driveway (using the same comparison between Intersections #10 and #11 in Exhibit 9-10). In addition, it is estimated that three round trip shuttle bus trips during the AM peak hour and six round trip shuttle bus trips during the PM peak hour would occur to transport employees between the East Parcel and the Village. Traffic levels at this driveway are anticipated to be much lower during the summer Friday PM peak hour because Village employees would not park in the East Parcel parking structure. The East Parcel driveway has been designed using standard engineering methods. It is situated directly across from Tavern Way (versus being offset) so as to avoid creation of conflicting left-turn movements. A two-way left-turn lane is provided to facilitate left-turns. The East Parcel driveway will be stop-controlled. Thus, motorists exiting this driveway will need to wait to find an available gap in through traffic on Squaw Valley Road, thereby not adversely affecting other roadway users.

Exhibit 3-6 in the DEIR shows a secondary driveway on Squaw Valley Road that would be used for primarily shipping and receiving purposes. This driveway would be situated directly across from an existing driveway adjacent to the Squaw Valley Fire Department station. The proposed driveway would have a wide throat width that accommodates delivery trucks. It would be situated along a portion of Squaw Valley Road that includes a two-way left-turn to facilitate turning movements. Traffic at this driveway would be limited to occasional truck deliveries, which typically occur during off-peak hours. In addition, Squaw Valley Road in the

westbound direction would include dedicated right turn lanes for both driveways to prevent queuing from interfering with through travel on Squaw Valley Road.

Note that modifications to the East Parcel described in Section 2.1 of this FEIR do not alter the locations of vehicle entry/exit points.

In summary, the expected future traffic movements generated by the East Parcel along with the turning movements generated by existing land uses on the opposite side of Squaw Valley Road would be well within the capacity of the two-way left turn lane. It is therefore concluded that no potential for a significant impact will result. It should also be noted that final location and design of access to the East Parcel will be subject to review and approval by Placer County.

- 011-7 See the Master Response regarding the East Parcel, which discusses potential noise impacts at the East Parcel, as well as Section 2.1 of this FEIR that addresses proposed changes to the East Parcel layout. As described therein, modifications have been proposed to the East Parcel layout, including the redesign of the shipping & receiving facility ingress and egress to minimize the need for trucks to back up. Regarding limiting the operation of the facility to 8:00 a.m. to 5:00 p.m., also see the Master Response regarding the East Parcel. The comment expresses concern regarding potential future changes in the design for the East Parcel. The Master Response regarding the East Parcel addresses many of the design concerns raised in the comment. Moreover, as described in the DEIR and response to comment 09-59, when subsequent activities in the program (including the East Parcel) are proposed, the County must determine whether the environmental effects of those activities were covered in the program EIR and whether additional environmental documents must be prepared. If a later activity would have effects that were not examined in the program EIR, a project-specific CEQA document must be prepared.
- 011-8 See the Master Response regarding noise, which discusses traffic noise impacts and provides new mitigation to reduce roadway noise levels on Squaw Valley Road. See also response to comment 09-59 regarding the programmatic nature of the project and, thus, the DEIR.
- 011-9 See the Master Response regarding the East Parcel, which discusses potential noise impacts associated with the proposed market and employee housing on the East Parcel.
- 011-10 See the Master Response regarding the East Parcel, which discusses the potential visual impacts associated with the East Parcel development.
- 011-11 See response to comment 011-3 regarding revisions to the East Parcel layout. The comment expresses concern regarding potential future changes in the design for the East Parcel. The Master Response regarding the East Parcel addresses many of the design concerns raised in the comment. Moreover, as described in the DEIR and response to comment 09-59, when subsequent activities in the program (including the East Parcel) are proposed, the County must determine whether the environmental effects of those activities were covered in the program EIR and whether additional environmental documents must be prepared. If a later activity would have effects that were not examined in the program EIR, a project-specific CEQA document must be prepared.
- 011-12 The comment states that the DEIR does not discuss other alternatives for employee housing, other than at the East Parcel. This comment pertains to Placer County General Plan Policy C-2 (see page 5-7 of the DEIR), which provides a list of ways that projects can meet the County's employee housing requirement. This policy is also discussed under Mitigation Measure 5-3 (see page 5-13 of the DEIR), which requires the applicant to prepare for County review and approval an employee/workforce housing plan that requires one or more of the following: development of new on-site employee/workforce housing; development/renovation of off-site

employee/workforce housing; dedication of sufficient land for needed units; and/or payment of an in-lieu fee. The applicant is meeting the requirements of General Plan Policy C-2, in part, by developing employee housing on the East Parcel. Implementation of one or more of the other options provided in Policy C-2 will also be required.

Further, the comment states that the DEIR must evaluate other options for providing employee housing that could reduce or eliminate the impacts associated with placing all employee housing on the East Parcel. See response to comment I63-2, which discusses CEQA requirements for an alternatives analysis. Also, described in Section 17.2 of the DEIR, "Alternatives Considered and not Evaluated Further," reduced housing density at the East Parcel was considered (page 17-11). As part of the No Project- SVGPLUO Development Alternative (DEIR Section 17.3.3, page 17-8), the East Parcel would be used entirely for parking. Under the Reduced Development Alternative (DEIR Section 17.3.4, page 17-24), the East Parcel would have a reduced amount of employee housing. Therefore, multiple options related to provision of employee housing at the East Parcel are considered in the DEIR.

011-13

The comment states that because Impact 7-3 (Disturb archaeological resources or ethnic and cultural values) notes that the proposed development does not currently envision ground disturbance in the vicinity of CA-PLA-164, this implies that future disturbance could happen. There is a possibility that disturbance in the vicinity of CA-PLA-164 could occur and because of this, Mitigation Measure 7-3a calls for a site monitor from the Washoe Tribe to be on site for all earth-disturbing activities within 100 feet of CA-PLA-164.

The comment also states that the DEIR is not clear that the East Parcel has been sufficiently surveyed and evaluated. Page 7-7 of Chapter 7, "Cultural Resources," states that the entire project site was subject to a reconnaissance survey. Page 7-7 also explains that for the Specific Plan area (of which the East Parcel is a part), Phase 2 reports (which evaluate resources that are encountered during the reconnaissance survey) were completed that evaluated resources in accordance with national and State criteria to determine eligibility for listing in the National Register of Historic Places and California Register of Historical Resources. Therefore, the East Parcel has been adequately surveyed and evaluated to support the impact analysis in the DEIR. The comment also states that a Native American monitor should be on site for all ground disturbing activities on the East Parcel. Because the East Parcel has been surveyed and evaluated and only one resource has been discovered (CA-PLA-164), this is not necessary.

011-14

The comment states that because new information and analysis regarding the East Parcel is required, a revised and recirculated DEIR is similarly required. However, for the reasons discussed above in responses to comments O11-1 through O11-13, the analysis is adequate and recirculation of the DEIR is not necessary. See also the Master Response regarding recirculation.

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Via Email and Overnight Delivery

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Re: **Village at Squaw Valley Specific Plan Draft Environmental Impact Report** (SCH No. 2012-102-023)

Dear Planning Services Division:

Thank you for the opportunity to submit the following comments on behalf of the group Tahoe Residents United for Sustainable Squaw Tourism (“TRUSST” or “Commenters”) concerning the Draft Environmental Impact Report (“DEIR”) for the Village at Squaw Valley Specific Plan (SCH No. 2012-102-023) (the “Project”).¹

After reviewing the DEIR, together with our team of expert consultants, it is evident that the document contains numerous errors and omissions that preclude accurate analysis of the Project. As a result of these inadequacies, the DEIR fails as an informational document and fails to impose feasible mitigation measures to reduce the Project’s impacts. Commenters request the Placer County Planning Services Division, the Placer County Board of Supervisors, and your staffs address these shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR prior to considering approvals for the Project.

012-1

Commenters have submitted expert comments from expert hydrogeologist Matthew Hagemann, P.G., C. Hg., who concludes that the water supply impacts of the Project have not been properly analyzed or mitigated in the DEIR because the current and potentially worse future drought conditions have not been analyzed.

¹ We reserve the right to supplement these comments at later hearings and proceedings for the Proposed Project. *See Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109.

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Mr. Hagemann also concludes that the Project’s construction-related air quality impacts have not been properly analyzed. Using a revised model that accurately accounts for the Project’s air quality emissions during construction, Mr. Hagemann concludes that the Project will have significant air quality and greenhouse gas impacts that have not been disclosed and must be mitigated. Mr. Hagemann’s comments and curriculum vitae are attached hereto as Exhibit 1 and are incorporated by reference in their entirety.

Commenters have also submitted comments from expert Urban Planner Terry Watt, who critiques the DEIR’s failure to examine the *offsite* growth inducing impacts of the Project. Ms. Watt concludes that the DEIR provides an incomplete and flawed analysis of Project-induced population growth, and as a result, fails to adequately analyze related impacts to housing, public services, and related facilities. Ms. Watt’s comments and curriculum vitae are attached hereto as Exhibit 2 and are incorporated by reference in their entirety.

Each of Mr. Hagemann and Ms. Watt’s comments requires separate responses in the Final EIR. For these reasons, a revised DEIR should be prepared prior to Project approval to analyze all impacts and require implementation of all feasible mitigation measures.

012-1
 cont.

I. BACKGROUND

The proposed Village at Squaw Valley Specific Plan (“Project” or “Specific Plan”) is meant to develop a year-round destination resort that provides a wide range of destination resort services and amenities to guests and residents on site. DEIR 2-2. The Specific Plan would allow for development of resort hotel, residential, commercial, retail, and recreational uses, including lodging, skier services, retail shopping, restaurants and bars, entertainment, and public and private recreational facilities over an estimated 25-year buildout period. DEIR 2-2.

The Project would be the first specific plan approved under the Squaw Valley General Plan and Land Use Ordinance, which was adopted by Placer County in 1983. DEIR 2-1. The Project includes adoption of the specific plan itself and implementation of the associated development proposal. If approved, the Project would amend the Squaw Valley General Plan and Land Use Ordinance to redesignate the Project site as “Specific Plan”

The Project site is located within the 4,700-acre Squaw Valley (also known as the Olympic Valley) in northeastern Placer County, within the Sierra Nevada. DEIR 2-1. The Specific Plan area encompasses approximately 94 acres total, consisting of two separate areas, the main Village and the East Parcel. DEIR 2-2.

012-2

A. Village Area

The 85-acre main Village area would be located at the base of Squaw Valley Ski Resort, and would consist of two main zones: the Village Core and the Village Neighborhood. DEIR 2-3. The Village Core consists of a mix of uses and activities concentrated near the ski slopes and the existing Village, with higher density lodging, the Mountain Adventure Camp, and retail and restaurant spaces. *Id.* The Village Neighborhood would consist of medium-density resort

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residential neighborhoods and smaller-scale neighborhood-serving commercial uses. *Id.* Specifically, the main Village Area would include:

- **Resort Residential:** Up to 1,493 bedrooms in up to 850 units (mix of hotel, condo hotel, fractional ownership, timeshares)
- **Commercial:** 297,733 square feet of tourist-serving commercial space
- **Mountain Adventure Camp:** a 90,000 square foot Mountain Adventure Camp would include an indoor/outdoor pool system, water slides, and other water-based recreation. It would also provide other entertainment options potentially including indoor rock-climbing, a movie theater, a bowling alley, and a multi-generational arcade.
- **Parking:** 3,297 parking spaces in separate parking structures, and up to 1,800 additional parking spaces in podium parking under new building within the Project area.
- **Restoration of Squaw Creek:** A 150-200 foot wide conservation corridor would be provided for the length of the Creek throughout the Project area.
- **Removal of Commercial and Employee Housing:** Removal of 91,522 square feet of existing commercial space and two existing employee housing structures would be removed.

012-2
cont.

B. Eastern parcel

The 8.8-acre East Parcel will be located on a disconnected piece of land approximately 1.3 miles east of the Village. DEIR 2-2. The East Parcel will consist of employee housing (up to 50 employee housing units for up to 300 employees), employee parking, a 15,000 square foot shipping and receiving facility, and a 5,000 square foot market. DEIR 2-3.

II. LEGAL STANDARDS

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) (except in certain limited circumstances). *See, e.g.,* Pub. Res. Code § 21100. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Comms. for a Better Env’t v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.

012-3

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” *Citizens of Goleta*

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Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564. The EIR has been described as “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.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“Berkeley Jets”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines §15002(a)(2). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” Pub.Res.Code (“PRC”) § 21081; CEQA Guidelines § 15092(b)(2)(A) & (B).

012-3
cont.

III. THE DEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE, AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS.

As discussed below, and in the attached expert comment letters of expert hydrogeologist Matthew Hagemann, P.G., C. Hg., and expert urban planner Terry Watt, the EIR for this Project fails to adequately analyze and mitigate the Project’s impacts. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. CEQA requires that a lead agency analyze all potentially significant environmental impacts of its proposed actions in an EIR. PRC § 21100(b)(1); CEQA Guidelines § 15126(a); *Berkeley Jets*, 91 Cal.App.4th 1344, 1354. The EIR must not only identify the impacts, but must also provide “information about how adverse the impacts will be.” *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831. The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Cmtys. for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.

012-4

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 391 409, fn. 12. A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*

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(1994) 27 Cal. App. 4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Mgmt. Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946.

012-4
cont.

A. WATER SUPPLY IMPACTS HAVE NOT BEEN ADEQUATELY ANALYZED OR MITIGATED.

The seriousness of the state’s water concerns mean that large-scale projects like this must be carefully planned to ensure adequate supplies of water, even in times of severe drought. Pursuant to legislation enacted in 2001, cities and counties are required to verify that adequate long-term water supplies exist for large development projects.² These laws, working in conjunction with CEQA, force municipalities to consider how they will supply water to new projects. Thus, when an agency considers a detailed project proposal that would require additional water, the public must have an opportunity to consider, in a detailed EIR, the project’s water supply and mitigation measures and alternatives that would lessen the related impacts.³ This detailed analysis is referred to as a Water Supply Assessment (“WSA”).

The WSA reveals that the Project comprises the largest single added demand in the basin over the next 25 years. DEIR 18-43. The DEIR estimates that new water demands from the Project and other cumulative development will increase by an estimated 363 acre feet per year over that time period. DEIR 18-42. The DEIR states that water for the Project would be provided from the local groundwater basin through a series of existing and new wells, with an overall well field designed to serve existing, Project, and other planned uses. DEIR 14-3, WSA ES-2. Water would be delivered to the plan area from strategically placed wells that would work in concert with existing wells in the Valley. WSA ES-3. In order to evaluate the impact of this future development on the aquifer, the WSA used an existing groundwater model that was modified to predict future drawdowns in wells that will be used to supply water for the Project and cumulative projects. Hagemann Comment, p. 2.

012-5

Based on this model the DEIR and the WSA conclude that there are adequate water supplies for the Project. According to Mr. Hagemann, however, serious questions about water supply remain in light of a protracted drought and a changing climate.

1. The DEIR Fails to Properly Model the Effects of Drought Conditions on Water Supply.

Expert hydrogeologist Matthew Hagemann concludes that the DEIR’s groundwater analysis is incomplete because the model it relies on fails to incorporate climatological and hydrological data from the current four-year drought or a potential “mega drought,” and fails to consider the impact of global warming on groundwater supply. Hagemann Comment, pp. 1-3.

012-6

² Water Code, § 10910 (Assembly Bill 610); Gov. Code, § 66473.7.

³ Pub. Res. Code 21093(a); CEQA Guidelines, 15152(a)-(c).

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The WSA's analysis is flawed because it only utilized data from May 1992 through December 2011. *Id.* The WSA notes that this time period includes "a single dry year (2007) and multiple year dry period (1999-2001)." DEIR 14-35. But what the WSA analysis fails to disclose is that the 1992-2011 time period also included very wet years, including the 1996 wet year (second wettest year in Lake Tahoe in over 100 years), 2011 (fifth wettest on record), and a multiple wet-year period from 1996-1999. Hagemann Comment, p. 2. The DEIR's implication that the model incorporated dry period conditions or drought conditions is misleading. *Id.*

The DEIR admits that the current and ongoing California drought "may produce a more severe multiple year drought than any within the available historical dataset or model study period." DEIR 14-35. It further provides that:

It is possible that during periods of extreme drought in the future (e.g., future single and multiple dry years) there might not be available runoff to fill up the Basin. These events are expected to be limited and the Basin would easily recover to maximum capacity after a year of normal precipitation, because normal runoff substantially exceeds Basin capacity.

DEIR 14-7.

As Mr. Hagemann points out, this vague and unsupported statement is the extent of the DEIR's consideration of drought conditions. Hagemann Comment, p. 3. The DEIR does not even attempt to model the current drought or future (and potentially more severe) droughts that are predicted to result from the changing climate. *Id.*

012-6

Scientists predict that a changing climate will continue to impact groundwater. *Id.* Mr. Hagemann points to a study concluding that the effects of warming climate on groundwater supplies will be "immediate and drastic" including less groundwater recharge as a result of increased surface flow and less total precipitation. *Id.* According to Mr. Hagemann:

To fail to incorporate data into the groundwater model from ongoing drought and severe "megadroughts" (which last two decades or longer) is a gross omission. Failure to model droughts places the reliability of the model as a tool for decision-making about a sustainable Project water supply into serious doubt.

Hagemann Comment, p. 3.

A revised DEIR must include a groundwater model that incorporates current drought conditions, as well as an even more severe drought conditions that may result from ongoing climate change. Hagemann Comment, p. 3. A "worst-case-scenario" groundwater model should also be prepared to evaluate a possible "megadrought" in light of the impact of climate change on groundwater supplies. *Id.* Impacts on the lowest groundwater elevations, which are most critical for water supply in the Olympic Valley, should be a focus of the model to ensure a reliable future supply of water. *Id.* at p. 4.

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A complete water supply assessment model should include the following data:

- The reduction in groundwater recharge and in-stream flow from snowpack in the Sierras which, according to the Natural Resources Conservation Service, is the “lowest in a century.”
- Precipitation records post-2011 that correlate to the period of the current drought.
- Post-2011 groundwater data from monitoring wells and production wells complete in both alluvium and fractured bedrock in the Olympic Valley Groundwater Basin.
- Temperature records that show warming in the Tahoe area, as experienced during the current drought period, and the effect on snowmelt.

012-6
cont.

Hagemann Comment, pp 3-4. Without this information, the DEIR and the WSA fail as an informational document.

2. Mitigation Measures Identified in the DEIR are Insufficient to Address a Prolonged Drought Scenario and Constitute Deferred Mitigation.

The mitigation measures provided in the DEIR related to water supply are not adequate to address prolonged drought conditions, are unsupported by substantial evidence, and constitute legally inadequate deferred mitigation, in violation of CEQA.

Mitigation measure 13-4 purports to ensure an adequate water supply for the Project, even in dry and multiple-dry years. However this conclusion is not supported by substantial evidence because a multiple dry year scenario, like the one we are currently experiencing, was not even modeled in the DEIR. Hagemann Comment, p. 4.

The DEIR concludes that “[b]ecause implementation of Mitigation Measure 14-1a would reduce the uncertainty associated with well system design and operation, and would assure the drawdown effects are managed to avoid insufficient groundwater levels, the potential impact due to increased demand for potable and irrigation water would be less than significant.” DEIR 14-36. The DEIR continues, next concluding that “implementation of Mitigation Measures 14-1b and 14-1c would ensure that a sufficient water supply is available to the project and that the applicable water supplier intends to serve the project.” DEIR 14-36.

012-7

These conclusory statements do nothing to ensure Project water demands will be met. Instead, a revised DEIR needs to include mitigation measure to actively ensure Project water demands are met through increased conservation, increased stormwater recharge, and aggressive non-potable reuse including use of recycled water, use of graywater, and rainwater capture. Hagemann Comment, p. 5. Mitigation measures should be included in a revised DEIR that require specific steps aimed at conservation and recharge to meet Project and cumulative demands even during prolonged droughts. *Id.* Mr. Hagemann points to the following specific mitigation measure that should be included in a revised DEIR include:

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- Advanced conservation measures including use of waterless toilets and low-water-use landscaping;
- On-site water recycling to be used for snowmaking, as is being done at other US ski resorts;
- Design features should be constructed to allow for graywater reuse and rainwater capture at specific Project elements, such as at the resort hotel and retail shopping areas as well as toilet flushing
- Increased stormwater recharge through detention and infiltration both on-site and in strategic areas within the groundwater basin.
- Replace lawns and other water-consumptive vegetation in the Project area.

Hagemann Comment, p. 5-6.

In addition, no water supply agreement has been made for the Project, and the availability of sufficient water supplies has not been verified by a utility. Instead, the DEIR only provides for mitigation to obtain a “will-serve agreement” at a later date (mitigation measure 14-1c) and to verify availability of water supplies after the EIR is certified (mitigation measure 14-1b). As Mr. Hagemann points out, because of the need to obtain future agreements and verification, mitigation is deferred and the public is denied the opportunity to evaluate if these mitigation measures are adequate. Hagemann Comment, p. 6. Mr. Hagemann adds that:

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 cont.

Will-serve agreements are routinely included in DEIRs for other projects undergoing CEQA review. The omission of a will-serve agreement is a significant shortcoming in the DEIR and casts doubt on the ability of the Squaw Valley Public Services District to provide water for the Project. Likewise, the lack of verification that water supplies are available speaks volumes about the reliability of the water supply for the Project.

Hagemann Comment, p. 6.

A revised DEIR should be prepared that discusses the feasibility of these additional mitigation measures.

B. CONSTRUCTION-RELATED AIR QUALITY IMPACTS HAVE NOT BEEN ADEQUATELY ANALYZED OR MITIGATED.

The EIR fails to adequately analyze the Project’s construction emissions, and as a result, improperly concludes that the Project will not result in significant air quality impacts from construction. As explained below, a proper analysis reveals that Project construction will result in significant air quality impacts from nitrogen oxide (“NOx”) and reactive organic gases (“ROG” a/k/a volatile organic compounds (“VOCs”)) emissions, and those impacts must be mitigated.

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1. The DEIR Inadequately Analyzes Maximum Daily Construction Emissions.

The Project is expected to be constructed over the course of 20 to 25 years. DEIR _____. According to the DEIR, in the single most active possible construction year, no more than 20 percent of the total Project construction would occur. DEIR 3-33. With this in mind, to determine maximum daily emission that would occur during a single year, the DEIR models construction emissions assuming that the entire Project would be constructed in a single year, and then taking 20 percent of those values to determine the maximum daily emissions. DEIR Appendix H, p. 5; Hagemann Comment, p. 6.

As explained in detail in Mr. Hagemann’s comment, use of this method was improper, and resulted in a significant underestimate of the Project’s construction emissions. Mr. Hagemann proposes an alternative method that more accurately estimates the maximum daily emissions that could occur within a single year. Hagemann Comment, p. 7.

When the construction schedule of a project is shortened, the default equipment list provided by the CalEEMod model does not automatically change, and instead the adjustments must be made manually. Hagemann Comment, p. 7. The general rule for construction equipment is that when the schedule is shortened by half, then the number of equipment needs to be doubled. *Id.* The Project’s CalEEMod output files, provided in Appendix H, demonstrate that the amount of construction equipment was not adjusted to account for the decrease in the construction schedule. *Id.*; DEIR Appendix H, pp. 101-102. This omission undermines the method used in the DEIR.

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In addition, the CalEEMod default equipment list, used by the DEIR, is only valid for projects 35-acres and smaller. Hagemann Comment, p. 7. Since the Project would require 57 acres to undergo construction, relying on CalEEMod’s default equipment list rendered the emissions estimates even less accurate. Hagemann Comment, p. 7.

Because of these errors and omissions in the DEIR’s model, Mr. Hagemann recommends an alternative method that should be used to properly estimate the emissions that could occur during a single year. *Id.*

2. Project Construction will Create Significant Air Quality Impacts.

Data provided by the DEIR allowed Mr. Hagemann to use an alternative method to determine the maximum construction emissions that could be produced from Project construction in a single year.

This alternative analysis continues to rely on the assumption that, during the single most active construction year, no more than 20 percent of the Project would be constructed. Hagemann Comment, p. 8. Rather than assuming all construction takes place in a single year and then taking 20 percent of that total, Mr. Hagemann’s analysis directly estimates the emissions from constructing 20 percent of the Project. *Id.*

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