Village at Squaw Valley Specific Plan
CEQA Comment
July 17, 2015
Page 10

The DEIR summarizes the proposed Project components according to land use, and estimates the percentage of the Project area that each land use comprises. Hageman Comment, p. 7. While these numbers disclose the percentage of the total Project area each land use encompasses, this is not necessarily the percentage of the Project's total construction effort. Hagemann Comment, p. 8. Appendix H provides a detailed summary of the Project's anticipated construction activities according to the land use type and lot number. Hagemann Comment, p. 8. Using these two data sets, Mr. Hagemann was able to estimate the percentage for each development compared to the total construction area, and then determine which land uses would most accurately represent 20 percent of the Project's total construction effort. Hagemann Comment, pp. 8-10.

Mr. Hagemann's analysis determined that construction of approximately 477 condo/hotel units an 67,264 square feet of commercial and retail developments represented 20.2 percent of the Project's total construction efforts. Hagemann Comment, p. 10. Mr. Hagemann than used CalEEMod to model the emissions from construction of these uses. *Id.*

The results of Mr. Hagemann's model demonstrate that when accurately estimating emissions from construction of 20 percent of the total Project, emissions are much higher than those disclosed in the DEIR. Hagemann Comment, p. 12. Under Mr. Hagemann's model, ROG emissions increase from 32.2 to 105.6 lbs/day, NOx emission increase from 53.3 to 237.3 lbs/day, PM10 emissions increase from 8.9 to 41.06 lbs/day, and PM 2.5 emissions increase from 4.5 to 25.83 lbs/day. Importantly, NOx and ROG emission under Mr. Hagemann's model exceed the Placer County Air Pollution Control District's significance threshold of 82 lbs/day, and would therefore result in a significant impact. Hagemann Comment, p. 12. O12-10 cont.

Construction of 20 Percent of Project *Maximum Daily Emissions (pounds/day):*				
	ROG	NOx	PM10	PM2.5
Hagemann Model	105.6	237.30	41.06	25.83
DEIR Emission Estimates	32.2	53.3	8.9	4.5
PCAPCD Threshold	82	82	82	NA
Exceed under Hagemann model?	***Yes***	***Yes***	***No***	**-**
Exceed under DEIR model?	***No***	***No***	***No***	

An updated DEIR should be prepared using this revised model to more accurately reflect the air quality impacts of the Project's construction.

3. Additional Mitigation Measures are Needed to Mitigate Significant Construction-Related Air Quality Impacts.

Since Project construction will result in significant air quality impacts, the DEIR should be revised to include discussion of additional mitigation measures to reduce NOx and ROG O12-11

emissions. NOx is a byproduct of fuel combustion, so a reduction in the total vehicle miles traveled by construction workers would result in a reduction of NOx emissions. Hageman Comment, p. 13. Additionally, reducing emissions from heavy-duty off-road construction equipment would also reduce NOx and ROG emissions. Hagemann Comment, p. 13. To reduce this effect, Mr. Hagemann suggests the following specific mitigation measures that would avoid, minimize, and mitigate the Project's construction emissions of NOx and ROGs, which were not considered in the DEIR:

- Implement Commute Trip Reduction (CTR) Program:
- Provide a Ride-Sharing Program
- Implement a Subsidized or Discounted Transit Program
- Implement a Car-Sharing Program
- Provide Employer-Sponsored Vanpool/Shuttle
- Require Implementation of Diesel Control Measures
- Repower or Replace Older Construction Equipment Engines
- Use Alternative Fuels for Construction Equipment
- Install Retrofit Devices on Existing Construction Equipment
- Use Electric and Hybrid Construction Equipment
- Institute a Heavy-Duty Off-Road Vehicle Plan
- Implement a Construction Vehicle Inventory Tracking System

O12-11 cont.

These measures are more stringent and prescriptive than those measures identified in the DEIR. A complete description of these measures can be found in Mr. Hagemann's Comment on pages 13-19.

C. THE DEIR IMPROPERLY RELIES ON A BORROWED THRESHOLD TO DETERMINE THAT THE PROJECT'S CUMULATIVE EMISSIONS OF OZONE PRECURSORS WILL BE INSIGNIFICANT.

The DEIR's conclusion that the Project will not result in significant cumulative air quality impacts is based on the DEIR's reliance on the wrong threshold of significance. When compared to the proper threshold of significance, the Project has a significant cumulative impact on air quality. The DEIR must be revised to compare the Project's cumulative impact to the proper significance threshold.

O12-12

The Courts have held that agencies may not rely on standards created by other agencies to declare impacts insignificant for CEQA purposes. For example, in *Oro Fino Gold v. El Dorado,* 225 Cal.App.3d 872, 882 (1990), the court held that an agency could not rely on the fact that noise impacts of a project would not exceed the significance threshold set by a different agency to declare those impacts insignificant. The court found the impacts to be potentially significant, requiring and EIR, despite the fact that they did not exceed the other agency's noise thresholds. *See also, Eller Media v. Comm. Redev. Agency* (2003) 108 Cal. App. 4th 25, 38 (lead

agency could not rely on project's conformity with general plan and local ordinances to determine that project would not have significant impacts within meaning of CEQA).

For example, *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comm'rs*, 91 Cal. App. 4th 1344, 1370 (Cal. App. 1st Dist. 2001), involved a proposed expansion of the Oakland Airport. The Petitioners provided expert analysis calculating toxic health risks using the BAAQMD CEQA thresholds and methodology. The Port Commission contended that BAAQMD CEQA thresholds for toxic chemicals did not apply to the Port. The First District Court of appeal rejected this argument. The Court of appeal held that BAAQMD is the expert agency with jurisdiction over air toxics in the Bay Area. CEQA requires lead agencies to "consult 'with all responsible agencies and with any other public agency which has jurisdiction by law over natural resources affected by the project . . . .'" (§ 21080.3, subd. (a).) Pursuant to this provision, the Port Commission was required to apply the BAAQMD thresholds and toxic risk calculation methodology. At the very least, the lead agency must acknowledge the inconsistency with the BAAQMD thresholds in the EIR. Port commission abused its discretion by failing to acknowledge that the project would have significant air toxic impacts exceeding BAAQMD thresholds, and by failing to consider mitigation measures to reduce these impacts.

The DEIR improperly ignores the applicable Placer County Air Pollution Control District's significance threshold[4] for cumulative ozone precursor emissions of 10 lbs/day, and instead adopts the threshold used by the Sacramento Metropolitan Air Quality Management District (SMAQMD) of 82 lbs/day. The DEIR's dismissal of the PCAPCD's standard violates CEQA, and misstates the Air District's guidance on the topic. O12-12 cont.

The DEIR asserts that:

> PCAPCD's recommendation to use 10 lb/day is based on its New Source Review rule (Rule 502) that applies to stationary sources and requires Best Available Control Technology (BACT) to be implemented on any stationary source that emits more than 10 lb/day of ROD and NOx [citation]. On this basis, PCAPCD recommends that any project that emits more than 10 lb/day should implement mitigation measures to reduce cumulative impacts [cite]."

DEIR 18-30. The DEIR then goes on to assert that:

> PCAPCD provides no guidance about what level of mitigation is sufficient for a land use development project that exceeds 10 lb/day or whether a project that reduces its emission to less than 82 lbs/day would result in a cumulatively considerable contribution to the nonattainment ozone status of the region. PCAPCD leaves decisions on this matter to the discretion of the lead agency.

[4] The threshold can be found in the Placer County Air Pollution Control District's CEQA Handbook, *available at* http://www.placer.ca.gov/departments/air/landuseceqa.

Village at Squaw Valley Specific Plan
CEQA Comment
July 17, 2015
Page 13

Id. A brief look at the PCAPCD Handbook, however, makes clear that the DEIR's assertion is false.

The PCAPCD Handbook explains that:

> It is very important to emphasize that the primary reason the District applies a "10 lbs per day" standard as the threshold for a project's cumulative impacts resulting from its ROG and NOx emissions is because Placer County lies within the federal ozone nonattainment area.

PCAPCD Handbook, p. 2-4. The Handbook does note that the threshold was established "based on the NSR requirement, which requires any stationary source that emits more than 10 lbs per day of ROG and NOX must employ BACT." *Id.* But the next sentence makes clear that the threshold is not limited to industrial point sources. It states:

> Therefore the District recommends ***any project*** which emits more than 10 lbs per day should implement mitigation measures to reduce cumulative impacts. Mitigation measures can include both on-site and off-site mitigation measures.

O12-12 cont.

PCAPCD Handbook, p. 2-4 (emphasis added). In addition, PCAPCD Handbook table 2-4 applies this standard to two types of land use, single family residential and retail strip mall, neither of which are industrial point sources. Indeed, the Project includes strip mall type development.

The Placer County Air Pollution Control District sets a cumulative threshold of 10 lbs/day for operational emissions of ROG and NOx. PCAPCD Handbook, pp. 2-3, 2-4. PCAPCD then recommends that any project emitting more than 10 lbs/day implement mitigation measures to reduce cumulative impacts. *Id.* A revised draft EIR is required to apply the proper PCAPCD CEQA significance threshold, to recognize significant impact under this threshold, and to propose feasible mitigation measures to reduce those impacts.

D. GREENHOUSE GAS IMPACTS HAVE NOT BEEN ADEQUATELY ANALYZED OR MITIGATED.

1. Greenhouse Gas Emissions Exceed the Significance Threshold when Properly Analyzed.

O12-13

Greenhouse gas from project construction have not been adequately analyzed or mitigated. The DEIR's model for determining construction-related greenhouse gas emissions is flawed for the same reasons the DEIR's model for determining other air quality emissions from Project construction is flawed, as discussed above. Mr. Hagemann used the same alternative method described above in section C to more accurately determine greenhouse gas emission from Project construction. Hagemann Comment, p. 20.

Village at Squaw Valley Specific Plan
CEQA Comment
July 17, 2015
Page 14

The results of Mr. Hagemann's model demonstrate that when accurately estimating emissions from construction of 20 percent of the total Project, greenhouse emissions are much higher than those disclosed in the DEIR. Hagemann Comment, pp. 20-21. The more accurate model demonstrates that maximum annual greenhouse gas emissions in a single year would be 2,135 $MTCO_2e$/year. Hagemann Comment, p. 21. This is more than twice the 940 $MTCO_2e$/year greenhouse gas emissions estimated under the DEIR's flawed model. In addition, under the more accurate model, the Project's construction emissions will be nearly twice the PCAPCD Tier I threshold of significance of 1,100 $MTCO_2e$/year, and would therefore create a significant impact. *Id.*

Construction of 20 Percent of Project Summary of Maximum Annual GHG Emissions (MTCO2e/yr)	
Hagemann Model	**2,135**
DEIR Emission Estimates	940
PCAPCD Tier I Threshold	1,100
Exceed under Hagemann model?	***Yes***
Exceed under DEIR model?	***No***

O12-13 cont.

A revised DEIR should be prepared that uses Mr. Hagemann's properly constructed model, and discloses and mitigates the Project's significant construction-related greenhouse gas impacts.

2. The DEIR Improperly Omits Discussion or Analysis of the greenhouse gas reduction targets specified in Executive Order B-30-15.

The DEIR acknowledges that Assembly Bill 32, passed in 2006, limits GHG emission in California to 1990 levels by 2020. DEIR 16-4. However, the EIR omits reference to Executive Order B-30-15, which was signed by Governor Brown in April 2015, before the DEIR was published. DEIR section 16. Executive Order B-30-15 establishes a greenhouse gas emissions reduction target of reaching levels 40 percent below 1990 levels by 2030. Hagemann Comment, p. 21. Since construction of the Project is anticipated to take place over 20 to 25 years, with the first fully operational year anticipated to be 2037, the 2030 goals are applicable to any evaluation of the Project's impacts. Hagemann Comment, p. 22. O12-14

In 1990, California's statewide greenhouse gas emission were estimated at 431 million $MTCO_2e$ ($MMTCO_2e$). Hagemann Comment, p. 22. Based on Executive Order B-30-15, by 2030, California will be required to reduce statewide GHG emission by 172 $MMTCO_2e$, creating a statewide limit of 259 $MMTCO_2e$. Hagemann Comment, p. 22. The current "business-as-usual" estimate for California's 2020 GHG emissions is 509 $MMTCO_2e$. *Id.* Accordingly, in order to reach the reductions required by Executive Order B-30-15 of 259 $MMTCO_2e$, California would need to reduce its emissions by 49 percent below the "business-as-usual" level. *Id.*

Village at Squaw Valley Specific Plan
CEQA Comment
July 17, 2015
Page 15

A revised DEIR should be prepared that demonstrates the Project's compliance with the more aggressive GHG reduction targets specified in Executive Order B-30-15. This 49 percent reduction target should be used as a threshold of significance against which to measure Project impacts. Specifically, the DEIR should demonstrate a reduction of 49 percent below "business-as-usual" levels. Hagemann Comment, p. 22. Alternatively, since this reduction percentage is applicable to statewide emissions, an analysis should be conducted to translate this statewide target into a project-specific threshold against which the Project's GHG emissions can be compared. *Id.* The DEIR should quantify any reductions expected to be achieved through mitigation measures, and demonstrate how the measures would reduce emissions below the new 2030 significance threshold. O12-14 cont.

E. THE DEIR'S CONCLUSION THAT GROWTH INDUCING IMPACTS ARE NOT SIGNIFICANT IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

CEQA requires an EIR to include an analysis of the growth-inducing impacts of a proposed project, and the environmental consequences of that growth. CEQA Guidelines § 15126.2(d). These growth-inducing impacts must be discussed and analyzed even if those impacts result only indirectly from the project. *Napa Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001) 91 Cal.App.4th 342, 368. A Project will have a significant impact if it will "induce substantial growth in an area, either directly or indirectly." DEIR 5-8.

In *Napa Citizens for Honest Government*, 91 Cal.App.4th 342, the Court of Appeal set out the general framework for considering population-related growth impacts. An EIR:

> Should, at a minimum, identify the number and type of housing units that persons working within the [p]roject area can be anticipated to require, and identify the probable location of those units. The [EIR] also should consider whether the identified communities have sufficient housing units and sufficient services to accommodate the anticipated increase in population. If it is concluded that the communities lack sufficient units and/or services, the [EIR] should identify that fact and explain that action will need to be taken. . . . O12-15

Id. at 370.

Once an EIR determines what additional housing or public services will be required as a result of a proposed project, it must then analyze the environmental consequences of those additional housing units and public services. *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 438-47. For example, in *Vineyard Area Citizens for Responsible Growth*, the California Supreme Court held that under CEQA, when a new development requires an increased water supply, the environmental impacts of providing that water supply must be analyzed. *Id.* In addition, the EIR must also take account of the growth that a project will indirectly induce through, for example, stimulation of the local economy, or by providing new infrastructure that supports new construction. Watt Comment, p. 5.

Village at Squaw Valley Specific Plan
CEQA Comment
July 17, 2015
Page 16

The DEIR's analysis of growth-inducing impacts is incomplete, and the DEIR's conclusion that the Project will not induce substantial growth in the area is unsupported by substantial evidence. A revised DEIR must include a complete analysis of the Project's growth-inducement, as described by Urban Planning expert Terry Watt. O12-15 cont.

1. The DEIR's analysis of the Project's growth-inducement is incomplete and unsupported by substantial evidence.

According to Ms. Watt, a complete analysis of growth-inducing impacts requires two steps. Watt Comment, pp. 4-5. First, the analysis must reach an accurate estimate of the population growth directly and indirectly caused by the project, including an estimate of the number of employees required by the project and whether those employees would be new to the region. *Id.* Second, the analysis must then look at the environmental impacts associated with serving that estimated new population, including housing, public services, and facilities (e.g. emergency services, schools, etc.). *Id.* According to Ms. Watt, the DEIR fails with respect to both of these steps. Watt Comment, p. 5. O12-16

i. The DEIR significantly underestimates growth inducement because it improperly limits its analysis to on-site impacts.

The flaws in the DEIR's growth-inducement analysis begin at the first step, which is to calculate the number of jobs directly and indirectly created by the Project. Watt Comment, p. 5. The DEIR does provide an estimate of jobs created by the Project, but it improperly limits that estimate to on-site jobs created directly by the Project on site. *Id.* This significant omission results in a significant underestimate of the total employment and job growth that would be created by the project. *Id.* at p. 6.

The DEIR's analysis of job and population growth is further undermined by the DEIR's unsupported conclusions that the impacts of on-site employees and visitors would remain onsite. For example, the DEIR makes the assumption that the jobs directly created by the Project would generate "transient population rather than accommodate new full-time residents in the Valley because of the manner in which housing would be provided (fractional ownership, seasonal employee housing, and daily basis)." DEIR 5-10. The DEIR makes another assertion "that the economic activity generated by visitors would be largely contained within the commercial components of the project" and "the project is designed such that the economic activity generated by visitors would be largely contained within the commercial components of the project." DEIR 5-12. Based on these unsubstantiated conclusions, the DEIR fails to analyze or discuss any of the ***off-site*** Project-induced growth. These bare assertions about the Project's potential to induce growth do not constitute the type of reasoned analysis demanded by CEQA. CEQA Guidelines, § 15384(a). O12-17

Indeed, an examination of the data and discussion provided by the DEIR's Economic Impact study (GCG) supports Ms. Watt's conclusion, and conflicts with the DEIR's conclusion that growth will largely remain onsite. Given the broad range in type and scale of Project-

induced job creation to support the Project, and construction and operation of related physical space for those jobs and services, Ms. Watt concludes that the Project will likely create significant offsite Project-induced growth. Watt Comment, p. 6. As Ms. Watt points out:

> The DEIR's Economic Impact and Urban Decay Study and DEIR acknowledge that the proposed project would significantly expand the area's economic base and specifically would add new net supportable sales totaling an estimated $116 million. That significant expansion would inevitably lead to more economic activity than is "contained" or accommodated by the proposed project on-site. Project employees and visitors would have more money to spend, the project itself would require secondary support services and those activities would stimulate additional development in the area. All of this secondary activity and growth would in turn cause environmental effects. These induced growth impacts are overlooked entirely.

O12-17 cont.

Watt Comment, pp. 5-6.

ii. The DEIR fails to analyze indirect impacts.

While the DEIR acknowledges that "the population increase caused by, or attracted to, a new project may result in additional demands for housing, goods and services," it fails to actually analyze these additional demands. Watt Comment, p. 3 (citing DEIR 5-12). This omission is particularly troubling because, as Ms. Watt points out, all of the data necessary to conduct this analysis is contained in the GCG Economic Impact and Urban Decay Analysis, but the study and the DEIR completely overlook the question of how much secondary growth will be induced by the Project's economic impacts in the area. Watt Comment, p. 6.

"The flaws in the DEIR's projections of employment and population growth have a ripple effect that undermines the analysis of housing-related and public service and facility-related impacts of that growth." *Id.* at p. 7. Because the analysis stops at the borders of the Project site, the DEIR contains no analysis of growth in demand for housing and goods and services, and the environmental impacts resulting from that growth. *Id.* For example, the DEIR contains no analysis of the environmental effects associated with constructing additional commercial square feet, additional workforce housing and the public services facilities to support those uses. It also fails to analyze the traffic trips, air quality impacts, and other environmental consequences of that additional growth.

O12-18

Accordingly, the DEIR is incomplete and fails as informational document. The DEIR simply ignores environmental impacts resulting from Project-induced growth. A revised and recirculated environmental document must address the full breath of growth-inducing impacts. This omission of such an analysis renders the DEIR inadequate.

2. Substantial Evidence demonstrates that Project-induced growth is significant.

While on the one hand the EIR ignores all off-site growth inducing impacts, the EIR on the other hand goes to great lengths to persuade the local community that the Project will benefit the local economy. The DEIR's Economic Impact and Urban Decay Study estimates an additional $116 million in "net supportable sales" in the area's markets, shops, restaurants and bars. Watt Comment, p. 5. Yet none of this growth in demand for goods and services is accounted for the in DEIR.

Ms. Watt conducted an analysis using the IMPLAN model and project information from the GCG Study. *Id.* at p. 6. Ms. Watt's analysis concluded that meeting the additional demand for goods and services generated by the Project (beyond the Project site) will require an additional 1,050 to 1,300 workers. *Id.* Most of these jobs would be low-paying service jobs. *Id.* Ms. Watt estimates that, based on the Project's sales projections, approximately 360,000 square feet of additional new structures (not including public service facilities), will be needed to accommodate this increased demand for goods and services. *Id.* O12-19

This constitutes a significant environmental impact that must be disclosed and fully analyzed in a revised DEIR.

F. THE DEIR FAILS TO SUMMARIZE AND INCLUDE STUDIES RELIED ON IN THE DEIR.

As a general matter, an EIR must be a single document that informs the public of the impacts of a project and feasible mitigation measures and alternatives to reduce those impacts. *Russian Hill Improvement Assoc. v. Bd. of Permit Appeals* (1974) 44 Cal.App.3d 158. The EIR should constitute a single document that is "meaningful and useful to decision-makers and to the public." PRC § 21003(b). The EIR reader should not be required to "painstakingly ferret out the information" from multiple reports. *Planning & Conservation League v. Dept. of Water Resources* (2000) 83 Cal.App.4th 892, 911. The public should not be required to sift through multiple documents to detect a project's environmental impacts. *San Joaquin Raptor II,* 149 Cal.App.4th at 659. O12-20

The DEIR sites a number of project-specific studies not summarized or included in the DEIR or its appendices. The References section of the DEIR is 25 pages long, and many of the references are to project-specific studies that are needed for the public and decision makers to conduct a meaningful analysis of the Project's impacts. For example, the following documents are referenced, but are not summarized or provided in the Appendix.

- Balance Hydrologics, Inc. 2014. *Design Basis Report: Squaw Creek Restoration, Squaw Valley Specific Plan, Placer County, California.* Prepared for Squaw Valley Ski Holdings, LLC.

Village at Squaw Valley Specific Plan
CEQA Comment
July 17, 2015
Page 19

- Capitol Utility Specialists. 2014 (March). *Squaw Valley Technical Dry Utilities Study*. El Dorado Hills, CA.
- Citygate. 2014. *Squaw Valley – Assessment of Project Impacts and Appropriate Fire Service Mitigations for the Proposed Village at Squaw Project*. Prepared for the Squaw Valley Public Service District.
- Fehr & Peers. 2014. *Estimated Vehicle Miles Travelled for the Squaw Village Specific Plan—Calculation Spreadsheets*.
- GANDA. 2014 (September). Technical Memorandum: Potential Impacts of Increased Groundwater Pumping on Squaw Creek Fisheries and Aquatic Resources: Village at Squaw Valley
- Garcia and Associates. 2014 (September). Potential Impacts of Increased Groundwater Pumping on Squaw Creek Fisheries and Aquatic Resources: Village at Squaw Valley Specific Plan Project. Prepared for Squaw Valley Real Estate, LLC, Olympic Valley, CA.
- Goodwin Consulting Group. 2015 (April 15). *Village at Squaw Valley Specific Plan, Economic Impact and Urban Decay Analysis*. Sacramento, CA
- Heywood, Larry. 2014 (March 7). *Avalanche Hazard Study: Village at Squaw Valley Specific Plan Squaw Valley, California*. Prepared for Squaw Valley Ski Corporation
- Holdrege & Kull. 2011 (November 29). *Preliminary Geotechnical Engineering and Geologic Review for Squaw Valley Development Project Olympic Valley/Placer County, California*. Prepared for Squaw Valley Development Corporation.
- Kennedy/Jenks Consultants. 2010 (December 7). *Phase I Environmental Assessment Squaw Valley Olympic Village Specific Plan, Placer County, California*. Prepared for Squaw Valley Development Corporation. Irvine, CA.
- Kennedy/Jenks Consultants. 2013 (May 22). Draft Technical Memorandum: Summary of Kennedy/Jenks' review of Placer County Environmental Health records pertaining to former UST/SLIC sites located at the Squaw Valley Olympic Village at Squaw Valley Ski Resort. To Squaw Valley Development Company.
- MacKay & Somps. 2014. (June 10). Technical Memorandum No. 1: The Village at Squaw Valley Specific Plan: Updated Water Study.
- MacKay & Somps. 2012 (December). *Draft Master Drainage Study, Village at Squaw Valley Specific Plan.* Consulting report prepared for the Village at Squaw Valley, Squaw Valley USA and submitted to Placer County, 55 p. incl figures and tables, + appendices.
- MacKay & Somps. 2015 (January 27). *Dry Utility Master Plan - Village as Squaw Valley Specific Plan.*
- Salix Consulting. 2014 (June). *Wetland Delineation for the 107-Acre Squaw Valley Village Study Area*. Prepared for Squaw Valley Ski Corporation
- Todd Groundwater. 2014 (October 17). Memorandum: Model Simulated Squaw Creek Flow and Groundwater Elevation Data Transmittal, Village at Squaw Valley Specific Plan. (From Chad Taylor and Maureen Reilly to Chevis Hosea).
- 2014a (June 10). Technical Memorandum No. 1: The Village at Squaw Valley Specific Plan: Updated Water Study.
- 2014b (June 12 and July 23). Technical Memorandum No. 2: The Village at Squaw Valley Specific Plan: Updated Sewer Study (two versions).

O12-20 cont.

- 2014c (July 15). *Infrastructure Phasing Plan for the Village at Squaw Valley Specific Plan*. Prepared for the County of Placer and Squaw Valley Real Estate, LLC.
- 2014d (October 16). *Sewer Master Plan: The Village at Squaw Valley Specific Plan*. Prepared for Squaw Valley USA.
- 2014e (October 16). Technical Memorandum No. 3: The Village at Squaw Valley Specific Plan: Updated Drainage Study.
- 2014f (October 16). Technical Memorandum No. 6: The Village at Squaw Valley Specific Plan: Snow Storage Plan.
- 2015 (April 22). *Fault Evaluation Report.* Prepared for Squaw Valley Real Estate, LLC, Olympic Valley, CA.

O12-20 cont.

These documents should be included in the Appendix in a revised DEIR.

IV. THE COUNTY SHOULD PREPARE AND RECIRCULATE A SUPPLEMENTAL DEIR

O12-21

Recirculation of an EIR prior to certification is required "when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt; or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless." CEQA Guidelines §15162; *Laurel Heights Improvement Assn. v. Regents of University of Cal.* (1993) 6 Cal. 4th 1112, 1130 (citing *Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043).

Recirculation is required where "significant new information" has been added to an EIR. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447. New information is "significant" where it results in a change to the EIR's analysis or mitigation of a substantial adverse environmental effect to the EIR. *Id.*

Here, the DEIR must be revised to address the many deficiencies identified above.

Village at Squaw Valley Specific Plan
CEQA Comment
July 17, 2015
Page 21

V. CONCLUSION

For the foregoing reasons, TRUSST believes the Village at Squaw Valley Specific Plan DEIR is wholly inadequate. TRUST urges the Placer County Planning Services Department to make the above changes, and recirculate a revised DEIR to the public for review. Thank you for your attention to these comments. 012-21 cont.

Very truly yours,

Rebecca L. Davis

Enclosures

012

Tahoe Residents United for Sustainable Squaw Tourism
Rebecca L. Davis, Lozeau Drury, LLP
July 17, 2015

012-1 The introductory comments and opinions of the commenter are noted. The referenced comment letters from Matthew Hagemann and Terry Watt are also noted and responses to those comment letters (O12a and O12b, respectively) are provided in this FEIR.

012-2 The comment provides a summary of the proposed project. No specific issues related to the content, analysis, or conclusions in the DEIR are raised in this comment. No further response is provided here.

012-3 The comment provides a summary of CEQA requirements as interpreted by the commenter. No specific issues related to the content, analysis, or conclusions in the DEIR are raised in this comment. No further response is provided here.

012-4 The comment states that the DEIR fails to adequately disclose, analyze, and mitigate the project's impacts, and provides various summaries of CEQA case law. However, the comment does not provide specific reasons specifying why the DEIR is inadequate. Further, the comment implies that the DEIR is based on "…study or analysis presented by a project proponent in support of its position." Although the project proponent prepared some of the technical studies that were used in the DEIR analysis, each study was peer-reviewed by Placer County staff or its contracted EIR consultant team and therefore reflects the independent judgment of staff and the County's expert consultants. Specifically, the County's review involved the participation of independent technical experts in the fields of hydrology, biology, traffic, geology, engineering, and other environmental disciplines. In addition to this review, the County's EIR consultant team conducted various field studies (biological resources, land use), utilized water supply analyses prepared on this project by the Squaw Valley Public Service District, and prepared its own visual simulations, transportation, air quality, noise, greenhouse gas, and other technical studies. The EIR therefore represents Placer County's independent review of the environmental impacts associated with the project. To the extent that the comment references attached letters from Matthew Hagemann and Terry Watt, see responses to those comment letters (O12a and O12b, respectively).

012-5 The comment summarizes the requirements for public agencies to ensure projects have an adequate water supply via preparation of a WSA. The comment then summarizes the DEIR conclusions related the project's water demands, water supply infrastructure, and the WSA groundwater model. Finally, the comment states that "serious questions about water supply remain in light of a protracted drought and changing climate." See responses to comments O12a-2 through O12a-11. See also the Master Response regarding water supply.

012-6 The comment summarizes analysis provided in an attachment to this comment letter. See responses to comments O12a-2 through O12a-11. See also the Master Response regarding water supply.

012-7 The comment summarizes analysis provided in an attachment to this comment letter. See responses to comments O12a-2 through O12a-11. See also the Master Response regarding water supply.

O12-8 The comment provides a summary of detailed comments concerning the analysis of project-related construction emissions provided below. See responses to the detailed comments O12-9 through O12-12.

O12-9 The comment asserts that the DEIR inadequately estimated the level of project-related construction emissions of ozone precursors and refers to a detailed comment by Mr. Haggeman (comment letter O12a). See the responses to comments O12a-12 through O12a-20 for discussion about Mr. Haggeman's comments regarding the estimation of construction emissions. See also the Master Response regarding construction emissions. As described in these responses, the DEIR properly and adequately evaluated construction-related air emissions.

O12-10 The comment mentions the alternative method for estimating construction emissions that was provided by Mr. Haggeman. See the responses to comments O12a-12 through O12a-20 for discussion about Mr. Haggeman's comments regarding the estimation of construction emissions. See also the Master Response regarding construction emissions. As described, the DEIR utilized proper methods and developed foreseeable emissions estimates.

O12-11 The comment states that additional mitigation measures are needed to mitigate construction emissions of ozone precursors, ROG, and NO_X. See responses to comments O12a-12 through O12a-20 and the Master Response regarding construction emissions for discussion about why mitigation to address construction emissions of ROG and NO_x was not required to be included in the DEIR (in short, because construction-generated emissions would not exceed applicable significance thresholds). Nonetheless, per the request of PCAPCD, Mitigation Measure 10-2 in the DEIR already includes measures that would reduce emissions from diesel-powered construction equipment. See the construction measures listed on page 10-20 of the DEIR. Additional construction mitigation was added as described in response to comment L2-1.

O12-12 The comment asserts that the cumulative analysis of ozone precursors (i.e., ROG and NO_X) emitted by the project "ignored" the threshold of 10 lbs/day recommended by PCAPCD. The comment also asserts that the cumulative analysis of ozone precursors improperly relied on a borrowed threshold and refers to the rulings of three court cases. This comment is similar to comment L2-2 submitted by the Placer County Air Pollution Control District. See response to comment L2-2, which explains the changes made to the cumulative impact analysis of ozone precursors.

The comment also explains that PCAPCD's draft CEQA guidance states that any project that would emit more than 10 lbs/day should implement mitigation measures to reduce cumulative impacts. Mitigation Measure 10-2 has been amended to require the project applicant to implement measures and/or offsets to reduce ROG and NO_X emissions to less than 10 lbs/day (see Section 2.3, "Revisions to the DEIR," of this FEIR).

The comment refers to the decision in *Eller Media v. Community Redevelopment Agency* (2003) which, according to the commenter, held that, in preparing an Initial Study, a lead agency could not rely on a project's conformity with a general plan and local ordinances to determine that a project would not have significant impacts. See response to comment L2-2 for changes made to the cumulative impact analysis of ozone precursors.

O12-13 The comment asserts that the DEIR inadequately estimated the level of project-related construction emissions of GHGs and refers to a detailed comment by Mr. Haggeman. See responses to comments O12a-12 through O12a-20 and O12a-35 for discussion about Mr. Haggeman's comments regarding the estimation of construction-related GHG emissions. See also the Master Response regarding construction emissions.

O12-14 The comment states that the DEIR improperly omits discussion and analysis of the GHG reduction targets specified in Executive Order B-30-15. This executive order was released around the same time as the DEIR, which is why it is not discussed. See also the Master Response regarding the GHG analysis.

O12-15 The comment describes CEQA requirements for evaluating growth-inducing impacts. These requirements are also discussed in Section 18.4, "Growth-Inducing Impacts of the Proposed Project," in the DEIR. For more detailed responses to concerns that the DEIR does not provide a complete analysis of the project's growth-inducing impacts, see detailed responses to comment letter O12b.

O12-16 The comment summarizes analysis provided in an attachment to this comment letter. See responses to comments O12b-10 through O12b-11.

O12-17 The comment summarizes analysis provided in an attachment to this comment letter. See responses to comments O12b-12 through O12b-14.

O12-18 The comment summarizes analysis provided in an attachment to this comment letter. See responses to comments O12b-15 through O12b-16.

O12-19 The comment summarizes analysis provided in an attachment to this comment letter. See responses to comments O12b-12 through O12b-16. For the reasons described in responses to comments O12b-2 through O12b-16, the population and employment projections are based on facts and reasonable assumptions. Thus, the indirect impacts associated with population and employment projections are adequate and no changes to the DEIR are necessary.

O12-20 As noted in the comment, an EIR must be a single document that informs the public of the reasonably foreseeable and potentially significant adverse impacts of a project, and feasible mitigation measures for identified significant impacts. The organization of the DEIR is discussed in Section 1.8, "Organization of this DEIR." The DEIR is consistent with CEQA Guidelines Sections 15000 et. seq.

All referenced materials used during DEIR preparation (see Chapter 20, "References and Persons Consulted," in the DEIR for a complete listing) were made available at the time of release of the DEIR, and are available on Placer County's website at: http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/villageatsquawvalley/references.

Because these documents were used for the purposes of supporting the analysis, and were not considered to be incorporated by reference, a summary of each document is not required (see CEQA Guidelines Section 15150). The documents are also included as part of the County's record of proceedings.

O12-21 The comment states that because of the DEIR's inadequacy, a recirculated and revised DEIR must be prepared. The commenter's opinion is noted. See also the Master Response regarding recirculation.