

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

LETTER 151: DONNA AND JERRY SILVERBERG, RESIDENTS

Response 151-1: The commentor is opposed to the project but does not raise any specific issues relating to the Draft EIR. This comment will be forwarded to the Placer County Planning Commission and Board of Supervisors for consideration.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Letter 152

Lori Lawrence - Martis Valley Community Plan

Page

From: Chris Hanke <cchanke@yahoo.com>
To: <LJLawren@placer.ca.gov>
Date: 8/16/02 11:38AM
Subject: Martis Valley Community Plan

Dear Lori;

As a property owner in Lahontan I am very concerned about the proposed Martis Valley Community plan, including it's lack of thorough analysis and details on the following subjects:

1. Increase in traffic on 267, and potential widening to four lanes through the entire valley. Do we want a new freeway through our beautiful valley? What

about the increased air pollution which will accompany large scale development and population increase?

2. Destruction of pristine wilderness and wildlife habitat.

3. The general lack of specifics and details in the plan.

Please don't hand Martis Valley over to the full control of the development community.

Best regards,
Chris Hanke

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152-1

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

LETTER 152: **CHRIS HANKE, RESIDENT**

Response 152-1: The commentor is referred to Master Responses 3.4.6 (Consideration of Impacts to the Tahoe Basin), 3.4.7 (Adequacy of the Cumulative Setting and Impact Analysis in the Draft EIR), and 3.4.10 (Adequacy of the Traffic Impact Analysis) regarding concerns relating to traffic, loss of wildlife and increased air pollution. The commentor states that the plan lacks details, but fails to identify any inadequacies in the Draft EIR. The Draft EIR provides an extensive impact analysis associated with the project based on technical reports, mapping, and review by qualified professionals.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Letter 153

Lori Lawrence - Martis Valley

Page

From: janice conover <jan2foost@yahoo.com>
To: <LJLawren@placer.ca.gov>
Date: 8/17/02 4:21PM
Subject: Martis Valley

Ms. Lawrence,

This is an email regarding the proposed Martis Valley Development plan. As a concerned citizen living in Kings Beach, I have many unanswered questions for the EIR and Martis Valley.

1. Where in the plan does the EIR address how the developments will affect the Truckee River Watershed?
2. Where in the EIR are the impacts on insects?
3. Where in the EIR is a study on our native Black Bears?
4. Where in the EIR does it address nesting spots for migrating birds?

I do not feel in any way that this EIR is complete, nor does it address the needs of everyone involved. I am requesting for more detailed observations, and I do not believe that golf courses should be considered open space.

Sincerely,
Janice Conover
POB 2329
7084 Allenby Lane
Kings Beach, CA 96143
530-546-3001

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153-1

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

LETTER 153: JANICE CONOVER, RESIDENT

Response 153-1: The commentor is referred to Master Responses 3.4.4 (Water Supply Effects of the Project) and 3.4. 7 (Adequacy of the Cumulative Setting and Impact Analysis in the Draft EIR), as well as Section 4.7 (Hydrology and Water Quality) of the Draft EIR regarding concerns relating to impacts on watersheds. The commentor is referred to Section 4.9 (Biological Resources) of the Draft EIR for a discussion about bears and migratory birds. The native black bears (*Ursus americanus*) are considered common wildlife since they are not protected by state or federal endangered species acts or by the California Department of Fish and Game. The commentor is referred to pages 4.9-41 through –51 for a discussion of impacts to bears and other common wildlife. The commentor is referred to pages 4.9-62 through –67 for a discussion of impacts to nesting naptors and other migratory birds. In response to the commentors request to identify impacts to insects, CEQA does not cover impacts to insects. Regarding the consideration of golf courses as open space, the Placer County General Plan allows recreational uses in their Open Space Land Designation. The County considers the Draft EIR adequate for the purposes of CEQA.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Letter 154

Lori Lawrence - martis valley plan

Pag

From: "paul david eggers" <peggers@excelfonline.com>
To: <LJLawren@placer.ca.gov>
Date: 8/17/02 4:31PM
Subject: martis valley plan

Dear Ms. Lawrence,

In regards to the Martis Valley plan and draft EIR, I have quite a few questions.

1. Why does the plan not address the biodiversity of this area in regards to wildlife, plantlife, and wetland habitat?
2. Why does the plan not address perennial and intermittent streams in regards to building and construction zones?
3. When do the planners measure the 100 unbuildable feet from a stream or watershed? What about during high snow years?
4. Where in the plan or study is the introduction of non-native species discussed? I have a problem with the fact that many of these new homes and developments are bringing in non-native invasive plants to our area.
5. Where are the aerial photos of the area?
6. Was a scientist involved to figure out if phens are located in this area? This is a extremely sensitive plant area and could easily contain a phen.
7. How is travel over interstate 80 affected by this new plan?

154-1

Lastly, I am for absolutely no more development of the area. We have too many people, too many cars, and so much more pollution that ever before. It is time for us to say no.

Paul Eggers
POB 2329
7084 Allenby Lane
Kings Beach, CA 96143
530-546-3001

Lastly, I am for absolutely no more development of this area.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

LETTER 154: **PAUL EGGERS, RESIDENT**

Response 154-1: The commentor is referred to Section 4.9 (Biological Resources) of the Draft EIR regarding concerns relating to impacts on wildlife, plantlife and wetland habitat. The commentor is referred to pages 4.7-30 through -37 in Section 4.7 (Hydrology and Water Quality) of the Draft EIR for a discussion of water quality impacts resulting from construction activities and County policies and implementation measures to protect perennial and intermittent streams. Proposed Martis Valley Community Plan Policies 9.D.4 and 9.E.3 specifically promote the retention of native vegetation and prohibit the use of non-native vegetation along waterways. The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Impact Analysis) for a discussion of how Interstate 80 would be affected by the plan. Comment noted. This comment will be forwarded to the Placer County Planning Commission and Board of Supervisors for consideration.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Letter 155

Lori Lawrence - comments on the Martis Valley Draft Environmental Impact Report

Page

From: <jeffhatch@mindspring.com>
To: <LJLawren@placer.ca.gov>
Date: 8/18/02 11:52PM
Subject: comments on the Martis Valley Draft Environmental Impact Report

Lori Lawrence
Environmental Review Technician
Placer County Planning Dept.
11414 "B" Avenue
Auburn, CA 95603

LJLawren@placer.ca.gov

Ms. Lawrence,

I have just spent the last hour reading the Martis Valley Community Plan Update, Draft Environmental Impact Report (MVCP/EIR).

I clicked through each of the 796 pages and came away with a very strong and personal opinion about the MVCP/EIR. In Section 7, I was particularly troubled by the conclusions of significant or potentially significant impact in all areas discussed.

155-1

In sum, it appears Placer County is more concerned with it's future residents and visitors than it's current residents and visitors. I find this very alarming. If North Tahoe were underdeveloped, underpopulated, and underutilized, it would be sensible for Placer County to look forward instead of backward. But it's not.

155-2

Throughout my reading, I had the feeling the MVCP/EIR was written by a consortium of real estate developers, promising the county higher tax receipts in exchange for the right to pave over Martis Valley.

The authors of the MVCP/EIR do not echo concerns of the local populace or current visitors. If this plan is implemented and even half of the proposed developments are completed, the landscape for tourism will be significantly different. North Tahoe will become an urban outpost. Most current residents do not want this, as they usually locate here to avoid the nightmares of city life. Most current visitors do not want this either.

155-3

At the risk of sounding obstructionist, I would encourage you to scrap the existing MVCP/EIR and start over. Please add my name to the list of concerned citizens who do not support the existing Martis Valley Community Plan Update, Draft Environmental Impact Report.

155-4

Thank you for your attention,

Jeff Hatch
jeffhatch@mindspring.com

Truckee, California
530-587-8877

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

LETTER 155: JEFF HATCH, RESIDENT

Response 155-1: Comment noted. Since no specific comments regarding the adequacy of the Draft EIR were made, no further response is required.

Response 155-2: Comment noted. This comment will be forwarded to the Placer County Planning Commission and Board of Supervisors for consideration.

Response 155-3: Comment noted. This comment will be forwarded to the Placer County Planning Commission and Board of Supervisors for consideration.

Response 155-4: The commentor is opposed to the project. The commentor also requests that the County prepare a revised Draft EIR and recirculate it to the public. The County considers the Draft EIR and Revised Draft EIR adequate for consideration of the project and consistent with the requirements of CEQA.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

03/02/1994 17:12 782-588-1559

Letter 156

DESIGN WORKSHOP

PAGE 01

Design Workshop, Inc.
Landscape Architecture
Land Planning
Urban Design
Tourism Planning

Facsimile Transmittal

To: Fred Yeager and Bill Combs
From: Deanna Weber/Stephanie Grigsby
Date: August 19, 2002
Fax Number: 530-889-7498
Project Name: Northstar-at-Tahoe
Project #: 2342
Subject: Martis Valley Community Plan EIR
Copy To: Roger Lessman, Tim Beck, David
Tirman, David Corbin, Jim Porter, Jim
Olmsted

Number of Pages: 9
(including this page)

PERSONAL AND CONFIDENTIAL

Dear Fred Yeager and Bill Combs,

Following is a copy of the comments on the Martis Valley Community Plan Update Draft Environmental Impact Report dated May 2002. These comments are submitted on behalf of East West Partners; Booth Creek Ski Holdings, Inc.; and the Northstar-at-Tahoe project team.

The comments have been submitted during the official review period for the Draft Environmental Impact Report. The comments have been submitted to the above recipients both electronically via email and by hardcopy fax on this date, Monday, August, 19, 2002, at 2:30 pm.

If there were any problems with receiving the submittal, please contact Stephanie Grigsby at 775-588-5929.

Thank you.

Deanna Weber
Stephanie Grigsby

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DESIGN WORKSHOP

PAGE 02

Design Workshop, Inc.
Landscape Architecture
Land Planning
Urban Design
Tourism Planning

Memorandum

To: Fred Yeager
From: Deanna Weber/Stephanie Grigsby
Date: August 19, 2002
Project Name: Northstar at Tahoe
Project #: 2342
Subject: Martis Valley Community Plan EIR
Comments
Copy To: Roger Lessman, Tim Beck, Jim Porter,
David Tirman, David Corbin, and Jim
Olmsted

Notes: **Highlighted text** or **bold text** represents text to be added.
~~Strikethrough text~~ represents text to be removed.
Text in italics represents discussion comments, clarification questions, or explanation of changes.

Comments to be picked up throughout the document:

1. All maps show the location of Lookout Mountain in the wrong spot. It should be moved NE near the words Trimont.
2. Spelling and spacing errors.

VOLUME 1A

Section 2.0 Executive Summary; Page 2.0-17; Mitigation Measure 4.4.2b

Revise as follows:

Residential lots shall be restricted from having direct access onto the Connector, **if it is included in the Circulation Diagram as a public roadway.**

Northstar supports the connector road for fire, life, safety and inter resort transit only and does not support as a public roadway. In the event it does not become part of the Circulation Diagram, direct lot access should be allowed after careful review of site considerations.

155-1

Section 2.0 Executive Summary; Page 2.0-109; Mitigation Measure 4.12.4a

Revise as follows:

All light fixtures shall be limited to ~~45~~ **26** feet in height and shall be installed and shielded in such a manner that no light rays are emitted from the fixture. ."

Preserving the nighttime view and decreasing nighttime lighting impacts is an important goal. However, restricting standards to 15 feet in height will cause an increase in the amount of standards needed to light parking areas, and other sites. The TRPA standard for light fixtures is 26 feet (Section 22.5). This balances the need to reduce light spill and effects of nighttime

155-2

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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

03/02/1994 17:12	702-588-1559	DESIGN WORKSHOP	PAGE 03
<p><i>lighting. Additionally, the 26 foot height minimizes the amount of standards required, and therefore reduces the daytime visual impact of numerous lighting standards. TRPA ordinance section 30.8 sets forth additional standards to minimize light spill.</i></p>	156-2 Cont'd		
<p>Section 2.0 Executive Summary; Page 2.0-111 & 4.12-35; Mitigation Measure 4.12.4e The Mitigation Policy indicates that nighttime lighting shall not be allowed for golf course driving ranges, sports fields and ski terrain.</p>			
<p><i>Currently Northstar has a nighttime activity center called "Polaris Park" located at the Big Springs Day Lodge and includes lighting for half pipes, terrain features and snow tubing. It is a compatible use that has been carefully designed with shielded lamps to mitigate night glare. We would like to suggest that lighting of nighttime ski related terrain be allowed with supporting documentation from a lighting expert that the proposed project will not adversely effect the night sky.</i></p>	156-3		
<p>Section 3.0 Project Description; Page 3.0-19; Second Paragraph <i>Consider adding language noting that the Proposed Plan will result in reduced impacts compared to the existing plan (i.e., see Table 6.0-3 on Page 6.0-17 of Vol. 1B).</i></p>	156-4		
<p>Section 3.0 Transportation & Circulation; Page 3.30-33; First Bullet Revise as follows: New roadway interconnection associated with connecting Big Springs Drive with the future Sawmill Flats Road Highlands Drive within the Northstar-at-Tahoe resort community.</p>	156-5		
<p><i>Revision accurately reflects the road which connects to Big Springs Drive. Sawmill Flats Road is located by the employee housing site.</i></p>			
<p>Section 4.2 Population; Page 4.2-3, 1st bullet Revise as follows: "5,955 acres owned by Trimont Land Company, adjacent to Northstar. Although Potential development capacity has been identified at 2,636 D.U., no development is planned or anticipated at this time. Zoning includes..."</p>	156-6		
<p><i>Confusion may arise between the development planned for Northstar-at-Tahoe and that which is located on Trimont land.</i></p>			
<p>Section 4.2 Population; Page 4.2-2 Holding Capacity Add reference to: Northstar-at-Tahoe/East West Partner's chart depicting Proposed Reduction of Number of Developable Units at Northstar-at-Tahoe. Prepared by Auerbach Engineering Group and Design Workshop, Inc. November 15, 2001. (Image of chart has been included in the comment package).</p>	156-7		
<p><i>Matrix depicts study of holding capacity of Northstar-at-Tahoe utilizing various planning methods. Information is provided as a resource for the EIR.</i></p>			
<p>Section 4.2 Population; Tables 4.2-12, 4.2-14, 4.2-16, & 4.2-18 <i>The number 26,764 skiers shown in the tables is significantly greater than anything that could be supported by Northstar and therefore the number of employees projected is high. This number should be confirmed as to its validity and how it was derived.</i></p>	156-8		
			Page 3

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

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<u>Section 4.4 Transportation/Circulation: Page 4.4-16 1st and 2nd Paragraphs</u>	Revise Truckee Trolley information to current information for the 2001-2002 ski season. The route is currently served twice each day (not hourly service between 7:00 AM and 5:50 PM).	156-9		
<u>Section 4.4 Transportation/Circulation: Page 4.4-27; Subsection 4.2.3</u>	This section sets out six criteria, to be used for purposes of this EIR, for determining significant transportation and circulation impacts. The section states that these criteria "are consistent with, or more conservative than, the adopted policies or thresholds of Caltrans, Placer County, Tahoe Regional Planning Agency, and the Town of Truckee." <i>The criteria for determining significant impacts for purposes of an EIR need not, and should not, be more conservative or restrictive than those required by federal, state and local law being applied at the community plan level through the MVCP. The significance thresholds should adhere to adopted level-of-service policies, and should not be arbitrarily revised to be either more or less stringent than those policies.</i>	156-10		
<u>Section 4.4 Transportation/Circulation: Page 4.4-30</u>	Northstar development is referred to as "all future residential development within Northstar is planned to be multi-family." <i>Planning for the Northstar development is still conceptual and may result in some single-family units. Restricting development to only multi-family is overly limiting. Additionally, if trip generation rates assume the residential development at Northstar will all be multi-family, it is likely that actual trips have been overestimated and represent a "worst-case" analysis.</i>	156-11		
<u>Section 4.4 Transportation/Circulation: Page 4.4-35; Table 4.4-13</u>	Table 4.4-13, indicating PM Peak-Hour Trip Rates, includes the General Commercial land use designation, but not the Tourist Commercial land use designation. (The General Commercial land use designation is repeated two times, presumably for different areas). Because the Tourist Commercial designation may generate lower trip rates than the General Commercial designation the Tourist Commercial designation should be included and analyzed in some fashion.	156-12		
<u>Section 4.4 Transportation/Circulation: Page 4.4-37; Table 4.4-14</u>	This table seems to use the same trip rates for the General Commercial and Tourist Commercial land use designations. Because the Tourist Commercial designation may generate lower trip rates than the General Commercial designation, this difference between the two commercial land use designations should be recognized and the Tourist Commercial designation should be included and properly analyzed.	156-13		
<u>Section 4.5 Noise: Page 4.5-25 Table 10-1</u>	Revise Footnote 1 as follows: Because snowmaking is an integral part of a modern ski area, multi-family residential structures close to ski trails shall be subject only to interior noise level standards as would transient lodging in such locations. <i>Development in ski areas should not be restricted to only multi-family residential structures.</i>	156-14		

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

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PAGE 05

Section 4.6 Air Quality; Page 4.6-9; 2nd Paragraph

The second paragraph notes that "emissions resulting from subsequent development within the Plan area project is not likely a significant contributor to such condition," referring to deposition of nitrogen-containing particulate matter into the Tahoe Basin (which cause lake eutrophication); this statement is relevant to the following comment.

Section 4.6 Air Quality; Page 4.6-13; 2nd

Revise as follows:

~~"NOx emissions from this alternative represent a possible source of additional nitrogen deposited into are not likely a significant source of nitrogen in Lake Tahoe. Transport of pollutants from the Martis Valley into the Tahoe Basin is an unusual event, but would still contribute to air quality issues in the Basin. Specifically, wind data from Donner Summit show winds from a westerly quadrant (southwest through northwest) occur 63 percent of the time, while winds from a northerly quadrant (northwest through northeast) occur only 3.8 percent of the time (California Department of Water Resources, 2002).~~

This discussion of the effect of nitrogen oxides generated under the Proposed Plan on the Tahoe Basin should be made consistent with the conclusion on Page 4.6-9 (see previous comment) that nitrogen-containing particulate matter from the Plan area are not a significant contributor to the Tahoe Basin. Thus, the statement "NOx emissions from this alternative represent a possible source of additional nitrogen deposited into Lake Tahoe" is inconsistent with previous conclusions and should be revised as stated above.

It is also internally inconsistent to state that "transport of pollutants from the Martis Valley into the Tahoe Basin is an unusual event" but to conclude that pollutants from Martis Valley would still "contribute to air quality issues in the basin." This conclusion is absent in discussions of this issue for each of the other alternatives, thus, the above revisions are necessary to create consistency of analysis across all alternatives.

Section 4.7 Hydrology and Water Quality; Page 4.7-8; 2nd Paragraph

Revise as follows:

~~"Therefore, existing sediment loads must be decreased by 189 tons in order to achieve the desired objective."~~

The paragraph in which the above sentence is found notes that suspended sediment loads for the Truckee River were estimated at 635 tons in 1997 and that per the DRI study commissioned by the LRWQCB the target TMDL is 446 tons, requiring a reduction of sediment loads of 189 tons. Given the five year age of this data, it should not be relied on in this EIR for setting standards for reduction in sediment loads. Moreover, because the DRI target has not been adopted by the LRWQCB, this EIR should not independently adopt standards regarding excess sediment loads. This conclusion is supported by the statement in the next paragraph that LRWQCB is "currently working on establishing the TMDL for the Truckee River." The County should require compliance with the TMDL standard adopted by the Regional Board, rather than a standard based on a study that may be out of date.

Section 4.7 Hydrology and Water Quality; Page 4.7-15; Final Paragraph

Add language clarifying that since arsenic concentrations are the natural and inevitable result of the volcanic geology of the Plan area, arsenic concentrations in ground water are not impacted by development.

156-15

156-16

156-17

Page 4

Section 4.7 Hydrology and Water Quality; Page 4.7-20; Multiple Paragraphs

Revise the paragraphs as follows:

1st Paragraph

"PCWA has adopted a conservative estimate of ~~an additional~~ 6,000 acre feet of surface water potentially available for ~~future use once TROA is implemented~~, for a combined total of available surface water of 8,500 to 10,000 acre feet per year."

3rd Paragraph

"Therefore, approximately 17,448 acre feet of groundwater is ~~additionally~~ available for extraction annually without adversely affecting the long-term storage of the basin (i.e., ~~for a total of 24,700 acre feet of groundwater available to meet the needs of existing and future development~~)."

4th Paragraph

"Under reliable estimates by the SWRCB and Nimbus, therefore the total water supply available to meet all ~~existing and~~ future development is ~~23,448-24,700~~ acre feet of groundwater (gross diversion or extraction), ~~and 10,000 acre feet of surface water~~, of which no more than 6,000 acre feet should be obtained from surface water sources until the estimate can be refined following execution and implementation of TROA. ~~Thus, using these conservative estimates, the total sustainable water resource available for development in the Martis Valley is at minimum 30,700 to 34,700 acre feet per year.~~"

These revisions are key to accurately stating water availability and to make this section consistent with data and conclusions on page 4.7-55. The problem on this page is subtle and repeated. Specifically, when the statements on this page refer to "future use" or "future development" the reference is actually to uses or to development projected to arise in the future, in addition to existing uses or development.

Here is the math:

AS DRAFTED

24,700 acre feet of available groundwater; less 7,252 acre currently being used, leaves 17,448 acre feet of groundwater for "future use" with an additional 6,000 acre feet of surface water for a total of 23,448 acre feet.

AS IT SHOULD BE DRAFTED

24,700 acre feet of available groundwater, of which 7,252 is currently being used, leaving 17,448 acre feet of groundwater available to meet the needs of subsequent development, with an additional 10,000 acre feet of surface water available under TROA, of which 2,500 to 4,000 acre feet is currently being used, leaving a conservative PCWA estimate of 6,000 acre feet of surface water available to meet the needs of subsequent development.

Thus, the total available water resource, to meet the needs of existing plus subsequent development is: 7,252 + 17,448 + 6,000 (using a conservative estimate of available surface water when TROA is implemented; should actually be 10,000 AF) for a total of 30,700 acre feet per year.

156-18

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

VOLUME 1B

Section 4.9 Biological Resources: Page 4.9-34; 1st Paragraph

Information pertaining to the natural resources of Northstar-at-Tahoe is available for review. Environmental reports that have been prepared for Northstar-at-Tahoe are listed. Reference should be made that this information was provided to the County.

Environmental Reports for Reference (Biological Reports)

Add reference to the following environmental reports provided for current information regarding Northstar-at-Tahoe.

Northstar-at-Tahoe Expansion Projects Real Estate and Ski Improvement (Phase I-V) Technical Studies, Air Quality Impact Analysis. (KEA Environmental, Inc.).

Northstar-at-Tahoe Expansion Projects Real Estate and Ski Improvement (Phase I & II) Technical Studies, Biological. (KEA Environmental, Inc. 2001).

Northstar-at-Tahoe Expansion Projects Real Estate and Ski Improvement (Phase I-V) Technical Studies, Hydrology. (KEA Environmental, Inc. 2001).

Northstar-at-Tahoe Air Quality Baseline Data. (KEA Environmental, Inc. 2002).

Northstar-at-Tahoe Biological Baseline Data. (KEA Environmental, Inc. 2002).

Northstar-at-Tahoe Hazards Resources Baseline Data. (KEA Environmental, Inc.).

Northstar-at-Tahoe Hydrology Baseline Data. (KEA Environmental, Inc. 2002).

Section 4.10 Cultural and Paleontological Resources: Page 4.10-5; 3rd Paragraph

Reference is made to the baseline cultural resource studies for Northstar-at-Tahoe. Studies listed below have been made available to the County.

Environmental Reports for Reference (Cultural Reports)

Add reference to the following cultural reports provided for current information regarding Northstar-at-Tahoe.

Northstar-at-Tahoe Cultural Resources Baseline Data. (KEA Environmental, Inc. 2002). (Sensitive material. Available only to appropriate sources.)

Northstar-at-Tahoe Expansion Projects Real Estate and Ski Improvement (Phase I-V) Technical Studies, Cultural Resources. (KEA Environmental, Inc. 2001). (Sensitive material. Available only to appropriate sources.)

156-19

156-20

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Section 8.0 Draft Mitigation Monitoring and Reporting Program; Page 8.0-10; Mitigation Measure 4.8.4

Revise as follows: "During review of any project that would be located along a north-facing slope adjacent to areas with slopes ~~30 percent~~ **29 degrees** or greater, Placer County shall require each subsequent project provide the County with an avalanche hazard investigation."

156-21

The second paragraph in Section 4.3, page 4.3-3 avalanche hazards, states that Avalanches occur on northerly and easterly slopes inclined at angles greater than 29 degrees. It would seem that if avalanches typically happen on slopes of 29 degrees or greater, than 29 degrees should be the governing grade requiring analysis, not 30 percent.

Section 8.0 Draft Mitigation Monitoring and Reporting Program; Page 8.0-15; MM 4.12.4a

Revise as follows:

All light fixtures shall be limited to ~~45~~ **26** feet in height and shall be installed and shielded in such a manner that no light rays are emitted from the fixture..."

156-22

Preserving the nighttime view and decreasing nighttime lighting impacts is an important goal. However, restricting standards to 15 feet in height will cause an increase in the amount of standards needed to light parking areas, and other sites. The TRPA standard for light fixtures is 26 feet (Section 22.5). This balances the need to reduce light spill and effects of nighttime lighting. Additionally, the 26 foot height minimizes the amount of standards required, and therefore reduces the daytime visual impact of numerous lighting standards. TRPA ordinance section 30.8 sets forth additional standards to minimize light spill.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

8/3/02/1994 17:12

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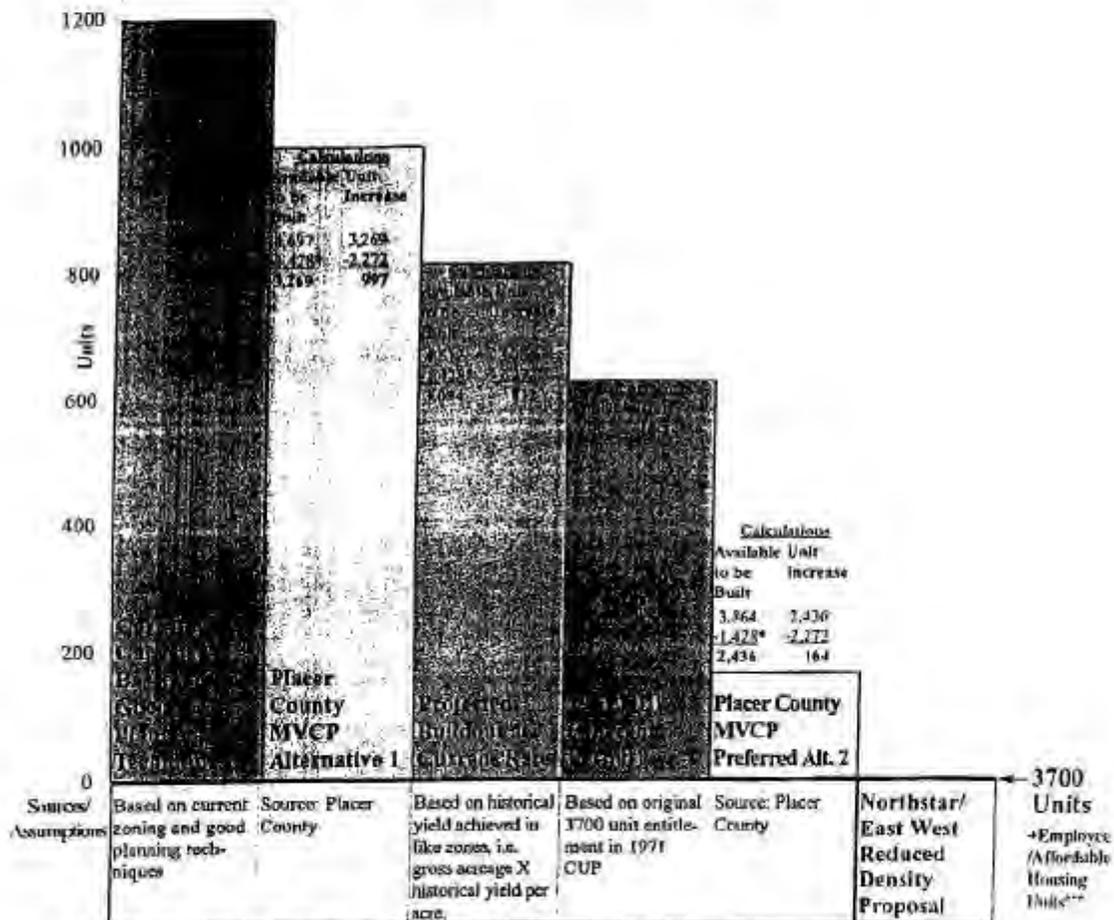
PAGE 89

Northstar/East West Proposed Reduction of Number of Developable Units at Northstar at Tahoe

Prepared by: Auerbach Engineering and DWI

Date: 8/19/02

1400	+1197 Units	+997 Units	+812 Units	+625 Units	+164 Units
	Increase of				
	52.6%	43.9%	35.7%	27.5%	7.2%



* 1,428 units currently built at Northstar at Tahoe.

** Percentage increase calculated from a ratio between proposed units to be developed at Northstar (2272 maximum), compared to the number of developable units allowed at Northstar per each scenario.

*** Employee/Affordable Housing units and 25 additional units outside original entitlement boundary not included in 3700 unit total.

Additional Notes: 1) Based on PD designation, there is unlimited commercial parking that coverage & height limitations are addressed.
 2) Floor density is: 1 unit per 1,000 sq. ft. (25 units per acre w/out kitchen, 15 units per acre w/kitchen). Based on Placer County Code section 17.56.150 (15,410 in 1998 code).

3) PD designation allows for transfer of density (Placer County Code section 17.54.090).

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

LETTER 156: DEANNA WEBER/STEPHANIE GRIGSBY, DESIGN WORKSHOP

Response 156-1: Comment noted. The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Analysis).

Response 156-2: Mitigation Measure MM 4.12.4a (Draft EIR page 4.12-35) does not specify or limit the height of light fixtures. The following edits are made to the Draft EIR to fix this error.

- Pages 2.0-109 (Table 2.0-1) page 8.0-15 (Table 8.0-1), the following text changes are made to Mitigation Measure MM 4.12.4a:

“MM 4.12.4a Outdoor light fixtures for subsequent non-residential areas (such as commercial and recreation areas) shall be low-intensity, shielded and/or directed away from residential areas and the night sky. All light fixtures shall be limited to 15 feet in height and shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of improvement plans to the County with supporting documentation that adjacent residential areas will not be adversely affected and that offsite illumination will not exceed 1-foot candles from project sources. ”

Response 156-3: Current nighttime lighting provided at the Northstar-at-Tahoe Ski Resort is noted. Light fixtures associated with providing adequate lighting for nighttime activities at ski resorts typically involve substantial light fixtures that can generate substantial “sky glow” conditions. Given the visibility of Northstar within the Plan area (see Photo 4.12-3 on Draft EIR page 4.12-2), the requested change to Mitigation Measure MM 4.12.4e is not recommended.

Response 156-4: Comment noted. The project description in an EIR is intended to describe the project evaluated, rather than an evaluation of project impacts. Table 6.0-1 of the Revised Draft EIR provides a comparison of visual impacts of Proposed Land Use Diagram to the Existing Martis Valley General Plan Land Use Map.

Response 156-5: Comment noted. The following text changes are made to the Draft EIR:

- Pages 3.0-33, the following text changes are made to the first bullet:
- “New roadway interconnection associated with connecting Big Springs Drive with the future Highlands Drive Sawmill Flat Road within the Northstar-at-Tahoe resort community.”

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

- Response 156-6:* This specific statement is in reference to the fact that there is no current application for development on this property at the time of the release of the Draft EIR.
- Response 156-7* The provision of information associated with proposed reductions in the number of developable units is noted. Tables 3.0-2 through 3.0-5 of the Draft EIR specifically note the assumed number of dwelling units within Northstar at buildout under the land use map options.
- Response 156-8* As cited in Tables 4.2-12, 4.2-14, 4.2-16 and 4.2-18 of the Draft EIR, the information used consists of review of employment factors and data provided by the Town of Mammoth Lakes, Town of Vail as well as the Placer County Mitigation Agreement associated with the Northstar-at-Tahoe Ski Resort.
- Response 156-9* The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Impact Analysis).
- Response 156-10* As specifically noted on Draft EIR page 4.4-27, the LOS standards used consist of LOS standards of the Town of Truckee, Placer County and the Tahoe Regional Planning Agency.
- Response 156-11* The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Impact Analysis) and **Appendix B** regarding the revised traffic analysis for the Proposed Land Use Diagram.
- Response 156-12* The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Impact Analysis) and **Appendix B** regarding the revised traffic analysis for the Proposed Land Use Diagram. The traffic analysis conservatively assumes no trip reduction potential associated with land areas designated Tourist Commercial.
- Response 156-13* The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Impact Analysis) and **Appendix B** regarding the revised traffic analysis for the Proposed Land Use Diagram. The traffic analysis conservatively assumes no trip reduction potential associated with land areas designated Tourist Commercial.
- Response 156-14* The commentor's statements regarding the Martis Valley Community Plan is noted and will be forwarded to the Placer County Planning Commission and Board of Supervisors as part of project consideration. Since no comments regarding the adequacy of the Draft EIR were received, no further response is required.
- Response 156-15* The commentor is correct that the project would not be a substantial contributor to air pollution and associated water quality issues for the Tahoe Basin. However, the project would still contribute to air pollution to the Tahoe Basin (as acknowledged on Draft EIR pages 4.6-12 through -20). The commentor is referred to Master Response 3.4.6 (Consideration of Impacts to the Tahoe Basin).

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Response 156-16 The information cited by the commentor is a reference to technical studies associated with the water quality studies for the Truckee River in the setting discussion and was not used in the Draft EIR as a standard for compliance. The commentor is referred to Master Response 3.4.3 (Water Quality).

Response 156-17 The commentor is referred to Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

Response 156-18 The commentor is referred to Master Response 3.4.4 (Water Supply Effects of the Project).

Response 156-19 Comment noted. CEQA Guidelines Section 15087(c)(5) specifically requires that all documents referenced in an EIR be made available for public review.

Response 156-20 Comment noted. CEQA Guidelines Section 15087(c)(5) specifically requires that all documents referenced in an EIR be made available for public review.

Response 156-21 Comment noted. The following text changes are made to the Draft EIR:

- Pages 2.0-56 (Table 2.0-1), 4.8-38 and 8.0-10 (Table 8.0-1), the following text changes are made to Mitigation Measure MM 4.8.4:

"MM 4.8.4 During review of any project that would be located along a north-facing slope immediately adjacent to areas with slopes ~~29~~³⁰ percent or greater, Placer County shall require each subsequent project provide the County with an avalanche hazard investigation report for their project. This report will document field investigations of surface conditions in areas where construction of all structures is proposed as well as typical snow accumulation and climate conditions. Evaluation of surface materials will be made to evaluate slope stability characteristics of underlying near surface conditions and probable snow conditions that will likely be present during various storm conditions. Avalanche hazard areas shall be mapped and the site design shall be modified to avoid these areas. If avoidance is infeasible, structures to be placed in the avalanche hazard areas shall be designed to withstand anticipated snow loads and conditions of an avalanche consistent with the Placer County Avalanche Management Program.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Letter 157

PLACER COUNTY
DATE RECEIVED
D. L. K. Walsh
August 13, 2002
AUG 19 2002

Attn: Lori Lawrence
Environmental Review Technician
Placer County Planning Dept.
11414 "B" Ave.
Auburn, Ca. 95603

PLANNING DEPARTMENT

Re: Draft Environmental Impact Report for the Proposed Martis Valley
Community Plan Update

Dear Ms. Lawrence,

I am a part-time resident of Northstar, and have been actively following the planning process for the Martis Valley for two years. Many aspects of the County's preferred alternative plan and the associated Draft Environmental Impact Report, concern me. Both the water quality and water supply studies are difficult to understand. The Martis Creek drainage is supposed to reduce the amount of sediment by 30 percent per the Desert Research Institute to achieve the desired objective for the TMDL for sediment for the Truckee River Watershed. (DEIR, p. 4.7-8) Yet, I do not see in the DEIR an adequate analysis of many types of sediment which contribute to the Martis Creek sediment issue. For example, bike trails at Northstar might have a significant impact on the amount of erosion; yet these are not addressed in the Plan. Please do an analysis of the contribution of new development, bike trails and other non-vegetated paths to the sediment load in Martis Creek drainage. If it is significant, please state specific measures that will reduce the sediment load to insignificant.

157-1

I am concerned that many of the building sites will be on relatively steep slopes. This is based on my experience in the Big Springs subdivision of Northstar. Please set a firm threshold for development on slopes so that slopes in excess of 15 degrees will not be built on. I have been told by a member of Design Review at Northstar, that lots in the Overlook section are so steep that they are virtually unbuildable, especially when the owner wants an "estate" style home of approximately 5,000 square feet. Please address this issue and exclude sites that will not support construction without contributing unduly to erosion and sedimentation.

157-2

Surface water quality is supposed to be protected by Best Management Practices. Often times detention basins are used for this purpose. I am enclosing two articles by Leo Poppoff, published this summer in the Tahoe World which addresses the use of detention basins to keep nutrients and sediments out of Lake Tahoe. It appears that these basins do not do a complete job and might even adversely affect ground water quality. (See starred article: "Environmental threshold evaluation prompts TRPA to make policy changes"). In an article published August 15, 2002 ("How well do detention basins treat runoff?"), Poppoff reports on the efforts of USGS hydrologists to study Cattlemen's detention basin. Prior to building the basin, USGS researchers drilled thirty monitoring wells in the area which were sampled to record levels and composition of the ground water. This seems to be important to establish a base level. Key questions to be answered are: How

157-3

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

P. 2
R. Welch

well does the basin extract nutrients from runoff water? Does the basin pollute the groundwater, and could that ground water surface later to pollute streams? And, what would be the effect of oxygenated surface water seeping beneath the basin, into the rich organic soil that has no oxygen? Poppoff notes that basins can cause increased erosion of adjacent streams. Please refer to the enclosed article for a complete analysis.

157-3
Cont'd

Will detention basins be used on the golf courses planned for this project area? At Northstar, in the Big Springs development, there are several detention basins. Will detention basins be used in new subdivisions in the project area? For all types of uses (golf courses and residential subdivisions as well as others), do detention basins work as hoped? Before relying on detention basins to mitigate run-off from development, please determine their efficacy, using an approach similar to the one employed by the USGS at Cattlemen's detention basin.

At a public meeting on July 15, hosted by Sierra Watch, Ron Parr, of DMB Highlands, said that he would support the independent sampling of water in the Martis Valley to maintain the objective nature of the water monitoring process. Please appoint an independent group to take samples of the Martis Valley drainage so that monitoring of pollution as a result of golf courses and construction can be as objective as possible. In addition, please provide a periodic analysis of the results of the monitoring so that the public can be assured that the development in Martis Valley is not adversely affecting resources, such as water, which belong to us all.

157-4

No analysis is made of the effect of residential landscaping, ski trail revegetation efforts, or snowmaking on the water supply or quality in the Martis Valley. Many residents of Northstar have lawns, which require fertilizer and pesticide maintenance. How does this affect our water? Will developments in the Martis Valley Community Plan have restrictions on the type of landscaping and maintenance which will be provided? How often is fertilizer applied at golf courses to maintain their lush, green look? How can we be sure that nitrates, pesticides, phosphorous, etc. do not enter the Martis Creek system?

157-5

Once again, I refer to an August 9, 2002 newspaper article in the North Lake Tahoe Bonanza (New treatment system removes chemical from well). The Martis Valley Community Plan DEIR assumes some interaction between the upper and middle/lower aquifers, but believes the continuous clay member at the base of the upper aquifer limits the transfer of ground water. The enclosed news article refers to a 30 foot layer of clay separating two aquifers; nonetheless, contamination of the lower aquifer by substances (MTBE in this case) did occur. I am concerned that pollutants from golf courses, etc., will enter not only our surface water, but both the aquifers in this valley. How will you ensure that they do not? Likewise, I do not believe an adequate analysis was done of the effects of pumping from the middle/lower aquifer on springs and seeps because the Nimbus report assumed that the middle/lower aquifer responded as a confined unit. I request that an independent analysis determine the effect of pumping ground water on surface water including springs and seeps, assuming that the two aquifers are connected.

157-6

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

P. 3
K. Welch

At Northstar, we brag that our water could be bottled, it's so pure. I believe that water quality at Northstar is high because it comes from springs in the area. What is the effect of using these springs on the flow of the Martis Creek system? Please address this issue.

157-7

Thank you,

Sincerely yours,



Kathy Welch
111 Sandringham Rd.
Piedmont, Ca. 94611
Attachments:

Leo Poppoff, Tahoe World, "Environmental threshold evaluation prompts TRPA to make policy changes"

North Lake Tahoe Bonanza, "New treatment system removes chemical from well"

Poppoff, Tahoe World, Aug. 15, 2002, How well do detention basins treat runoff?

L. Pappoff
Comment Editor

ENVIRONMENT

Environmental threshold evaluation prompts TRPA to make policy changes

Two decades ago, when TRPA's Governing Board adopted the current environmental standards (or thresholds), there were great expectations that Lake Tahoe's woes would be eased within a reasonable time — maybe a couple of decades.

much of the polluted runoff from urban areas flows directly into the lake, bypassing the streams. And, we're learning that atmospheric deposition accounts for significant portions of the pollutant load. We now believe that urban runoff and atmospheric deposition,



By Leo Pappoff
BASIN WATCH

Well, sure, some folks were skeptical, but they weren't taken seriously.

Federal and state programs to purchase sensitive parcels, along with a multi-million dollar erosion control program, were designed to stop the expanding populations of algae and the decline of lake water clarity.

TRPA staff recently completed a thorough evaluation of those environmental thresholds and the progress made toward achieving them.

They found some progress. Some thresholds were achieved. Water quality in some streams has improved. And TRPA believes that the rate of decline of lake water quality might be slowing down. But, overall, the situation is disappointing.

In view of what's been learned in the past two decades, it's evident that some environmental thresholds should be modified, some might well be obsolete, and new ones should be proposed.

For example, 20 years ago, we believed that nitrogen should be controlled. Now, we find that nitrogen is beyond our control. Controlling phosphorus appears to be more feasible. Twenty years ago, we believed that algae were the cause of declining water clarity. Now, we find that tiny soil particles also play an important role.

We relied heavily on detention basins to keep nutrients and sediments out of the lake. —yet, now we're finding that they weren't doing a complete job — and might even be affecting ground water quality. Twenty years ago, we believed that all the offending sediment and nutrient load to be lake was carried by stream water.

But, we're learning that

together, accounts for some two-thirds of the problem.

TRPA staff will be taking a closer look at current thresholds, with a view toward bringing them up to date. A new regional plan, due in five years, will be developed to comply with new thresholds. And future pollutant control projects will incorporate better techniques, based on the results of current research.

Still, what should be done to help the Tahoe environment as the meanwhile? TRPA staff, concerned about the results of the recent threshold evaluation, is proposing some serious changes to current practices. Perhaps the most controversial is a sharp reduction in the number of residential building permits issued each year.

Two important environmental programs have been lagging in the basin. One is the building of large, publicly funded, water treatment or watershed restoration projects — wetlands, detention basins, slope vegetation, etc.

The other is privately funded projects, called BMPs, on residential and commercial parcels. BMPs (Best Management Practices) on private parcels consist of techniques to prevent runoff — infiltration trenches, French drains, vegetation of disturbed areas, etc.

Why is this so important? First, it appears that perhaps a third of the pollutant load to the lake is direct runoff from urbanized areas.

Second, if much of the urban runoff is controlled on residential and commercial parcels, publicly financed projects won't have to treat as much water, and could be scaled back in size. Third, there just isn't enough land available in the right places to

build area-wide water treatment projects.

So, TRPA proposes to cut back sharply on building allocations until BMPs and watershed restoration projects are in place — or, at least until there is significant progress. The proposal is to cut allocations from the current 300 per year, basin-wide, to a base level of 150. The actual number of residential permits allocated per year could drop to 78 or increase to 254, depending on how each political jurisdiction around the basin complies with certain performance standards.

For example, if there is at least 70 percent compliance with conditions imposed on building permits, the jurisdiction will receive the base allocation.

If it exceeds 75 percent, it will gain some allocations, the number depending on degree of compliance. On the other hand, if compliance drops below 65 percent, the jurisdiction will lose allocations.

Similarly, if performance on watershed restoration projects exceeds the norm, additional allocations will be gained. And if it falls below, allocations will be lost. Retrofitting parcels with BMPs will also be rewarded. And, rewards will be made for enhanced levels of transit service.

Will those incentives inspire private property owners and political jurisdictions to get on with BMP retrofits and watershed restoration projects?

A hearing on this and other policy changes, such as higher fees, protection of vegetation during construction and access guidelines for shoreline development, will be held by TRPA's Governing Board at the North Tahoe Conference Center in Kings Beach on July 24. You might like to attend, hear the discussion and ask questions.

Comments? Send them to basinwatch@earthlink.net

— Leo Pappoff is a retired atmospheric physicist with NASA and has been a member of the Tahoe Regional Planning Agency's advisory planning commission since 1985. He is also a former member of the Lake Tahoe Water Quality Control Board.

*Tahoe world
Thursday,
Aug. 15, 2002
X. Welch
Comment
letter.*

HOW WELL DO DETENTION basins treat runoff?

The idea is simple enough. Dig a shallow basin to intercept the flow of water running off an area. Let the water sit for a while, or at least slow down, and sediments will settle out. Phosphorus, which likes to attach itself to soil particles, will settle with the soil. Nitrogen, phosphorus and iron might be taken up by plants growing in the basin. And nitrogen, which dissolves easily in water, might soak into the ground.

So, water flowing out of the basin should be clean and not stimulate algal growth in Lake Tahoe — or cloud its water with fine particles. At least that's the assumption we've made for a couple of decades as we've attempted to treat dirty, nutrient-rich water before it flows to Lake Tahoe. But, is it a good assumption? Isn't it about time we find out?

Well, even as you read this column, a couple of U.S. Geological Survey (USGS) hydrologists (from the Carson City Office) are learning what's what with detention basins. Just off Pioneer Trail, at the end of Cattleman's Trail next to Cold Creek, David Prudic and James Wood have instrumented a new detention basin. Their goal is to determine its effectiveness in removing sediments and nutrients.

But, detention basins don't exist in a vacuum. Often, they're located near streams and over shallow ground water. So, studying the interactions of detention basins with their surroundings is also an important part of the research.

Cattleman's detention basin was built by El Dorado County (in cooperation with the California Tahoe Conservancy) to con-

built, runoff from Pioneer Trail and Cattleman's Trail flowed across an area that was once a disturbed meadow along Cold Creek. That portion of the meadow had been graded with as much as five feet of fill during the construction of nearby homes.

USGS researchers drilled thirty monitoring wells in the area before the detention basin was built. The wells were sampled regularly to record levels and composition of the ground

water. Ground water flows under the meadow toward the creek, through organic-rich sand and silt.

Researchers found that the shallow ground water has naturally high concentrations of organic carbon, ammonia, and iron. There's little or no dissolved oxygen. Orange stains on the creek bed confirm that iron-rich ground water seeps into the stream.

To construct Cattleman's detention basin, the fill was excavated, then vegetation was planted in the basin. However, most of the spring runoff occurs before vegetation starts to grow, so it's not certain that nutrients are stripped from runoff by vegetation. Water that overflows the basin is directed into the meadow. There, the water is further treated by spreading, settling and by the vegetation.

The basin was built last fall. And, now that the detention basin is operating, researchers are working to obtain answers to key questions.

How well does the basin extract nutrients from runoff water? Does the basin pollute the groundwater, and could that ground water surface later in col-

water seeping beneath the basin, into the rich organic soil that has no oxygen? Adding oxygen could change not only the chemistry of the subsoil, but also the kinds of microbes that act on nutrients. And all that could affect the quality of ground water that later surfaces in streams.

To get answers to these questions, Prudic and Wood installed automatic sampling instruments to monitor concentrations of nutrients, sediments and other chemicals upstream of the basin, flowing into the basin, seeping into the ground water below, and leaving the basin. The monitoring program will continue for another four years.

The work is still in progress, and this year's samples aren't all analyzed and interpreted. Yet, some interesting observations have been made of the interaction of ground water, basin water and the adjacent stream. The bank of the stream's meander that's closest to the basin has eroded rapidly since the basin was constructed. According to Prudic, it's because water in the basin increased the pressure of ground water seeping into the stream. That has softened the soil in the stream bank, making it easier to erode.

Snowmelt recharges the shallow aquifer below the basin. The pressure of this subsurface flow pushes some water upward, through the rich organic layer, and into the basin. So, water in the basin, containing nutrients and chemicals that run off the roads, soaks into the ground. Yet, water from the ground, containing carbon, ammonia and iron could also seep upward into the basin.

How does all this affect the water treatment efficiency of Cattleman's detention basin? We won't know for a while, but it's already evident that digging a basin in a meadow and filling it with water sets off a chain of processes that isn't well understood, but which might affect the way runoff is treated.

(Comments? Send them to Tom



By Leo Pappoff

BASIN WATCH

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

LETTER 157: KATHY WELCH, RESIDENT

Response 157-1: Draft EIR pages 4.7-30 through –44 of the Draft EIR document ways in which subsequent development under the Martis Valley Community Plan could impact surface water quality, which includes consideration of recreational activities. The commentor is referred to Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

Response 157-2: Comment noted. Proposed Martis Valley Community Plan Policy 9.A.9 specifically notes that the County will limit development in areas of steep slopes (e.g., 20 to over 30 percent).

Response 157-3: The commentor is referred to Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project). Effective water quality control measures currently in use in the Plan area (e.g., Lahontan I and II) include infiltration basins for each building site and roadway, overland flow of drainage to waterways and implementation of chemical application management plans (CHAMPs).

Response 157-4: The commentor's statements regarding the need for water quality monitoring is noted. The commentor is referred to Master Response 3.4.3 (Water Quality) and Response to Comment K-6 regards to current water quality conditions in the Plan area.

Response 157-5: Draft EIR pages 4.7-37 through –44 of the Draft EIR document ways in which subsequent development under the Martis Valley Community Plan could impact surface water quality, which includes residential and recreation activities and maintenance. The commentor is referred to Master Response 3.4.3 (Water Quality).

Response 157-6: The commentor is referred to Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

Response 157-7: The commentor is referred to Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

09/16/02 17:37

SHUTE, MIHALY

002/026

Letter 158

SHUTE, MIHALY & WEINBERGER LLP

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August 16, 2002

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Via Facsimile and Federal Express

Lori Lawrence
Environmental Review Technician
Placer County Planning Department
11414 B Avenue
Auburn, CA 95603

Re: Draft Environmental Impact Report for the Martis Valley
Community Plan

Dear Ms. Lawrence:

On behalf of SierraWatch, Mountain Area Preservation Foundation ("MAPF") and Home Owners Engaged in Local Planning - Northstar ("HELP - Northstar"), we have reviewed the Draft Environmental Impact Report ("DEIR") prepared for the Martis Valley Community Plan ("MVCP" or "Project"). SierraWatch is a California-based non-profit organization formed to assist Sierra-based groups with education and information so that they can participate effectively in local planning processes. HELP - Northstar is based in the Martis Valley and represents local homeowners alarmed at the possibility that without swift action the sensitive habitats and scenic vistas of the Martis Valley may be unnecessarily lost to poorly planned development. MAPF is a Truckee-based group of residents and business owners formed in 1987 to protect valuable open space resources of the Town of Truckee, to protect viewsheds in and around Truckee, and to preserve the unique, small town character of the Town. All three groups are committed to working constructively with the County and other affected jurisdictions to ensure that development in eastern Placer County does not impair the regional environment or the rural character of the Sierra Nevada.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

08/10/02 17:38

SHUTE, NIKALY

0003/026

Lori Lawrence
August 16, 2002
Page 2

We submit this letter to state our position that the MVCP violates provisions of state planning and zoning law and that the DEIR does not comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, Section 15000 *et seq.* ("CEQA Guidelines"). This letter was prepared with the assistance of a professional planner, Terrell Watt, and biologist, Michael D. White. The curriculum vitae for each professional is attached hereto. See Exhibit 1 (Terrell Watt) and Exhibit 2 (Michael D. White).

158-1

In order to provide for orderly development of communities and ensure consistency of land use approvals with central planning principles, state planning law provides for a hierarchy of land use regulations and plans. At the top of the hierarchy is the general plan, which provides policies to guide regional and site-specific land use plans or decisions. The Placer County General Plan contains the central planning policies adopted by the County, and those policies are meant to guide the development of the more detailed community plans for specific regions in the County. The proposed MVCP effectively disregards the policies of the Placer County General Plan in setting forth land use designations for the Martis Valley and in this way violates the core of California land use planning law.

158-2

The land use designations in the MVCP are plainly inconsistent with the planning policies in the Placer County General Plan, which call for concentration of development in existing communities and which provide for the protection of natural resources and the environment of the Martis Valley. The MVCP allows for residential and commercial development far from existing development, in what are largely forested areas, and even creates new "islands" of development. It is not sufficient for the MVCP to give lip service to the in-fill and resource protection policies in the Placer County General Plan by simply repeating similar policies within the MVCP. The Placer County General Plan policies must be given effect in the MVCP where specific land use designations and allowable densities are drawn on the map. We provide a discussion of the MVCP's inconsistencies with the Placer County General Plan in order to provide context for the deficiencies in the environmental analysis in the DEIR, and in order to assist the County in identifying alternatives to the proposed MVCP that should be analyzed in the DEIR.

158-3

We also discuss inconsistencies within the MVCP in order to identify inadequacies in the project description in the DEIR. The MVCP contains inconsistent and incomplete information concerning the amount of residential and commercial development allowed under the plan, and the DEIR is similarly flawed. The DEIR also

158-4

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

08/16/02 17:34	SHUTE, MIHALY	004/020
<p>Lori Lawrence August 16, 2002 Page 3</p>		
<p>omits information regarding other components of the Project and makes assumptions about residency and population that further understate the full amount of development allowed under the MVCP. One example of how the DEIR fails to analyze the amount of development allowed under the MVCP concerns the allowable number of dwelling units. Although the MVCP allows for development of approximately 20,467 dwelling units, the DEIR effectively analyzes the environmental impacts of only 9,220 and in some cases only 1,844 new homes.</p>	158-4 Cont'd	
<p>The DEIR is also deficient because it fails to describe adequately the project setting; fails to analyze adequately the Project's impacts on the environment, including growth-inducing and cumulative impacts; improperly defers identification of mitigation measures; fails to identify feasible mitigation measures; and fails to analyze a reasonable range of alternatives to the Project. Together, these defects in the DEIR undermine any effort at informed planning or decision-making as well as environmental review of the Project.</p>	158-5	
<p>SierraWatch, MAPF, and HELP - Northstar, request that the County revise the land use designations for the MVCP such that the designations reflect and implement the policies of the Placer County General Plan. The groups further request that the County prepare and recirculate a DEIR for the revised MVCP that fully complies with CEQA.</p>	158-6	
<p>I. THE MVCP DOES NOT COMPLY WITH STATE PLANNING AND ZONING LAW. -</p>		
<p>The MVCP violates provisions of state planning and zoning law requiring consistency among and within land use planning documents. The following summary of deficiencies in the MVCP is not exhaustive, but is meant to provide context for inadequacies in the DEIR and to identify alternative land use designations that should be analyzed in a revised DEIR.¹</p>	158-7	
<p>A. The MVCP Is Inconsistent with the Placer County General Plan.</p>		
<p>All land use approvals, including community plans must be consistent with the governing general plan, which is the "constitution" for all future development. See</p>	158-8	
<p>¹ SierraWatch, MAPF, and HELP - Northstar reserve the right to comment on additional legal deficiencies of the MVCP as the planning process goes forward.</p>		

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Lesh Communications, Inc. v. City of Walnut Creek, 52 Cal.3d 531 (1990); *Citizens of Goleia Valley v. Bd. of Supervisors*, 52 Cal.3d 553 (1990). A land use approval is inconsistent with a governing general plan, even in the absence of a "direct" conflict, if it is incompatible with stated goals and policies of the general plan. See *Napa Citizens for Honest Gov't v. County of Napa*, 91 Cal.App.4th 342 (2001).

The MVCP is inconsistent with the Placer County General Plan because it frustrates numerous policies of the general plan which require concentration of development in existing communities and which promote the protection and restoration of natural resources within the County. For example, the land use designations in the MVCP are inconsistent with the following policies of the Placer County General Plan:

1.A.3. The County shall distinguish among urban, suburban, and rural areas to identify where development will be accommodated and where public infrastructure and services will be provided. This pattern shall promote the maintenance of separate and distinct communities.

The MVCP would transform rural areas of the Martis Valley to suburban use and blur the lines between the communities of Truckee and the Martis Valley and between the Martis Valley and communities on the north shore of Lake Tahoe.

1.B.1 The County shall promote the concentration of new residential development in higher-density residential areas located along major transportation corridors and transit routes.

The MVCP would allow for residential and commercial development away from high-density areas, spread people and development throughout the Martis Valley, and require the construction or expansion of arterials and local roads.

1.M.1 The County shall concentrate most new growth within existing communities emphasizing infill development, intensified use of existing development, and expanded services, so individual communities become more complete, diverse, and balanced.

The MVCP would allow for development throughout the Martis Valley and does not concentrate growth within existing communities or provide for development of complete, diverse, and balanced communities. As discussed below, the MVCP actually exacerbates one of the most serious imbalances facing the Martis Valley— the jobs-

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housing imbalance.

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Policy 6.B.3. The County shall discourage direct runoff of pollutants and siltation into wetland areas from outfalls serving nearby urban development. Development shall be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands.

The proposed land use designations in the MVCP would result in degraded water quality and wetlands in the planning area. The proposed land use designations establish development zones within significant percentages of the sub-watersheds for Martis Creek, East Martis Creek, and Martis Creek Lake and their associated wetland habitats. Urban land uses produce substantial loads of nutrients (nitrogen and phosphorus), metals, oil and grease, and suspended sediments that are carried to downstream waterbodies by runoff from impervious surfaces such as streets and roads, and structures. Golf courses and landscaped parks also contribute significant pollutant loads from applications of fertilizers, herbicides, and pesticides. Many of these chemicals are not easily removed from urban runoff and will be transported to downstream wetlands and waterbodies in the Martis Valley.

158-9

Policy 6.C.1. The County shall identify and protect significant ecological resource areas and other unique wildlife habitats critical to protecting and sustaining wildlife populations. Significant ecological resource areas include: a) wetlands areas including vernal pools, b) stream environment zones, c) any habitat for rare, threatened or endangered animals or plants, d) critical deer ranges (winter and summer), migratory routes, and fawning habitat, e) large areas of non-fragmented natural habitat, f) identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway, and g) important spawning areas for anadromous fish.

158-10

The proposed land use designations have the potential to completely alter the biological character and functions of the ecosystems in the Martis Valley. The MVCP area supports or potentially supports all of the significant ecological resource areas and unique wildlife habitat addressed by this policy. The locations and levels of development proposed are inconsistent with the long-term protection of these resources. Proposed development zones fragment large areas of intact forest, threaten wildlife movement routes and deer fawning areas, and eliminate important watershed areas and

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encroach on intact stream and wetland environments in the Martis Valley.

Policy 6.C.2. The County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the reasonable value of the habitat for wildlife is maintained.

The proposed development zones in the MVCP are not appropriately planned with respect to the maintenance of wildlife value. Development zones are located in unfragmented habitat and sensitive watershed areas and encroach on wetland and stream systems. Careful planning dictates that development within these high value habitat areas be avoided and concentrated instead in areas with less habitat value.

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Policy 6.C.6. The County shall support preservation of habitats of rare, threatened, endangered, and/or other special status species. Federal and state agencies, as well as other conservation organizations, shall be encouraged to acquire and manage endangered species habitats.

The development allowed by the MVCP would diminish habitat value for special status species. Several special status species occur or may occur in the MVCP area. The proposed development would preclude the use of Martis Valley as a recovery area for the Lahontan cutthroat trout, diminish habitat value for special status species, and discourage conservation activities by federal and state agencies and conservation organizations.

Policy 6.C.7. The County shall support the maintenance of suitable habitats for all indigenous species of wildlife, without preference to game or non-game species, through maintenance of habitat diversity.

The proposed land use designations will significantly alter the character and functions of several natural habitat types in the MVCP area, thereby diminishing their long-term value to wildlife.

Policy 6.C.8. The County shall support preservation or reestablishment of fisheries in the rivers and streams within the county, whenever possible.

The presence of large-scale residential development and golf courses adjacent to the Martis Valley Creek system would eliminate the opportunity to restore vital spawning and rearing habitat for the endangered Lahontan cutthroat trout in the

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stream system.		158-11 Cont'd
<i>Policy 6.C.13. The County shall support and cooperate with efforts of other local, state, and federal agencies and private entities engaged in the preservation and protection of significant biological resources from incompatible land uses and development. Significant biological resources include endangered, threatened or rare species and their habitats, wetland habitats, wildlife migration corridors, and locally-important species/communities.</i>		158-12
The proposed land use designations would result in significant degradation of the biological value of the area, resulting in diminished potential for meaningful conservation actions and increasing the complexity of resource management. Several governmental and non-governmental organizations are actively engaged in conservation and management of biological resources in the MVCP area, and the MVCP would substantially impair their ability to achieve important conservation objectives.		
<i>Policy 6.C.14. The County shall support the management efforts of the California Department of Fish and Game to maintain and enhance the productivity of important fish and game species (such as the Blue Canyon and Loyalton Truckee deer herds) by protecting identified critical habitat for these species from incompatible suburban rural residential, or recreational development.</i>		
The land use designations proposed in the MVCP would significantly alter the habitats of important fish and game species. The proposed land use designations would result in significant degradation of movement corridors and fawning areas of the Loyalton Truckee deer herd. In addition, Martis Lake currently has a Wild Trout designation, and the Martis Creek system supports productive trout populations.		158-13
<i>Policy 6.D.6. The County shall ensure the conservation of sufficiently large, continuous expanses of native vegetation to provide suitable habitat for maintaining abundant and diverse wildlife.</i>		
The proposed land use designations would result in substantial loss and fragmentation of native vegetation communities in the planning area. The DEIR acknowledges that these vegetation communities have the potential to support a diversity of wildlife species, including several special status species.		

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Policy 6.D.7. The County shall support the management of wetland and riparian plant communities for passive recreation, groundwater recharge, nutrient catchment, and wildlife habitats. Such communities shall be restored or expanded, where possible.

The proposed land use designations would result in the loss and degradation of wetland and riparian vegetation communities in the Martis Creek watershed. The proposed land use designations would result in loss of upland buffer areas in the watershed, consumption rather than recharge of groundwater resources, and increased loading of nutrients from urban and recreational development. Development of additional golf courses in the planning area will also result in drawdown of groundwater resources for irrigation and fertilizer applications.

158-14

Policy 6.D.8. The County shall require that new development preserve natural woodlands to the maximum extent possible.

The proposed land use designations would result in substantial loss and fragmentation of intact woodlands in the planning area.

Policy 6.D.9. The County shall require that development on hillsides be limited to maintain natural vegetation, especially forests and open grasslands, and control erosion.

158-15

The proposed land use designations would allow new development in hillside areas that currently support unfragmented forest habitats. This development will increase erosion of sediments into the Martis Creek system.

Policy 6.E.1. The County shall support the preservation and enhancement of natural land forms, natural vegetation, and natural resources as open space to the maximum extent feasible. The County shall permanently protect, as open space, areas of natural resource value, including wetlands preserves, riparian corridors, woodlands, and floodplains.

The proposed land use designations would allow development in unfragmented forest and along tributaries of the Martis Creek system and associated wetlands and floodplains.

Policy 6.E.2. The County shall require that new development be designed and constructed to preserve the following types of areas and features as

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open space to the maximum extent feasible: a) High erosion hazard areas; b) Scenic and trail corridors; c) Streams, streamside vegetation; d) Wetlands; e) Other significant stands of vegetation; f) Wildlife corridors; and g) Any areas of special ecological significance.

The proposed land use designations are not designed to preserve the natural resources listed in the County policy but in fact will result in their loss, fragmentation, and long-term degradation. The majority of development allowed under the proposed land use designations would be located adjacent to the Martis Creek system, associated wetlands, and forest buffers in the watershed.

158-15
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Policy 6.E.3. The County shall support the maintenance of open space and natural resources that are interconnected and of sufficient size to protect biodiversity, accommodate wildlife movement, and sustain ecosystems.

The DEIR acknowledges that the proposed land use designations would produce cumulatively significant habitat fragmentation and loss of major wildlife movement corridors. This is inconsistent with the County's General Plan.

The policies of the Placer County General Plan requiring concentration of growth around existing communities and development of balanced communities must be used to guide the land use designations in the County's community plans, such as the MVCP, because such plans provide the County with the most significant opportunity to implement large-scale and holistic planning policies. The County must take the policies of the Placer County General Plan to heart when developing land use designations for the MVCP and develop a land use map that provides for concentrated growth and discourages sprawl. The resource protection policies of the Placer County General Plan must be seriously applied to land use planning within the Martis Valley because the Martis Valley encompasses several of the most important habitat, wildlife, and wetland resources within the County.

158-18

Although the MVCP asserts that its land use map is consistent with the Placer County General Plan and that, in any event, policies of the Placer County General Plan shall "control" in the event of conflict between the plans (see MVCP at 10-11), these assertions are legally and practically inadequate to resolve the profound inconsistencies between the MVCP and the policies of the Placer County General Plan. See *Napa Citizens for Honest Gov't v. County of Napa*, 91 Cal.App.4th 342 (2001). The MVCP must be revised in order to resolve these inconsistencies. An alternative plan that is consistent with the policies of the Placer County General Plan should be prepared and

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revised DEIR for such a plan should be circulated to the public.

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B. The MVCP Is Unclear and Inconsistent.

Apart from the requirement that the MVCP be consistent with the Placer County General Plan, the MVCP must also be clear and internally consistent in order to be effective as a planning document or enforceable with respect to limiting development. The land use designations in the MVCP are inconsistent with policies of the MVCP requiring in-fill development and providing for the preservation of natural resources in the Martis Valley. For the reasons discussed above, the land use designations in the MVCP are inconsistent with goals and policies of the MVCP which parallel the above-listed policies of the Placer County General Plan. See MVCP Goal 9.D (To protect and enhance the natural qualities of Martis Valley's creeks and groundwater); MVCP Goal 9.E (To preserve and protect the valuable vegetation resources of Martis Valley); MVCP Policy 9.E.1 (To encourage landowners and developers to manage the integrity of existing terrain and natural vegetation); MVCP Goal 9.F (To protect wetland communities and related riparian areas throughout Martis Valley as valuable resources); MVCP Policy 1.A.1 (The County will promote the efficient use of land and natural resources and will encourage "in-fill" development).

158-18

The MVCP also contains inconsistent and incomplete information concerning the amount of development allowed. The MVCP contains inconsistent information regarding the amount of residential development allowed under the plan. The "holding capacity" (or the total number of dwelling units allowed) under the plan is equal to the maximum permitted density (numbers of units per acre) for each land use designation times the number of acres within each designation. See MVCP at 30 (defining calculation of holding capacity). The actual holding capacity, which is 20,467 dwelling units, is not provided in the MVCP, but it is provided in the DEIR. See DEIR Table 3.0-2 at p. 3.0-20. The MVCP lists only an "adjusted" holding capacity of 9,220 or 9,420 units. See MVCP at 29, 30. The MVCP states that the actual or "theoretical" holding capacity has been "reduced" to reflect "the fact that due to market or environmental or other constraints, property rarely develops at the maximum theoretical density afforded by the applicable land use designation." MVCP at 30. The MVCP does not, however, provide any specific policies that would implement the reduced holding capacity (9,220 or 9,420), and the MVCP's intent to assert the reduced holding capacity as an enforceable standard is unclear. Furthermore, the Land Use Diagram and the descriptions of development in the MVCP provide for 20,467 units. See MVCP at 25-29, Figure 1.

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With respect to commercial development, the MVCP provides the number of acres allowed for each type of commercial development, but fails to provide for any limit on commercial building height and lot coverage. Thus, the total number of the commercial square feet allowed under the MVCP is unclear, as is the permissibility of high-rise commercial development under the MVCP.

158-19
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The MVCP fails to provide standards and criteria by which development under the plan would proceed as required by state law. The inconsistent and incomplete information in the MVCP concerning the amount of development allowed creates the potential for inconsistency between the Land Use and Circulation Elements of the MVCP. The inconsistent project description in the MVCP also undermines the environmental review of the Project as discussed below.

158-20

II. THE DEIR DOES NOT COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. The Project Description Is Incomplete, Inaccurate, and Inconsistent.

CEQA's most fundamental requirement is that an EIR contain an accurate, complete project description. See *County of Inyo v. City of Los Angeles*, 71 Cal App.3d 185 (1977); see also CEQA Guidelines § 15124. Without a complete project description, an agency and the public cannot be assured that all of a project's environmental impacts have been revealed and mitigated.

158-21

The DEIR is flawed from the outset because it rests on an inaccurate, incomplete, and inconsistent description of the Project. The DEIR fails to analyze the environmental impacts of the full amount of development allowed under the MVCP. Instead, the DEIR assumes various reductions in development allowed under the MVCP and analyzes the impacts of only a hypothetical smaller project. The DEIR disregards the potential impacts associated with the development intensities authorized by the MVCP. Moreover, the DEIR does not consistently apply its assumptions regarding development allowed under the MVCP; thus, the project description is not even consistent throughout the DEIR. These problems with the project description so undermine the analysis in the DEIR that a revised DEIR must be prepared and circulated for public comment.

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1. The Project Description is Incomplete and Understates the Amount of Development Allowed under the MVCP.

CEQA requires an agency to analyze the environmental impacts of the complete project, defined as the "whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." CEQA Guidelines § 15378(a). An agency may not narrow the project description in such a way that minimizes the project's impacts and prevents full disclosure and public review. Courts have routinely found inadequate EIRs that narrow the project description or analyze a smaller project than the one actually proposed. *See e.g., Rural Land Owners Ass'n v. City Council of Lodi*, 143 Cal.App.3d 1013 (1983) (finding inadequate an EIR for a general plan amendment that failed to describe or analyze the full amount of development that would follow annexation of land to the City).

156-22

Instead of analyzing the environmental impacts of the full amount of development allowed under the MVCP, the DEIR in many instances analyzes the impacts of less than one tenth of the residential development and approximately one fifth of the commercial development allowed under the Project. Additional assumptions in the DEIR further understate the environmental impacts of the Project. This approach violates CEQA.

a. Understatement of residential development

The amount of residential development, measured as the number of dwelling units, is one of several components of the project description that quantifies the population-related impacts of the Project on the environment. The DEIR's understatement of the number of dwelling units provided for in the MVCP results in a substantial understatement of the Project's impacts on the environment.

156-23

Although the MVCP would allow development of approximately 20,467 dwelling units, the DEIR analyzes the environmental impacts of a project that would allow development of only 9,220 dwelling units – less than half the number actually allowed. *See* DEIR at 3.0-20. (The DEIR makes additional assumptions that effectively reduce residential impacts even further – to approximately 1,844 units. *See* text below.) The DEIR assumes that the full buildout of 20,467 dwelling units will not occur, but the

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MVCP lacks policies or provisions to justify these assumptions.² The 9,220-unit calculation, referred to as the "adjusted holding capacity," is based on the following unsupported assumptions:

- First, the DEIR assumes that 20 percent of the dwelling units allowed under the MVCP would not be built. See DEIR, Table 3.0-2. The 20 percent reduction is based on an estimate that 20 percent of the acreage in the plan area, across all land use types, would be developed with roads and infrastructure instead of dwelling units. Even if the unsupported estimate of acreage for roads and infrastructure was shown to be reasonable, the assumption that fewer dwelling units would result is not valid because there is no provision of the MVCP that prevents a developer from calculating the allowable number of dwelling units on his or her property based on the total acreage of the property even if a portion of that acreage is devoted to roads and infrastructure. This assumed 20 percent reduction in the number of dwelling units results in a substantial understatement of the amount of residential development allowed under the MVCP and a corresponding understatement of the Project's environmental impacts.
- Second, the DEIR assumes that existing and proposed projects will not be altered or amended in a way that increases the number of dwelling units over the number now existing or proposed, even if the number now existing or proposed is well below the maximum allowed under the MVCP. See DEIR, Table 3.0-2 n.2. This assumption is also flawed because the MVCP does not appear to contain any provision that caps the number of allowable dwelling units per ownership at currently existing or proposed numbers. Additionally, it is not clear that projects actually have been proposed, as the DEIR indicates, for the Siller Ranch, Martis Ranch, and Waddle Ranch properties, and it appears that unit counts for these properties are underestimated. See *id.* For example, for the Siller Ranch property, the DEIR lists the "proposed unit count" as 1,000 units, but more than half of the 2,328-acre property is designated rural residential and low density residential under the MVCP. Even assuming the above-described 20 percent reduction for infrastructure, the residential lands on this property

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² Moreover, even if the MVCP were to contain policies that modified the allowable development densities or land use designations, such policies would have to be clearly drafted to avoid internal inconsistencies in the MVCP.

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would have to be developed at the lowest density to result in a total of only 1,000 dwelling units for the whole property.

- Third, the DEIR assumes that areas designated low and medium density residential would be developed at well below the maximum permitted under the MVCP. For low density residential, the DEIR assumes 3 dwelling units per acre ("du/ac") whereas the allowable density is 1-5 du/ac, and for medium density residential, the DEIR assumes 6 du/ac whereas the allowable density is 5-10 du/ac. See DEIR, Table 3.0-2. There is no provision of the MVCP that prevents low and medium density residential land from being developed at densities at the high end of the allowable ranges set forth in the MVCP. The DEIR provides no support for the low densities of development assumed in the project description.

158-23
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Together these assumptions result in an adjusted holding capacity (9,220 units) that is 55 percent lower than the actual holding capacity (20,467 units) allowed under the MVCP and result in a substantial understatement of the environmental impacts of the Project. By itself, this narrowing of the project description is problematic, but it is made even more severe by other deficiencies in the project description described below.

b. Low occupancy percentage and household size assumptions

In describing population-related impacts on the environment, the DEIR also makes assumptions about the percentage of occupancy of dwelling units (the percentage of units that are full-time versus part-time occupied) and household size (the number of persons per dwelling unit) which are too low and result in an understatement of the Project's impacts on the environment. The end result of these assumptions is that instead of analyzing the impacts of the 20,467 dwelling units allowed under the MVCP, the DEIR in many cases analyzes the impacts of only 1,844 dwelling units – less than one-tenth the number allowed. Many of the DEIR's analyses of impacts rely on these faulty assumptions concerning occupancy rates and household size and thus are flawed. See e.g. DEIR at 4.4-33, 4.4-34 (estimation of trip rates in the transportation/circulation system); *id.* at 4.11-21 (estimation of needs for law enforcement services); *id.* at 4.11-87 (estimation of demand for parks and recreation).

158-24

The DEIR assumes a percentage of occupancy that is lower than the percentage measured in the 2000 Census. Whereas the 2000 Census found occupancy rates of between 28.8 and 39.8 percent in the Martis Valley and 52.8 percent in the Town of Truckee (see DEIR Table 4.2-7), the DEIR assumes that only 20 percent of the

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dwelling units in the Martis Valley will be permanently occupied. See DEIR at 4.0-2, 4.2-16.³ Thus, the DEIR frequently analyzes the environmental impacts of only 1,844 dwelling units (20% of 9,220) even though the MVCP allows for development of 20,467 units.

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Far from supporting the DEIR's assumption of a lower occupancy percentage than measured in the 2000 Census, trends in resort-area real estate indicate that full-time occupancy is on the rise due to an increase in the prevalence of fractional ownerships. See Exhibits 3, 4, 5, 6 (Marketing materials for fractional ownership properties in the Martis Valley and Lake Tahoe area). Under a fractional ownership arrangement, homeowners receive an ownership interest in property for certain weeks or months of the year, and fractional ownership interests covering the full year are sold for a subject property. Homes under fractional ownership are more likely to be occupied full-time than second/vacation homes under single ownership. New resort development in the Martis Valley will likely be characterized more by fractional ownership than single ownership, and existing resort development in the Martis Valley may be converted to fractional ownership. Full-time occupancy is likely to increase in the Martis Valley.

158-26

The DEIR's low occupancy percentage assumption also fails to consider other trends leading to more full-time occupancy rates, including the marketing of the Martis Valley as a year-round destination resort, development of conference facilities attracting visitors year-round (including during off-peak seasons), and a potential increase in permanent residency due to the Martis Valley's proximity to the Auburn and Reno employment corridors. See Exhibits 4, 7, 8, 9 (Marketing of Martis Valley and Lake Tahoe as year-round resort and plans for conference and other year-round facilities). The low occupancy assumption results in an underestimation of the Project's impacts on traffic, air quality, and demand for public services, among others.

Finally, the DEIR's assumption regarding household size is also too low and results in an underestimation of the Project's impacts. The DEIR uses information from the Census, which is conducted in April, to calculate an average household size of 2.63 persons. See DEIR at page 4.2-5. April is between the peak winter and summer seasons, when the number of persons in vacation households is likely to be much higher. The DEIR's household size assumption fails to capture the large household sizes

³ The DEIR assumes 20 percent occupancy of dwelling units for most of its analyses, but occasionally, it waffles on this assumption and assumes full occupancy of the "adjusted" number of units (9,220).

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characteristic of the Martis Valley during much of the year.

c. Understatement of commercial development

The DEIR understates the amount of commercial development allowed under the MVCP even more severely than it understates the amount of residential development allowed under the MVCP. Allowable commercial development is understated by over 400 percent.

The amount of commercial space allowed under the MVCP is a function of the amount of acreage that may be developed as commercial space as well as floor to area ratios ("FARs") or other measures of commercial building height. The MVCP sets forth the acreage for commercial land use designations but not FARs or other measures of commercial building height and lot coverage (or allowable numbers of stories). Applying the FARs in the Placer County General Plan (which are as high as 2.0) to the commercial land use designations in the MVCP results in 5.6 million square feet of allowable commercial development under the MVCP (or 4.5 million square feet if one assumes a 20 percent reduction for roads and infrastructure). See Table 1.

158-27

Table 1. Commercial square footage.

	Acres (1)	FAR (2)	sq. ft./acre	Total sq. ft.
General Commercial	39	2.0	43560	3,397,680
Resort Commercial	49	0.8	43560	1,707,552
Professional Office	6	2.0	43560	522,720
Public/Quasi Public	31	?(3)	?	?
Total				5,627,952
Total (less 20% reduction for infrastructure)				4,502,362

(1) DEIR Table 3.0-2 at page 3 0-20

(2) Placer County General Plan Table I-2 at page 17

(3) No number available in Placer County General Plan Table I-2 at page 17

The DEIR arbitrarily assumes a FAR of 0.25 for all commercial land use designations and arrives at a "adjusted" commercial square footage allowed under the MVCP of

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approximately 1.1 million square feet (including the 20 percent reduction in for roads and infrastructure).⁴ See DEIR Table 3.0-2; DEIR at 3.0-20, 4.4-31; see also Table 2.

Table 2. Adjusted commercial square footage.

	Acres (1)	FAR (2)	sq. ft./acre	Total sq. ft.
General Commercial	39	0.25	43560	424,710
Resort Commercial	49	0.25	43560	533,610
Professional Office	6	0.25	43560	65,340
Public/Quasi Public	31	0.25	43560	337,590
Total				1,361,250
Total (less 20% reduction for infrastructure)				1,089,000

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(1) See DEIR Table 3.0-2 at page 3.0-20.

(2) See DEIR at page 4.4-31.

The DEIR provides no explanation for assuming a 0.25 FAR for all commercial land use designations, and hence for assuming fewer square feet of commercial development than is plainly allowed under the MVCP if one applies FARs from the Placer County General Plan. The DEIR's understatement of commercial development allowed under the MVCP results in an underestimate of the Project's impacts on the environment, including traffic impacts, air quality impacts, and population-related impacts due to employment.

⁴ The DEIR states that 1,190,000 square feet of commercial development is allowed under the MVCP. See DEIR at 4.4-31. However, the formula for the calculation provided in the DEIR results in a total of 1,089,000 square feet of commercial development. See Table 2. The reason for this discrepancy is not clear. The DEIR uses a still different figure (1,169,586 square feet) for commercial square footage in estimating employment that will be generated by the MVCP. See DEIR Table 4.2-12. This figure may result from subtracting existing commercial space from the 1,190,000 figure, though the DEIR does not provide this or any other explanation.

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2. The Project Description Lacks Essential Information.

In addition to the inaccuracies and understatement discussed above, the project description omits information about the Project that is critical to an adequate analysis of project-related and cumulative impacts.

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Remarkably, the DEIR fails to quantify, describe, or assess the number of day trips that would be associated with the buildout of the MVCP. The Martis Valley has several recreational and other facilities that attract day-users to the area (see Exhibit 9), and the MVCP makes way for new and expanded such facilities, including new conference facilities, expanded ski areas, and new recreational trails. The DEIR must describe and analyze the impacts of day-users on the environment of the Martis Valley because day-use facilities are a component of the Project.

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The County is in possession of detailed information regarding several proposals for expansion of day-use facilities, having received applications for the Village-at-Northstar and other projects. See DEIR at 4.0-7; see also Exhibit 9. Thus, the County has sufficient information to prepare a relatively detailed estimate of the number of day-users and day-trips associated with the Project. The DEIR must analyze the impacts that day-users would have on the environment of the Martis Valley, including increased traffic and increased demand for public services.

The MVCP also lacks any description of the impacts of construction activities associated with buildout of the MVCP. Given the fact that the MVCP provides for a quadrupling in the number of dwelling units and additional commercial and other development in the Martis Valley, a high level of ongoing construction will be a fact of life in the valley for years to come. The impacts of construction on residents and on the environment in the region must be described and analyzed. As noted above, the County has applications for several development projects before it and is in possession of information regarding construction impacts associated with those projects. See DEIR at 4.0-7 (noting County's receipt of applications for Eaglewood, Hopkins Ranch, Martis Creek Estates, Village-at-Northstar, Coyote Run, Northstar-at-Tahoe Employee Housing, Northstar-at-Tahoe Unit 7A, and Schaeffer's Camp Restaurant). Residents of the Martis Valley already experience significant traffic delays associated with the construction of the new 267 Bypass, the Lahontan project, and the Big Springs development at Northstar. Additional development will add to these existing construction impacts and must be discussed in the DEIR.

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The DEIR fails to describe adequately infrastructure improvements needed to support the development allowed under the MVCP. Such infrastructure improvements are discussed in Section II.C below.

158-31

3. The Project Description Is Not Consistent throughout the DEIR.

The environmental analysis for the MVCP is further undermined by inconsistencies in the project description throughout the DEIR. CEQA requires a consistent and stable project description in order to ensure that an EIR serves as a vehicle for intelligent decision-making and informed public participation. *See County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 197 (1977).

The shifting project description in the DEIR is the direct result of the DEIR's failure to own up to the full impacts of the buildout allowed under the MVCP. The DEIR does not even consistently apply its "adjusted" calculations of residential development. For example, in its analysis of air quality impacts, the DEIR assumes 7,905 dwelling units instead of 9,220 units (again, the MVCP appears to allow 20,467 units) and commercial space of 1,173,000 square feet instead of 1,190,000 square feet (again, the MVCP appears to allow for approximately 5,627,952 square feet). *See DEIR, Appendix 4.6* (assumptions for air quality analysis). These assumptions result in a further minimization of the project's impacts on air quality. CEQA prohibits shifting project descriptions that minimize a project's actual impacts on the environment. *See City of Santee v. County of San Diego*, 214 Cal.App.3d 1438, 1450 (1989).

158-32

For the foregoing reasons, the DEIR's project description is inaccurate, incomplete, and unstable. These defects undercut the majority of the analysis in the DEIR because the dramatic understatement of the amount of development allowed under the MVCP leads to a substantial understatement of the environmental impacts of the Project. CEQA requires a complete project description in order to ensure that all of a project's environmental impacts are revealed and mitigated. *See id.* The DEIR fails to meet this fundamental requirement of CEQA.

B. The Description of the Project Setting Is Not Adequate.

The DEIR fails to provide an adequate description of the setting for the Project. CEQA requires a description of the physical environment in the vicinity of a proposed project because such a description is necessary to provide the baseline against which to measure a project's environmental impacts. *See CEQA Guidelines § 15125(a)*. An EIR's description of the project setting must include a large enough geographic area

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such that the full environmental context of a project is considered. *See CEQA Guidelines § 15125(c).*

Significantly, the description of project setting must include both the local and regional setting. *See CEQA Guidelines § 15125(a).* With respect to the regional setting, special emphasis must be given to environmental resources that are rare or unique to the region and would be affected by the project. *See CEQA Guideline § 15125(c).* CEQA singles out the Lake Tahoe Basin as one of resources in the State which must receive special attention, and directs agencies to consider the consistency of proposed projects with regional plans for the protection of the Lake Tahoe Basin. *See CEQA Guidelines § 15125(d).*

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Despite this clear mandate, the DEIR fails to consider the consistency of development allowed for under the MVCP with plans for the protection of the Lake Tahoe Basin. The DEIR's description of the project setting scarcely mentions the proximity of the Project to the Lake Tahoe Basin (*see DEIR at 3.0-1*), and the DEIR only superficially considers the consistency of development allowed under the MVCP with the Tahoe Regional Planning Agency's environmental thresholds or regional plan.

Martis Valley and Lake Tahoe are closely linked, both geographically (*see DEIR, Figure 3.0-1 "Vicinity Map"*), ecologically, and economically. The Lake is approximately five miles from the Northstar-at-Tahoe resort within the Martis Valley, and the Lake is a destination for many visitors to the Martis Valley. Resorts in the Martis Valley and Truckee advertise their proximity to Lake Tahoe, and visitors to the Martis Valley frequently visit Lake Tahoe for recreational purposes. Recreational use of the Tahoe Basin from visitors to the Martis Valley would result in increased traffic, particularly on Highway 267 over Brockway Summit, increased demand for public services and recreational facilities in the Tahoe Basin, and increased impacts on the environment of the Tahoe Basin, including water quality in the Lake. In addition, impacts to biological and other natural resources in the Martis Valley could have significant indirect effects within the Lake Tahoe Basin. The DEIR must specifically address the consistency of the development allowed under the MVCP with plans for the protection of the Lake Tahoe Basin.

158-34

The DEIR also fails to describe other important aspects of the project setting, including existing biological resources and wildlife corridors, existing levels of public services and resources (including water supply and water usage for snow-making), the existing square footage of commercial development (including "temporary" spaces, such as large tents, that are proliferating at Northstar to accommodate ski rentals and

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other uses), the existing number of day-use trips associated with recreational and other facilities, and the amount (i.e., shortfall) of affordable housing.

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To the extent that the environmental setting for the MVCP is discussed separately for each category of environmental impact (e.g., biological resources, air quality, etc.) in the DEIR, we note additional deficiencies in the description of project setting in the sections below.

C. The DEIR Fails to Analyze Adequately the Project's Significant Impacts on the Environment.

The primary purpose of an EIR is to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.*, 6 Cal.4th 1112, 1123 (1988). Accordingly, an EIR must contain facts and analysis regarding a proposed project's environmental impacts, not just an agency's conclusions. *See Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 568 (1990). Throughout the DEIR, the County fails to support its conclusions regarding the environmental impacts of the MVCP with appropriate analysis. This approach violates CEQA.

158-36

The level of analysis in the DEIR fails to reflect the project-specific information that is available for many of the development projects contemplated by the land use diagram in the MVCP. As noted above, several applications have been submitted for projects in the MVCP planning area (see DEIR at 4.0-7), and the analysis in the DEIR should reflect the detailed information available for those projects.

158-37

In addition to the problems with the project description, many of the analyses in the DEIR fail to reveal the impacts of the Project on the environment because the Project's impacts are compared, not to actual existing conditions, but to conditions that would have existed had the 1975 Martis Valley General Plan been fully built out. *See e.g.*, DEIR, Sections 4.1, 4.4. This approach fails to reveal the impacts of the Project on the existing environment and violates CEQA.

158-38

I. Land Use

The DEIR fails to analyze adequately the consistency of the MVCP with existing land use plans and zoning designations. A proper coordination of planning efforts requires a careful analysis of the consistency of the proposed project with existing

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Lori Lawrence August 16, 2002 Page 22	land use plans and zoning designations. The perfunctory analysis in the DEIR undermines efforts at coordinated planning and informed decision-making and is not adequate under CEQA.	158-39 Cont'd
	<p>Although the DEIR compares the consistency of the land use designations in the MVCP with the five general land use categories in the Placer County General Plan, the DEIR does not analyze the consistency of the MVCP land use designations with the planning policies in the Placer County General Plan. See DEIR at 4.1-23 to 4.1-24. This omission is significant. The Placer County General Plan consists largely of policies meant to guide the more specific plans for development set forth in the County's community plans, such as the MVCP. The DEIR's failure to analyze the consistency of the MVCP with policies in the Placer County General Plan is particularly problematic given the serious inconsistencies between the MVCP land use designations and the policies of the Placer County General Plan, as discussed above in Section I.A. The DEIR's mere assertion, that the MVCP is consistent with Placer County General Plan policies (see DEIR at 4.1-23), is erroneous and cannot substitute for actual analysis.</p>	158-40
	<p>Contrary to the requirements of state law, the MVCP fails to delineate the location of lands designated as timber production zones ("TPZs") within the plan area. See Gov't Code § 65302(a) (requiring land use elements to designate "in a land use category that provides for timber production, those parcels of real property zoned for timberland production" pursuant to the California Timberland Productivity Act of 1982). A revised MVCP must include a figure showing the lands designated as TPZs within the plan area.</p>	158-41
	<p>In addition, the DEIR fails to analyze adequately the impacts of the proposed MVCP on TPZs in the plan area. In passing the Timber Productivity Act, the legislature sought to discourage removal of forest lands from timber production and to discourage expansion of urban services into timberland. See Gov't Code § 51102. The MVCP designates TPZ lands as "Forest" lands and allows uses on "Forest" lands (including employee housing and ski and other recreational facilities) that are not consistent with uses allowed on TPZ lands under state law. See Gov't Code § 51104(h) (providing list of uses compatible with TPZs: (1) management for watershed; (2) management for fish and wildlife habitat or hunting and fishing; (3) a use integrally related to the growing, harvesting and processing of forest products; (4) the erection, construction, alteration, or maintenance of utility services; (5) grazing; and (6) a residence or other structure necessary for the management of land zoned as timberland production). The DEIR fails to analyze the inconsistency between the uses allowed under the MVCP and those allowed under state law for TPZs. The MVCP must specifically</p>	158-42

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<p>Lon Lawrence August 16, 2002 Page 23</p>	<p>delineate TPZs within the plan area, and a revised DEIR must analyze the consistency of the MVCP land use designations with legally designated compatible uses of TPZ lands.</p>	<p>158-42 Cont'd</p>
	<p>2. Population/Employment/Housing</p>	
	<p>The DEIR fails to adequately analyze the Project's impacts on population, housing, and employee housing or to support conclusions regarding these impacts. First, the DEIR lacks basic information needed for the analysis, including information concerning the existing deficit of affordable and employee housing in the region; existing locations of affordable and employee housing for employees working in the Martis Valley; demand for non-employee housing; and trends in year-round occupancy for residents of the Martis Valley. Second, the DEIR largely assumes without analysis that policies in the MVCP will be adequate to address impacts relating to population growth and housing demand created by development under the MVCP.</p>	<p>158-43</p>
	<p>In a circular analysis, the DEIR concludes that impacts related to population growth under the MVCP are less than significant because the number of residents in the Martis Valley will not reach the maximum provided under the MVCP. See DEIR at 4.2-16. This analysis, which merely assumes that the maximum number of residents provided for under the MVCP may not materialize, says nothing about whether resulting population-related impacts on the environment, including "direct and indirect environmental effects such as noise, community services, traffic, and air quality" will be less than significant. A meaningful discussion of population-related impacts on the environment would provide an analysis of environmental thresholds, which when exceeded would indicate significant population-related impacts on the environment (e.g., population growth that would require widening of Highway 267 to four lanes, require expansion of public service facilities, or result in exceedance of air quality and water quality standards). Furthermore, other sections of the DEIR demonstrate that the MVCP is likely to have significant population-related impacts:</p>	<p>158-44</p>
	<ul style="list-style-type: none"> • Impact 4.4.1: Project development would result in roadway and intersection LOS standards to be exceeded. • Impact 4.4.7: Cumulative development would result in intersection and roadway LOS standards to be exceeded. • Impact 4.5.1: Noise associated with construction activities would result in elevated noise levels that would be in excess of applicable noise standards. 	

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- Impact 4.5.5: Cumulative traffic impacts would contribute to elevated noise levels that would be in excess of applicable noise standards.
- Impact 4.9.12: The Project would contribute to the loss of habitat, forage land, habitat degradation, and other species impacts.
- List of significant unavoidable impacts ("SU Impacts") on air quality, regional ozone, regional PM10 emissions, and views due to the Project. See SU Impacts 4.6.1, 4.6.3, 4.6.4, 4.6.5, 4.12.2, 4.12.5.

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The shortage of affordable and employee housing in the Martis Valley indirectly impacts numerous aspects of environmental quality in the region including degradation of air quality due to employee/commuter traffic. Although the DEIR recognizes that there is a shortage of affordable and employee housing in the Martis Valley, it fails to quantify the shortage or provide an adequate analysis of the exacerbation of the shortage by development allowed under the MVCP. "The current employment trend in Martis Valley is developments that require a seasonal, low paying labor force and exclusive housing that they cannot afford. Developments within Martis Valley will continue to contribute to the regional problem of affordable housing." DEIR at 4.2-12. "The lack of affordable housing has resulted in service workers finding housing outside of the region (e.g., Reno, Sparks, Auburn and North Shore). However, information regarding place of residence that corresponds to place of employment is not readily available, so there is no quantification of the number of employees that reside outside of the Plan area or outside of Martis Valley." DEIR at 4.2-11.

158-45

Instead of analyzing the impact of the Project on the actual shortage of affordable and employee housing in the Martis Valley, the DEIR summarizes the requirements for new affordable units that a state-mandated plan (Regional Housing Needs Plan or "RHNP") would place on the County given the number of dwelling units allowed under the MVCP. See DEIR at 4.2-17. Although this analysis considers whether the County will meet a particular regulatory requirement, it does not explain whether the Project would have a significant impact on the shortage of affordable housing in the Martis Valley and does not describe the additional adverse effects on the environment associated with the shortage.

The DEIR concludes that the MVCP would result in housing impacts by creating an "imbalance between employment and housing." This impact is initially

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identified as a potentially significant impact but is purportedly reduced to less than significant by implementation of MVCP policies and mitigation measures. See DEIR Impact 4.2.2, at 4.2-17. Policies and mitigation measures designed to mitigate this impact fail to guarantee that these impacts will be mitigated to a less than significant level because they do not apply to all projects built in the Martis Valley and do not adequately address demand for affordable housing.

For example, Policy 3 A.3, which requires that projects must either build affordable housing or pay an in-lieu fee, would not actually apply to projects contemplated by the MVCP because the mitigation is required only when a project receives an increase in density. See DEIR at 4.2-24. Moreover, even if the policy applied, the in-lieu fee option does not guarantee that affordable units will be constructed in the Martis Valley where the low paying jobs will be generated. Similarly, MVCP Policy 3.A.4 requires resort developments to provide only half of the employee housing (or pay an in-lieu fee) that will be generated by new projects. Again, the in-lieu fee provides no certainty that employee housing units will be built in the Martis Valley where they are needed. See DEIR at 4.2-25. This is insufficient mitigation for the impacts of resort development. Finally, it is not clear that Mitigation Measure 4.2-2, which would require construction of 5 percent very-low and 5 percent low income housing as a condition of approval on housing developments, would even apply to the proposed Project since the DEIR indicates that is proposed only for alternatives "AA," "AB," and "AC". See DEIR at 4.2-26. To the limited extent these policies and mitigation measures would apply to the Project or to Martis Valley developments, they collectively fail to guarantee that any affordable units would be built in the Martis Valley where the demand for affordable employee housing will be generated.

169-45
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The DEIR finds that there will be 4,750 jobs generated by the MVCP and that the capacity of the MVCP to provide housing is only for 2,517 employees. See DEIR at page 4.2-20. This imbalance of jobs to housing is significant, but in reality, the imbalance is even greater. Because the DEIR grossly understates allowable commercial development and therefore new jobs generated by the Project, the actual imbalance is likely to exceed that analyzed in the DEIR.³ A revised analysis should include revised estimates of job generation based on the total amount of commercial development allowed under the MVCP and revised estimates of affordable housing units that will

³ Based on the employee generation rate provided in the DEIR and commercial square footage allowed under the MVCP, over 12,800 jobs would be generated under the MVCP.

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	3. Human Health/Risk of Upset	
	The DEIR fails to analyze adequately the risk to human health due to use of toxic chemicals associated with the land uses proposed by the Project. Although the DEIR mentions that hazardous materials are used to maintain golf courses (see DEIR at 4.3-2), the DEIR does not discuss other potential sources of hazardous materials due to the Project. The DEIR relies on federal, state, and local standards for control of hazardous materials without describing how these standards would be implemented or how they would mitigate the Project's potentially significant impacts.	158-46
	4. Transportation and Circulation	
	The DEIR's analysis of traffic and circulation impacts is inadequate because it relies on an incomplete project description, fails to provide an adequate description of existing traffic conditions, and fails to support its conclusions regarding the Project's traffic impacts with adequate analysis.	158-47
	The DEIR's analysis of traffic impacts is based on a project description that understates the amount of residential and commercial development allowed under the MVCP. See DEIR at 4.4-30 to 4.4-31. Additionally, the traffic analysis rests on low and unsupported assumptions regarding occupancy percentage. See DEIR at 4.4-33. The estimation of trips generated by the Project also omits trips generated by some recreation uses (e.g. ski facilities) and public or quasi-public uses. See Table 4.4-14. Finally, the trip generation estimates do not include events, tournaments, conventions, and other uses of the new resort facilities, ski facilities and conference centers that will attract day-users. The County has detailed information on planned land uses, including conference facilities and ski facilities on which to base these estimates of day trips, and these should be included in the analysis. Although full buildout of the Town of Truckee General Plan is included in the DEIR's trip estimates, those buildout figures do not include major projects, such as Old Greenwood and others, which are now approved or under review. See DEIR at 4.4-36. Even with these significant omissions, the MVCP is anticipated to generate traffic which will exceed established level of service standards at up to eight intersections in the Town of Truckee, and three intersections and two roadway segments in Placer County. See DEIR at 4.4-39. The traffic analysis must be revised to reflect the full impacts of the Project.	158-48

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The DEIR fails to provide adequate information about the existing status of key intersections in the Martis Valley. Anecdotal information indicates that the intersection of Highway 267 and Northstar Drive is already a major bottleneck during ski season peak hours. The bottleneck creates unsafe conditions on Highway 267 and results in a back-up of cars and buses, often resulting in significant delays. This existing condition presents both a safety hazard and a potential capacity constraint that should be considered in the DEIR and in developing appropriate mitigation and alternatives to the Project. Additionally, the DEIR provides insufficient information concerning current reasons for traffic congestion, including incidents of accidents, road closures, and snow conditions, all of which make the road capacity situation even more limited than described. The DEIR must contain more complete information on the constraints to roadway capacity and, in particular, the lack of adequate capacity in the communities along the north shore of Lake Tahoe.

158-49

The DEIR's study area for the traffic analysis is too small. The analysis should include at least the area north shore of Lake Tahoe from Incline to Tahoma, the Highway 89 corridor from Tahoe Vista to Truckee, and the Highway 80 corridor from Auburn to Reno. These areas are both likely attractions for visitors to Martis Valley, as well as likely areas for employees to reside if adequate housing is not provided as part of the Project.

158-50

The DEIR relies on baseline traffic data from *Traffic Volumes on California State Highways* (Caltrans, 1990-2000). See DEIR at page 4.4-8. The DEIR should clarify how the baseline traffic conditions accurately reflect the most current conditions for peak periods. The existing traffic volumes were "estimated" for the thirtieth (30th) highest winter and summer peak-hour conditions. See DEIR at 4.4-10. The 30th highest conditions are not acceptable for analyzing expected traffic impacts. The DEIR must analyze winter and summer peak-hour conditions that are likely to occur. For example, at a peak hour during the winter season, how bad will traffic be? The DEIR must analyze traffic conditions under reasonably expected scenarios.

158-51

The DEIR fails to analyze the significant impacts associated with necessary roadway widenings and new roads to serve the Project (e.g., Highway 267, Northstar loop road, and other secondary roads). The Preliminary Draft Plan included both widening of Highway 267 and a connection of Schaeffer Mill Road to Northstar Drive. The current MVCP and the DEIR provide for widening of Highway 267. See MVCP at 73-74; DEIR at 4.4-38, 4.4-39. The MVCP and DEIR are less definitive about other roadway connections that could be developed within the Plan area, such as the connection of Schaeffer Mill Road to Northstar Drive. While this connection is now proposed as an

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	The DEIR must clearly identify the amount of new development that would trigger widening of existing roads or addition of new roads and must also analyze the impacts of such expansions. Tony Lashbrook, Director of Community Development for the Town of Truckee, has been quoted in the <i>Sierra Sun</i> saying that "Development would have to be reduced 90% from the current plan to avoid 'four-laning' 267. <i>Sierra Sun</i> Volume 134, No. 32, "Martis Talk Continues." The impacts of roadway expansions include growth inducement, fragmentation of habitat, disruption of wildlife corridors, and construction impacts (e.g., additional traffic generated by construction vehicles and temporary road closures and diversions to accommodate construction), among others.	158-53
	The DEIR fails to analyze potentially significant parking impacts within communities along the Northshore. This area will continue to be a major attraction and parking is already limited at recreation and retail areas in the area. Summer visitors to Martis Valley in particular are likely to visit the Northshore area as day users, which means they will increase demand for those parking facilities.	158-54
	5. Noise	
	The noise analysis is based on the traffic estimates prepared in the DEIR. As explained above, the trip generation estimates in the DEIR are based on flawed assumptions and are likely to be too low. Thus, the analysis of noise impacts is also based on flawed assumptions and is likely to understate the Project's impacts.	158-55
	6. Air Quality	
	The DEIR's analysis of the Project's impacts on air quality is based on even lower assumptions about residential and commercial development than are contained in other sections of the DEIR. See DEIR, Appendix 4.6. In the air quality analysis, the DEIR uses an estimate of 7,905 dwelling units (as opposed to 9,220 units) without explanation. Similarly, a different square footage of commercial development is assumed (1,173,000 square feet as opposed to 1,190,000 square feet) without explanation. This inconsistency in assumptions undermines the accuracy of the air quality analysis and the consistency of the project description throughout the DEIR. Given the assumptions in the air quality analysis, it appears that the Project's impacts on air quality are understated.	158-56

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The DEIR does not provide a clear description of the remaining inputs into the air quality analysis. Some inputs to the analysis were apparently provided by the transportation consultant, but those inputs are not fully set forth in the DEIR. This omission prevents comparison of the consistency of the information in the air quality and traffic sections of the DEIR. However, assuming that the air quality analysis relies on the underestimate of trip generation in the traffic analysis, the air quality analysis further understates the Project's impacts on air quality for this additional reason. A revised DEIR must make the assumptions in the air quality analysis transparent and consistent with assumptions regarding development in the rest of the DEIR.

158-57

The cumulative air quality analysis is also flawed. See DEIR at 4.6-19. The analysis in the DEIR is based on proposed and conceptual development in Table 3.0-1 and Figures 3.0-4, 4.0-1 and 4.0-2, which do not include all cumulative projects within an adequate study area.

158-58

7. Hydrology and Water Quality

The DEIR's analysis of the Project's impacts on hydrology and water quality is inadequate because it fails to consider impacts from some components of development allowed under the MVCP, fails to describe adequately the project setting and generally fails to quantify the Project's impacts on water quality.

158-59

The DEIR fails to provide information about the Project that is necessary to an analysis of water quality impacts, including total acres of impervious cover, total acres of graded cover, and total acres of land alteration due to grading, tree removal, and trail construction. The total amount of acreage subject to alteration is underestimated throughout the analysis because it appears that ski terrain expansions are not included in the total. Although the methodology section states that proposed ski terrain expansions were considered in the impact analyses (see DEIR at 4.7-29), the individual analyses of impacts state that proposed ski terrain expansions at Northstar were not taken into consideration. See DEIR at 4.7-30. The DEIR states that approximately 4,300 acres of the Plan area are anticipated to be substantially disturbed with urban levels of development, but this total fails to account for land disturbance associated with all components of the Project or land disturbance associated with both construction and operation periods. See *id.*

158-60

The DEIR's description of the project setting is inadequate because it lacks the following components:

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Lori Lawrence August 16, 2002 Page 30	<ul style="list-style-type: none">A description of the entire Truckee River watershed. See DEIR at 4.7-1. The project setting must include the regional setting, including the full extent of the Truckee River watershed extending to Pyramid Lake. See Exhibit 10 (map of Truckee River watershed). Sediment and pollution loading throughout the watershed have the potential to impact biological resources and water quality within the Martis Valley.	158-61
	<ul style="list-style-type: none">Complete water quality information for the study area. For example, both historical and current water quality information must be provided for the major creeks in the area and the Martis Creek Lake Reservoir. The Lahontan Regional Water Quality Control Board ("LRWQCB") collects water quality data for numerous locations in the Martis Valley. This information must be included in a revised DEIR and additional commentary provided concerning the status of water quality in the various water bodies including the Martis Reservoir and numerous creeks in the Valley.	158-62
	<ul style="list-style-type: none">An adequate description of the connection between the upper and middle/lower aquifers. See DEIR at 4.7-15. The DEIR suggests both that there is some interaction between these aquifers (see DEIR at 4.7-15) and that this interaction appears to be limited (see DEIR at 4.7-55). The DEIR must provide information about the extent of this interaction and the extent of the interaction between these aquifers and surface water bodies (e.g., the Martis Reservoir). Absent this information, analysis of potential ground and surface water impacts associated with the project cannot be complete.	158-63
	<ul style="list-style-type: none">A description of the existing acres of impervious surfaces, including buildings, roads, parking lots, and turf grass on golf courses. The setting fails to describe baseline runoff conditions and peak runoff figures from which to base a determination of whether runoff will increase significantly from baseline conditions. The DEIR also fails to provide evidence that existing golf course management and monitoring programs are working. Anecdotal evidence suggests that the existing golf courses are contributing to reduced water quality in streams in Martis Valley.	158-64
	<p>One of the recurring problems with the DEIR's analysis of the Project's impacts on water quality is that it does not provide any information about the pollutant loads resulting from the construction or buildout of the Project. In the absence of some comparative or absolute calculation of the Project's discharges to watercourses, the</p>	158-65

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DEIR's analysis is incomplete.

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The DEIR's analysis of the Project's construction impacts on water quality fails to provide any quantification of the impacts of grading and vegetation removal activities except to report that approximately 4,300 acres are anticipated to be substantially disturbed.⁶ See DEIR at 4.7-30. There is no estimate of actual soil disturbance, or cut and fill, beyond this measure. The DEIR notes that this amount of construction could contribute substantially to erosion and sediment load in the Martis Creek, but fails to analyze this increase in sediment load in light of the DEIR's observation elsewhere that "existing sediment loads for the Martis Creek drainage must be reduced by 189 tons" in order to meet expected regulatory limits (total daily maximum loads or "TMDLs") See DEIR at 4.7-8. The DEIR must analyze the degree to which construction impacts would interfere with attainment of required reductions in sediment load.⁷

158-66

The DEIR's analysis of the Project's impacts on surface water quality is flawed for a number of reasons. First, the analysis fails to include ski terrain expansions. See DEIR at 4.7-37. Second, there is no quantification of impacts, only a summary of the types of contaminants that could be generated by the project (e.g., sand from snow removal, oils, grease, golf course fertilizers, herbicides, and pesticides). See *id.* There is no extrapolation based on existing uses as to the amounts of pollutants new uses might generate. Additionally, there are up to five new golf courses proposed in the Martis Valley and two new courses proposed in Truckee. As a component of operational surface water quality, the DEIR must analyze the potential impacts of several new golf courses in a system that is already impacted by golf courses and other development. A revised DEIR must include this information and a revised analysis of project-related impacts to surface water quality.

158-67

⁶ As noted above, the 4,300 acres does not include the total acreage of land disturbance due to the Project.

⁷ The section fails to quantify the amount of pollutants that will be generated by refueling and parking of construction equipment and other vehicles during construction. The DEIR states that "improper handling, storage, or disposal of fuels and materials or improper cleaning of machinery close to Martis Creek could cause water quality degradation." No additional information is provided on the types or amounts or typical releases for a project of this scale. A revised DEIR must provide this information and analysis of the project-related construction impacts.

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The DEIR's analysis of groundwater quality impacts is also flawed. Again, the DEIR fails to adequately describe and quantify sources of groundwater pollutants. The DEIR refers to the possibility that new septic tanks could result in groundwater contamination, but fails to quantify the impacts of septic systems that could result if the MVCP is adopted. The DEIR also provides no quantification of the impacts of discharges from golf courses and snow-making facilities on groundwater quality. A revised DEIR must include this information and a revised analysis of project-related impacts on groundwater quality.

158-68

The DEIR fails to adequately describe the Project's cumulative impacts on water quality. The geographic study area for cumulative impacts fails to include the entire Truckee River watershed. Sediment, nutrients and pollution from the Project could impact water quality and biotic resources in the Truckee River and Pyramid Lake. The DEIR fails to quantify cumulative water quality impacts. The cumulative impact analyses for recharge and groundwater usage are inadequate because the discussion lacks any quantification of cumulative recharge and groundwater usage. The DEIR states that reductions in groundwater discharge to surface water (the Truckee River) as a result of the Project would be offset by increased discharges of approximately 11,000 acre feet annually from the Tahoe-Truckee Sanitation Agency's plant expansion as well as improved timing and magnitude of seasonal river flows and enhanced flows for consumptive environmental and fishery uses associated with the implementation of Truckee River Operation Agreement ("TROA"). See DEIR at 4.7-70. Given the fact that TROA has yet to be fully negotiated or analyzed, there is no basis to assume enhanced flows from its implementation. The DEIR's discussion also fails to consider whether the water quality of these offsetting discharges will be as good as the groundwater source.

168-69

The DEIR fails to describe and quantify the relationship between the proposed land uses and water quality. The revised DEIR must examine the development provided for in the MVCP and examine alternative land uses that would result in lower impacts on water quality in Martis Valley.

158-70

8. Geology and Soils

The project description omits key information about the project necessary to determine the extent of the Project's impacts to geology and soils, including information about where major excavation or fill will be needed to accommodate development; where cut and fill spoils sites would be located; and whether any blasting would be needed for proposed development projects in the MVCP area.

158-71

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Although the DEIR states that there has been no extensive geologic subsurface investigation in the MVCP area (see DEIR at 4.8-25), detailed cut and fill and geological information has been submitted with project applications for projects at Northstar, Hopkins Ranch, Eaglewood, and other sites within the Martis Valley. In addition, the DEIR could use information available from EIRs for previously approved projects in the Martis Valley. Information that is available regarding estimates of cut and fill must be analyzed in the DEIR, and the DEIR must certainly analyze areas where major excavation or fill would occur to accommodate development.

158-72

The description of geological setting omits essential information regarding areas of highly erodible soils and geologic instability. A map depicting areas of erodible soils and instability, overlaid by proposed land uses, should be prepared. The Martis Valley contains highly erodible soils. See DEIR at Table 4.8-2 and Figure 4.8-3. The DEIR states that the Project could result in potentially significant soil erosion impacts due to grading. See DEIR at 4.8-30. Once again, this conclusion is based on an underestimate of the total area disturbed by grading.⁴ It is not clear whether the analysis includes grading and site disturbance from widening of Highway 267 or development of recreational trails and ski facilities. A revised analysis must include grading disturbance and soil erosion from all components of the Project.

158-73

The DEIR concludes that development under the MVCP may result in placement of structures and residents in areas that could be exposed to avalanches (see DEIR at 4.8-37), but the DEIR fails to adequately analyze potential hazards associated with avalanches. The analysis fails to analyze the potential for new ski terrain expansions and trails in avalanche prone areas. The policies and mitigation measures that purportedly reduce this potentially significant impact to less than significant merely postpone the analysis until new development is actually proposed. Furthermore, Mitigation Measure No. 4.8.4, which requires new development located within areas of 30 percent slope to prepare an avalanche hazard report, appears to contradict the implementation program in the MVCP that prohibits development on slopes over 30 percent. See DEIR at 4.8-36; MVCP Implementation Program No. 7. The DEIR must analyze the extent to which the MVCP would result in development that is on highly erodible soils and on slopes over 20 to 30 percent.

158-74

⁴ The 4,300 acres does not include grading for new ski terrain expansions.

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158-74

⁴ The 4,300 acres does not include grading for new ski terrain expansions.

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9. Biological Resources

The DEIR's analysis of the Project's impacts on biological resources is inadequate because it relies on an incomplete project description, fails to provide an adequate description of the project setting, and fails to support its conclusions regarding the Project's biological impacts with adequate analysis. 158-75

The project setting information is inadequate to fully address the direct, indirect, and cumulative impacts of the proposed Project and to evaluate whether the Project is in compliance with existing Placer County General Plan policies. Specific examples include:

- The DEIR describes field investigations conducted "intermittently from May 2000, during preparation of the background report, to July 2001." These field investigations included "general plant and wildlife surveys focusing on areas within the planning area with the potential to support special status species and sensitive habitats." However, none of these results are discussed. The information presented in Section 4.9.1, and in subsequent analyses, is apparently based on existing information from the California Natural Diversity Data Base, U.S. Fish and Wildlife Service, and U.S. Forest Service. The referenced field investigations may or may not have been adequate in coverage or timing to detect special status species in the planning area. There is inadequate information presented in the DEIR to evaluate the adequacy of either the existing information or the surveys conducted specifically for the project. In addition, there is no discussion of the potential for various portions of the planning area to support sensitive species, high quality wildlife habitat, or unique assemblages of resources that may be especially important for protection. 158-76
- The DEIR does not discuss or identify locations of existing protected areas in the region, locations of old growth forest stands, relevant fire history information, or areas of existing disturbance, which may affect where development and, conversely, habitat conservation should be planned. The descriptions in Section 4.9.1 should be broadened to include information from the region surrounding the MVCP area, to provide the appropriate context for resource and development planning. 158-77

The DEIR's analysis of the biological impacts of the Project is also flawed:

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Lori Lawrence August 16, 2002 Page 35	<ul style="list-style-type: none">• The impact analysis is circular. Development impacts that conflict with existing County policies are identified as potentially significant, but deemed mitigated by existing County policies, with no discussion of the inconsistency. There is no clear demonstration of how mitigation of specific impacts to specific resources will be achieved by the application of these policies. Therefore, the potential success of the suggested mitigation measures is difficult to assess. In addition, given that funding for mitigation measures will be derived largely from development fees, analyses should be conducted to determine the level of funding necessary to fully mitigate potential future impacts.	158-78
	<ul style="list-style-type: none">• The biological impacts analysis should evaluate specific resources in both a local and a regional context. There is no "big picture" evaluation of how the resources relate to one another and the relative value of vegetation communities and wildlife habitat in or adjacent to the planning area. For example, the National Forest lands that surround the community planning area support resources that may also depend on habitats in the Martis Valley area. Furthermore, there is no discussion of the ecological processes that maintain these resources (e.g., migrations or other movements of species, fire cycles, natural hydrologic regimes, etc.) and how the proposed project might affect these processes.	158-79
	<ul style="list-style-type: none">• There is minimal description and no analysis of unlisted wildlife species. According to the DEIR, standards of significance should include "substantial impacts to significant ecological resources including high quality and/or unique vegetation communities and wildlife habitats." High quality and unique wildlife habitats are critical to sustaining plant and animal resources, and their importance is referenced in the County GP policies (e.g., Policy 6.C.1). These habitats should be identified, and potential impacts to these resources should be analyzed in the DEIR.	158-80
	<ul style="list-style-type: none">• The manner in which the direct impact acreages are calculated and presented is inappropriate, confusing, and misleading. Impacts of potential timber production are not evaluated in the Biological Resources section of the DEIR. The DEIR states "forest parcels are considered separate impacts from those caused by implementation of the Martis Valley Community Plan." This is an inappropriate approach, given that changes to the extent	158-81

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of forest designations in the planning area are proposed as part of the project. Figures 4.9-6 through 4.9-9 show tabulations of the acreages of open space, forest, and development associated with each alternative. However, some development and associated infrastructure is allowed in forest parcels, and disturbance from outdoor recreation (e.g., ski runs) is allowed in open space parcels. Areas zoned for Timber Production should be identified, and the implications of this zoning should be discussed in more detail. Furthermore, there likely will be roads and other infrastructure in areas designated as open space. Thus, the total acreage in the development category is an underestimate of the direct impacts to biological resources in the planning area.

158-82

The discussion of indirect impacts, which in many instances can be more extensive than the direct impacts of development, is extremely weak. Indirect impacts can extend a large distance outside of the planning area. Indirect impacts that should be addressed include air quality changes (e.g., increased nitrogen deposition), hydrologic changes (e.g., runoff from development), water quality changes (e.g., fertilizer runoff from golf courses), increased light, increased noise, increased potential for increased abundance of non-native species, elevated road mortality, changes in fire regimes, and other impacts associated with increased human presence. The overall sustainability of the level and type of proposed development in this area, which is valued for its aesthetic, recreational, and natural resources qualities, should be evaluated with these potential impacts in mind.

158-83

Various categories of open space should be clearly defined. It is not clear from the proposed Land Use diagram whether the open space is proposed to remain in a natural condition or will be recreational open space consisting of golf courses and ski runs.

158-84

The analysis does not address the consistency of the proposed project and alternatives with the Placer Legacy Program and relevant Natural Community Conservation Planning ("NCCP") Act guidelines. The cumulative impacts of the proposed project and alternatives on vegetation communities, wildlife and their habitats, special status species, habitat linkages and wildlife movement corridors, and other sensitive ecological resources are not adequately discussed or analyzed in the context of the goals of the Placer Legacy Program. Areas of eastern Placer County that are of particularly high integrity, long-term conservation value, or are otherwise unique and

158-85

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valuable, both within and adjacent to the planning area, should be identified in the DEIR, as specified in the County's NCCP Agreement. Development should be encouraged in lower value resource areas and discouraged in higher value resource areas. This lack of analysis potentially threatens the success of conservation planning efforts in Placer County.		158-86
Project: The DEIR omits analysis of several potential biological impacts of the		
<ul style="list-style-type: none"> The DEIR does not address the fact that connections between fawning areas and overwintering areas outside of the Martis Valley are largely eliminated by the MVCP. The DEIR does not analyze the implication of this impact to the long-term productivity and persistence of the Loyalton Truckee deer herds. 		158-87
<ul style="list-style-type: none"> The DEIR does not address the incremental reduction in the potential for recovery of special status species, such as the Lahontan cutthroat trout and wolverine. The fragmentation and loss of important watershed habitat for the Martis Creek system would greatly reduce the potential for recovery of these species in the planning area. 		158-88
<ul style="list-style-type: none"> The DEIR does not address the direct, indirect, and cumulative impacts to old growth stands in and adjacent to the community planning area. The DEIR should examine the function of these habitats relative to other old growth stands in the region. 		158-89
<ul style="list-style-type: none"> The DEIR does not address the cumulative impacts of increased development and increased recreation on the surrounding National Forest lands, the Tahoe Basin, and the ecoregion. 		158-90
For the foregoing reasons the DEIR's analysis of the Project's biological impacts fails to comply with CEQA. A revised DEIR must be prepared with an expanded discussion of the biological setting to identify natural areas that are particularly unique, sensitive, or are otherwise of high quality, as well as natural areas that are disturbed, degraded or exhibit lower quality. Sound planning principles would target these latter areas for development (e.g., disturbed areas around existing Northstar ski runs or degraded areas adjacent to existing roads and developments) and cluster new development around existing development and infrastructure.		158-91

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A revised impact analysis must include an analysis of impacts to biological resources in areas identified as Forest land use. An adequate biological analysis would also evaluate the Project's impacts on vegetation communities in the Martis Valley and within a larger ecological region and on the maintenance of areas of high quality habitat both within and outside of the MVCP area. A revised DEIR must also consider mitigation measures that do take into account the entire life cycle of a particular species, all of the habitat elements that the species requires, and whether or not some of these elements may be limiting to the species. The indirect effects of the proposed Project, both within and outside of the MVCP area, must be analyzed in greater detail. Indirect impacts are often more extensive than the direct impacts of the development footprint, and their implications to the long-term persistence of high quality natural resources in the Martis Valley may be profound.

158-92

10. Public Services-Wastewater Treatment

The DEIR's conclusion, that the Project's impacts on wastewater service would be less than significant, is not adequately supported by analysis in the DEIR. Like other sections of the DEIR, the wastewater section fails to base its analysis of impacts on the complete Project.

158-93

The DEIR assumes only 9,220 dwelling units and its assumption regarding occupancy percentage is unclear. See DEIR at page 4.11-57. More significantly, the DEIR's analysis omits consideration of wastewater flows from non-residential uses. The DEIR states that "it is difficult to assess the [wastewater] impacts of the commercial, office and recreational uses associated with the Proposed Land Use Diagram," and the DEIR appears not to include these uses in the analysis. DEIR at 4.11-57. A revised analysis must include wastewater flows from non-residential uses in the analysis.

158-94

The DEIR states that the wastewater flows generated by residential uses associated with the MVCP would necessitate expanded wastewater treatment plant capacity. Since the DEIR underestimates the wastewater flows generated by the Project, the DEIR likely underestimates that required expansion of capacity. Moreover, anticipated plant expansion may not be sufficient to accommodate development under the MVCP because: (1) plant expansion is not anticipated to be completed until 2005, while plant capacity will be reached in 2004 (see DEIR at page 4.11-52); (2) it is not clear that the plant expansion is completely funded and permitted (see DEIR at page 4.11-53); and (3) the analysis fails to consider conversions from septic to sewer within the region. Subdivisions within the Town of Truckee, including Olympic Heights, Prosser, portions of Sierra Meadows, The Meadows, and Ponderosa Ranchos, are currently using

158-95

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	The DEIR also fails to adequately analyze other potential demands on wastewater treatment facilities. For example, Northstar's collection system is designed to transmit wastewater flows for up to 3,700 residences. See DEIR at page 4.11-54. However, non-residential and day-use facilities may add additional wastewater flows. Northstar attracts over 9,000 skiers on peak days. Currently, we understand that Northstar has insufficient toilets to serve the day-use population. Constraints at Northstar should be clarified in a revised DEIR.	158-96
	The DEIR also fails to analyze potentially significant impacts associated with expansion of wastewater treatment facilities. Additional lines, improvements to the Truckee River Interceptor, and treatment plant lagoons are not sufficiently described to allow an adequate analysis of the impacts associated with their development.	158-97
	11. Public Services-Water Supply	
	The DEIR's analysis of the Project's impacts on water supply fails to comply with the requirements of CEQA. An EIR must identify the water supply for a proposed project and analyze whether the water supply is adequate to meet demand from the proposed project and current users. If the proposed project would require withdrawals from other sources or expansion of existing facilities, the EIR must assess the environmental impacts of those withdrawals or expansion. See <i>Stanislaus Natural Heritage Project v. County of Stanislaus</i> , 48 Cal.App.4th 182 (1996). The DEIR's analysis of water supply fails to meet CEQA's requirements.	158-98
	First, the DEIR's analysis of water demand created by the MVCP appears to rely on assumptions that understate the amount of development allowed under the MVCP. See DEIR at Table 4.7-4, page 4.7-55. The water demand figures in Table 4.7-4 appear to grossly underestimate water demand based on an underestimate of dwelling units and square footage of commercial development allowed under the MVCP and an underestimate of new snow-making and other open space water demands (e.g., golf courses and landscaping). A revised analysis must include all components of the Project contributing to water demand.	158-99

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Second, the DEIR fails to analyze adequately the water supply for the Project. There are a number of reasons to be concerned about the long-term supply and suitability of local water supplies.

158-100

Regarding suitability, the DEIR states that the Truckee-Donner Public Utilities District ("TDPUD") is no longer using a number of springs due to water quality concerns. See DEIR at page 4.11-41. Recently, the Glenshire area suspended use of wells and will be provided with water service by the TDPUD due to arsenic levels in the Glenshire wells. The DEIR fails to provide adequate information concerning these existing and potential water quality problems, such as contamination by MTBE.

158-101

Regarding supply, the DEIR contains conclusory statements regarding the availability of water to meet the demands of development allowed under the MVCP (see DEIR at page 4.11-47). Elsewhere, the DEIR indicates that plans for future water facilities necessary to serve the Project would be developed. See DEIR at page 4.1-39. Conclusory statements and future plans are not sufficient under CEQA. The DEIR must demonstrate that there is sufficient water supply for the Project. Also, there is no analysis in the DEIR that demonstrates that there is adequate groundwater supply to meet demand within a "safe yield" consistent with protection of aquifers and surface waters in the Martis Valley.⁸

158-102

Third, the DEIR fails to analyze the impacts of major new facilities or sources of supply needed to serve the Project. The DEIR fails to describe the impacts associated with the need for new pipelines, wells and storage facilities that will be required by the MVCP. The DEIR identifies some of the new water facilities and infrastructure that will be needed to serve new development but fails to analyze the impacts of these new facilities and infrastructure. DEIR at page 4.1-40. It is unclear whether new development at Northstar will be served by existing water facilities. See DEIR at page 4.11-43. A revised DEIR must include a clear description of the facilities needed at Northstar to serve new development. The environmental impacts of new facilities or sources of supply include impacts to biological resources and water resources and must analyzed in the DEIR.

158-103

Finally, the DEIR concludes that a number of Plan policies and mitigation

158-104

⁸ The DEIR fails to consider changes in the hydrologic regime of the Valley due to global warming which could influence the seasonal availability of surface water and groundwater in the region. See Exhibit 11 (U.S. EPA, Global Warming Impacts.)

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measures will reduce the significant water supply impacts associated with the Project to less than significant. The MVCP policies and DEIR mitigation measures defer the demonstration of adequate water supply to a later date as specific development projects are proposed. See DEIR at 4.11-49. This approach is not adequate under CEQA. A revised DEIR must demonstrate that there is sufficient water to serve existing and proposed development under the MVCP. A revised DEIR must also analyze the environmental impacts associated with developing and delivering adequate water supply to the Project.

158-104
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12. Public Services-Law Enforcement, Emergency, and Fire Protection

The DEIR's analysis of the Project's requirements for law enforcement, emergency, and fire protection services are also based on assumptions that understate the size of the population generated by development allowed under the MVCP. See DEIR at Section 4.11. It is clear that some development allowed under the MVCP would be located outside existing service district boundaries, and service areas would have to be expanded. See DEIR at pages 4.11-7. However, the degree to which new services would be required to serve the Project and how those needs would be met is unclear in the DEIR.

158-105

The DEIR's analysis of fire protection services in the event of wildland fires is particularly lacking. The DEIR lacks a map indicating what portions of the Martis Valley are subject to high fire danger. The DEIR provides insufficient information concerning recent major wildland fires in the Martis Valley, such as the Martis Fire of June 17 2001, which burned 14,500 acres. The DEIR lacks any description of existing constraints that could impede access to or evacuation of the area despite noted bottlenecks at Highway 267/Northstar Drive and other locations. The DEIR also fails to describe the capacity of existing fire services, including California Department of Forestry ("CDF") to handle existing wildland fires.¹⁰ The DEIR's analysis lacks information about the amount of new development that would be located in steep topography and on ridgelines even though topography determines how fast fire spreads and how easily fire crews can access the site. See Exhibit 12 (*Living with Fire In San*

158-106

¹⁰ The DEIR is inconsistent with respect to statements about what service provider is responsible for addressing fires. DEIR at page 4.11-8. The two DEIR sections that address fire, fire services and wildland fires, must be reconciled and clear information provided about which agencies are responsible for fire impacts.

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The DEIR concludes that the impact of the Project on wildland fire risk would be less than significant without mitigating policies, but there is little evidence to support this conclusion. See DEIR at 4.11-11. The MVCP would allow homes and other structures on wooded and steep terrain and would thus increase the risk for wildland fires. The DEIR also fails to analyze secondary impacts related to reducing the risk of wildland fires, such as removal of vegetation around development, building access roads, and extension of water facilities. These types of measures, even if not required by the Project, may be required by the County or other agencies as conditions of individual project approval and should be analyzed in the DEIR.

158-105
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13. Visual Resources

The DEIR's analysis of the Project's impacts on visual resources fails to include key features of the MVCP. Although the DEIR recognizes that new development, such as widening Highway 267 and development of additional ski areas, golf courses and recreational trails, would impact the visual quality of the Martis Valley, the DEIR states that these developments are not part of the Project. See DEIR at 4.12-14, 4.12-16. It is not clear why these developments are not part of the Project. The MVCP anticipates widening of Highway 267 to four lanes over some segments within 20 years. See MVCP at 73-74. Moreover, the MVCP sets forth the land use designations governing land uses throughout the Martis Valley and sets the parameters for growth in the area, which influence the need for new roads and infrastructure. Thus, the DEIR must consider the significant visual impacts of new infrastructure, ski facilities, golf courses, and recreational trails allowed under the MVCP or necessitated by growth provided for in the MVCP. As part of the analysis of cumulative impacts on visual resources, the DEIR must also consider the airport expansion, timber removal, and future developments outside of MVCP area.

158-107

The full extent of the Project's impact on visual resources is difficult to discern from the DEIR. See e.g., DEIR at Figure 4.12-2. The figure that purports to show visual impacts is difficult to interpret, and the analysis in the text of the DEIR does not completely correspond with the impacts illustrated in the figure. See *id.* For example, the high-density development slated for Northstar employee housing adjacent to Highway 267 is designated in the figure as an area retaining scenic value. The text of the DEIR does not specifically mention this high-density development (which may be multiple stories tall) or explain what visual "screen" would result in retention of the scenic value of the area.

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A revised DEIR should make use of photographic simulations to illustrate more clearly the Project's impacts on visual resources. A revised DEIR must include graphics depicting the extent of grading and tree removal, and impacts of new development, even if depictions are conceptual in some cases. Applications for new development at Eaglewood, Hopkins Ranch, Northstar employee housing, and the Village-at-Northstar are before the County, and thus much more detailed information regarding visual impacts is available but not presented in the DEIR. A revised DEIR must include more complete information regarding the Project's impacts on visual resources.

158-109

D. The DEIR's Identification and Analysis of Mitigation Measures Is Inadequate.

An EIR must propose mitigation measures to minimize the significant environmental effects of a project that are identified in the EIR. See Pub. Res. Code §§ 21002.1(a), 21100(b)(3).

The DEIR lacks evidence to demonstrate the efficacy or sufficiency of proposed mitigation measures, and significant impacts are not adequately mitigated. The DEIR either relies on existing County policies to mitigate potential impacts or proposes inadequate and/or inappropriate mitigation measures. Reliance on existing County policies is not specific enough for decision-makers to determine if full mitigation of impacts is feasible and if all of the potentially significant impacts of the proposed MVCP would be fully mitigated. In addition, several suggested mitigation measures are inadequate or inappropriate. For example:

158-110

- The DEIR suggests that raptor nesting sites and bat roosts can be removed or blocked once nesting has been completed or the animals leave the roost, respectively. These mitigation measures are inappropriate -- nesting/roosting habitat may be limiting, and loss of these resources may result in the long-term decline of these species in the area.

158-111

- Mitigation measures for potential impacts to mountain yellow-legged frogs must consider a broader area than just stream crossings. Chemicals in runoff from developments and associated recreational areas within the watershed of occupied stream systems must be controlled at their source to prevent these land uses from degrading water quality. These impacts will be difficult to mitigate if developments adjacent to potential mountain

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yellow-legged frog habitat are allowed to proceed. Comprehensive surveys for this species should be conducted to inform the MVCP update and allow an appropriate mitigation plan (including project design features) to be developed at this stage of the planning process.

158-112
Cont'd

- Mitigation measures for potential impacts to Lahontan cutthroat trout consist of prohibiting construction in spawning habitat during the spawning season and prohibiting structures that would block fish passage. These measures ignore the potential for the residential developments and golf courses to degrade water quality and habitat quality for this species. A comprehensive mitigation plan must be developed during the MVCP update process that addresses all aspects of the habitat and life history requirements of Lahontan cutthroat trout and other salmonid species.

158-113

- Mitigation measures for potentially significant impacts to wildlife movement consist of project-level deer surveys to determine the amount of natural open space necessary to maintain the known deer movement corridors. Effective corridor design is not practicable at the individual development project review stage. These surveys should either be conducted now as part of the MVCP process, with an appropriate land use plan developed based on the results of these surveys, or, alternatively, the proposed Land Use diagram should be modified to increase the amount of natural open space in the vicinity of the known wildlife corridors. In the face of uncertainties due to a lack of information, the proposed Land Use diagram should be more conservative to minimize potential risks to natural resources.

158-114

The DEIR also improperly defers identification of mitigation measures. The DEIR concludes that numerous significant impacts will be less than significant based on proposed policies and mitigation measures that defer action to a later date. For example, mitigation for water supply impacts of the Project proposes that water availability be demonstrated on an individual project basis. See e.g., Policy 6.C.1; MM 4.11.4.1 and MM 4.9.4. This approach is not acceptable under CEQA.

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E. The DEIR Fails to Analyze Adequately the Project's Growth-inducing Impacts.

CEQA requires that an EIR contain an analysis of a project's growth inducing impacts. Growth-inducing impacts are those that encourage or facilitate other activities or projects that could significantly affect the environment. See Pub. Res. Code § 21100(b)(5); CEQA Guidelines § 15126(d). Growth-inducing impacts include aspects of a project that "could foster economic or population growth, or the construction of additional housing," that "encourage or facilitate other activities that could significantly affect the environment," or that "remove obstacles to population growth." CEQA Guidelines § 15126.2(d). Expansion of public infrastructure, such as community service facilities and roadways, are classic examples of growth-inducing impacts of a project.

158-116

The County's MVCP is obviously a growth-inducing project in that it removes barriers to new development by setting forth policies to facilitate development and providing land use designations that allow for substantial new residential and commercial development in the Martis Valley. The MVCP also has growth inducing impacts due to the major new infrastructure to serve new development, including: water facilities (wells, storage facilities, treatment facilities) and expanded roads and intersections. Each of these project features has the potential to support growth beyond that proposed by the Project, yet there is no analysis of the growth that these facilities could support beyond the Project.

The DEIR fails altogether to describe and analyze the following growth-inducing impacts of the project:

- Growth associated with the failure of the Project to provide enough affordable and workforce housing, both for the construction phase and the operations phases of MVCP buildout. It is not clear that the mitigation proposed under the MVCP would provide even 50 percent of the workforce housing needed for the Project or any affordable housing units. Other areas that may bear the impact of the employee and affordable housing deficit include Reno, Auburn, Sparks, Kings Beach and other north shore communities.
- Growth associated with widening and expansion of roadways in the Martis Valley. For example, the MVCP provides for the widening of Highway 267 (see MVCP at 74-74), which would have significant growth-inducing

158-117

158-118

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• Growth that results from the precedent set by the County designating TPZ lands as "Forest" lands and hence allowing ski facilities, employee housing, and other inappropriate development on TPZ lands.		158-119
The DEIR's analysis of the growth-inducing impacts of the Project is inadequate. Although the DEIR provides some information about the water, sewer, housing, and roadway improvements needed within the County to accommodate the increases in population and jobs allowed under the MVCP, the DEIR does not analyze the form or amount of the development that is likely to be induced by such infrastructure expansion or analyze the environmental impacts associated with such development. The DEIR also does not analyze the Project's growth-inducing impacts outside the plan area. CEQA requires that the DEIR analyze the impacts of the form, location and amount of development that it can reasonably anticipate will be induced by the MVCP. See <u>City of Antioch v. City Council of the City of Pittsburg</u> , 187 Cal.App.3d 1325, 1337 (1986).		158-120
F. The DEIR Fails to Analyze Adequately the Cumulative Impacts of the Project.		
An EIR must discuss the cumulative impacts of a project when the incremental effects of a project are considerable when viewed in connection with the effects of other past, current, and probable future projects. CEQA Guidelines §§ 15130(a), 15065(c). The analysis of cumulative impacts is particularly important in the context of long-range planning documents because the growth allowed under general and specific plans is often substantial and because they set forth the policies that will guide the development of future, individual projects for many years. As noted in the CEQA Guidelines, one requirement of a program-level EIR for planning documents is that they provide a more thorough analysis of cumulative impacts than is required for individual projects. See CEQA Guidelines § 15168.		158-121
The DEIR fails to adequately analyze the cumulative impacts of the Project for a number of reasons including: an insufficient geographic study area, an incomplete list of projects, and failure to quantify cumulative impacts. The discussion of cumulative impacts must include a summary of the expected environmental effects to be produced by those projects, a reasonable analysis of the cumulative impacts, and full consideration of all feasible mitigation measures that could reduce or avoid any significant cumulative effects of a proposed project. See CEQA Guidelines §§ 15126.4(a)(1) and 15130(b)(3).		

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The DEIR fails to meet these requirements.

The study area for the majority of the DEIR's cumulative impact analysis is too small. The DEIR's study area for a number of impact analyses fails to reveal the true nature of the proposed project's cumulative impacts and, thus, is deficient under CEQA. For example, the study area for traffic and housing should include Reno, Auburn, Kings Beach, and north shore communities, because as noted by the DEIR, employees will be residing in these areas and their numbers are significant. The study area for biological resources should be based on the critical habitat and recovery areas for the key species.

158-121
Cont'd

A legally adequate cumulative impacts analysis must consider the impacts of the Project combined with other past, present, and probable future projects. CEQA Guidelines § 15130(b)(1). Projects currently under environmental review clearly qualify as reasonably probable future projects to be considered in a cumulative impacts analysis. See *San Franciscans for Reasonable Growth v. City and County of San Francisco*, 151 Cal.App.3d 61, 74 n.13 (1984). In addition, projects anticipated beyond the near future should be analyzed for their cumulative effect if they are reasonably foreseeable. See *Bazung v. Local Agency Formation Comm'n*, 13 Cal.3d 263, 284 (1975). Here, the DEIR's list of cumulative projects is incomplete because it omits projects planned in Truckee and Lake Tahoe as well as the Martis Valley. In particular, the DEIR omits the following projects from the cumulative impact analysis: expansion of the Truckee-Tahoe Airport, expansion of the Teichert Mine, the Northstar-at-Tahoe Mountain Improvements Project, Town and Country Center Project (Truckee), Alpine Knolls Subdivision (Alpine Meadows), Homesites-at Squaw Creek #2 (Bear Creek Valley), Meadows Subdivision (Sugar Bowl), Mourelatos Lakeshore Resort (Tahoe Vista), Plumpjack Squaw Valley Inn Expansion Project (Squaw Valley), Tahoe City Marina Expansion Master Plan (Tahoe City), Tahoe Sands Resort Redevelopment (Tahoe Vista), and Whispering Pines Village (Kings Beach), among others.

The DEIR's cumulative impact analysis fails to quantify cumulative impacts. The cumulative impact discussions are conclusory and devoid of meaningful qualitative and quantitative information. For example, the analysis of cumulative biological impacts lacks quantified information regarding the actual acreage of species habitat that would be threatened or lost due to cumulative development, the total amount of acreage of open space lost to development, a description of cumulative traffic conditions, or a measure of resulting air and water quality. The EIR does not provide decision-makers with any objective measure of cumulative impacts and is inadequate.

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G. The DEIR Fails to Analyze a Reasonable Range of Alternatives to the Project.

CEQA requires that an EIR analyze a reasonable range of alternatives to a project, or to the location of a project, that would feasibly attain most of the basic project objectives while avoiding or substantially lessening the project's significant impacts. See Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). Sound planning principles also dictate that the County consider a reasonable range of alternatives to the Project because this is the first update of the MVCP in nearly 30 years, and decision-makers must be presented with an adequate range of choices for the future of the Martis Valley based on current knowledge of conditions and constraints in the area.

158-123

The DEIR's analysis of alternatives falls short of the standard dictated by CEQA and sound planning principles. All of the alternatives analyzed in the DEIR provide for a significant amount of development in the Martis Valley. While the proposed MVCP allows for development of 20,467 dwelling units, the three alternatives allow for 15,360 units (Alternative AA, Existing MVCP), 17,496 units (Alternative AB), and 16,959 units (Alternative AC) respectively. See DEIR at 3.0-20 to 3.0-23. The summary table of project impacts (see DEIR Table 2.0-1, at pages 2.0-4 to 2.0-113) indicates that the alternatives have nearly identical impacts and do not represent an adequate range of alternatives.

The alternatives considered should be consistent with the in-fill and natural resource protection policies of the Placer County General Plan discussed in Section 1.A above. A reasonable range of planning alternatives for the Martis Valley would include:

- "Status-quo infrastructure" alternative. None of the alternatives presented limits development to that which could be served by existing roads and infrastructure, consistent with existing acceptable levels of service.
- "Biological and natural resources" alternative. A biological and natural resources alternative could be based on a comprehensive constraints map showing areas to be avoided in light of the Placer County General Plan natural resource policies and environmental factors including: ridgelines, significant ecological resources, wildlife corridors, and maintenance of large unfragmented habitats.
- "Conservation plan" alternative. Placer County has initiated a conservation

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planning effort for western Placer County. This process involves development of comprehensive information concerning biological resources to inform planning. This alternative would involve initiation of a conservation plan effort for the Martis Valley, with either a temporary moratorium on new development until the plan is completed or agreements for limited development until the conservation plan is completed.

- "Restricted development" alternative. No alternative proposes a restricted development alternative which would significantly limit new development. A number of California counties, including El Dorado and Monterey, are currently proposing such alternatives within unincorporated areas based on a combination of reasons, including: (1) smart planning, which suggests development should be directed to existing urban communities where services already exist; (2) the costs of extending infrastructure and services to unincorporated areas; (3) overextended services. Other Counties, including San Diego, are both eliminating "specific plan" development areas and including a transfer of development rights program in their updated general plan to direct growth to existing urban and suburban areas where services either exist or can be provided more efficiently. A revised DEIR must include a significantly reduced development alternative.

158-124
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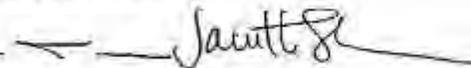
CONCLUSION

For the reasons set forth above, we respectfully request that the County prepare a revised DEIR that fully complies with CEQA and re-circulate the DEIR to the public for comment. Additionally, we request that no further consideration be given to the Project as proposed until an EIR is prepared that fully complies with CEQA.

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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

RICHARD S. TAYLOR

JANETTE SCHUE

Enclosures

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- Exhibit 1: Terrell Watt, C.V.
- Exhibit 2: Michael D. White, C.V.
- Exhibit 3: Completing the Vision at Northstar (web information)
- Exhibit 4: Tahoe Mountain Resorts - Old Greenwood (web information)
- Exhibit 5: The Mountain Club, Fractional Ownership (web information)
- Exhibit 6: Marriott Grand Residence Club, Lake Tahoe (web information)
- Exhibit 7: Northstar-at-Tahoe, Summer 2002
- Exhibit 8: Tahoe Mountain Resorts - Four-Season Resort (web information)
- Exhibit 9: Completing the Vision, Northstar-at-Tahoe and East West Partners
- Exhibit 10: Truckee River Watershed Baseline Assessment and Map
- Exhibit 11: U.S. EPA, Climate Change and Mountain Regions (web information)
- Exhibit 12: Living with Fire, A Guide for Homeowners (San Mateo County)

cc: Homeowners Engaged in Local Planning - Northstar
Mountain Area Preservation Foundation
SierraWatch
Community Development Director, Town of Truckee
Truckee Donner Recreation and Park District
Tahoe Truckee Unified School District
Placer County Water Agency
Judy Creek, Planning Commissioner, Placer County
Rex Bloomfield, Board of Supervisors, Placer County
Director of Planning, Nevada County Planning Department
Foothill Land Use Commission
Regional Water Quality Control Board, Lahontan Region
Northern Sierra Air Quality Management District
California Department of Fish & Game
Caltrans
U.S. Army Corps of Engineers
Tahoe National Forest
U.S. Fish & Wildlife Service
U.S. Environmental Protection Agency

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EXHIBIT 1

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Terrell Watt, AICP
Terrell Watt Planning Consultants
1757 Union Street
San Francisco, CA 94123
telephone: (415) 563-0543
fax: (415) 563-8701
cell phone: (415) 377-6280
email: terrywatt@worldnet.att.net

EXPERIENCE

- 1989 - **TERRELL WATT PLANNING CONSULTANTS**
Planning consulting firm owner.
- 1981-1989 **SHUTE, MIHALY & WEINBERGER**
Urban Planner/Paralegal.
Reviewed planning and environmental review documents for adequacy, advised on planning and environmental review processes, prepared planning documents, and provided expert witness testimony.
- 1981-1983 **MUNDIE & ASSOCIATES**
Economic and Environmental Planner;
Project Manager for preparation of agricultural land analyses, planning documents and environmental impact reports.
- 1979-1980 **EDAW, INC.**
Project Manager;
Projects included drafting of general plans, specific plans, environmental documents, and project design plans.

PROFESSIONAL MEMBERSHIPS

American Institute of Certified Planners (AICP)
American Planning Association (APA)

EDUCATION

USC GRADUATE SCHOOL OF URBAN AND REGIONAL PLANNING
Masters degree in City and Regional Planning

STANFORD UNIVERSITY
Bachelors degree in Urban Studies

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RECENT PROJECTS

- Santa Clara County Parks and Recreation Department: Currently working with 2M Associates, Inc., to assist the Department to develop a Countywide Strategic Plan primarily directed at managing and improving existing parks and recreation facilities. Work effort includes: 1) working with the Advisory Committee to develop the Strategic Plan and draft action plans, including a resource management plan, and 2) facilitating public workshops related to Plan development. Reference: Lisa Killough, Assistant Director, (408) 355-2219.
- Santa Clara County Land Trust: Assisted the Land Trust to develop an agricultural conservation strategy for agricultural lands adjacent to Gilroy and Morgan Hill (a willing seller/agricultural easement program). Reference: Nancy Richardson, Executive Director, (408) 224-0114.
- David and Lucile Packard Foundation - Conserving California Landscapes Initiative Grant: Developed a Conservation Plan for the Central Coast of California, including Monterey, Santa Cruz and Santa Clara counties. The Plan identifies “no regrets” acquisition parcels based on habitat, agricultural and scenic values and identifies long-term conservation strategies. Reference: Bill Leahy, The Nature Conservancy, (415) 777-0487.
- Mid-Peninsula Regional Open Space District: Currently working with 2M Associates, Inc., to assist the District in its proposed boundary change to include San Mateo Coast within its jurisdiction. The work effort includes: 1) facilitating meetings of the Advisory Committee, and 2) development of a project description for the area including acquisition and management policies, preparation of the Local Agency Formation Commission annexation applications, and responsibility for the LAFCO process. Reference: Craig Britton, General Manager (650) 691-1200.
- City of Livermore Habitat Conservation Plan: Advised the City on the development of a Memorandum of Agreement with the USFWS and CDFG for the completion of a regional HCP. Obtained a Section 6 Grant for the City’s effort. Reference: Marc Roberts, Community Development Director, (925) 373-5200.
- Bay Conservation and Development Commission (BCDC): Assisted in the development of a revised San Francisco Bay Plan that will result in (1) additional piers being removed to create new public open spaces and bay views, (2) new land uses in return for new public plazas in conjunction with development, and (3) public access within and around piers. Reference: Jeff Blanchfield, Director of Planning.

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- Infill Working Group: Assisted Environment Now to launch an "Infill Working Group," including representatives of the development community, the State Department of Housing and Community Development and Caltrans to develop a model infill assessment methodology. The work efforts includes facilitation of the Infill Working Group monthly meetings. Funding provided by an Environmental Equity grant from Caltrans, and matching funding from Environment Now and the City and County of Los Angeles. Reference: Dave Myerson, Environment Now (310) 829-5568.
- Marin Local Agency Formation Commission: Assisted in the review of Sphere's of Influences (SOT's) in response to the Hertzberg amendments to the Cortese-Knox-Herberg Local Government Reorganization Act. Currently working on the Southern Marin Sphere of Influence report, which includes a public agency and community outreach component. Reference: Peter Banning, Executive Officer (415) 446-4409.
- Monterey County Planning: Currently assisting local community groups in Monterey County to promote policies that are supportive of "smart growth" and resource conservation in the County General Plan update. The effort includes significant community outreach and agency coordination. Reference: Jean Driscoll, Resources Law Group.
- City of Livermore: Assisted the City in preparing general plan amendments, and a specific plan for the South Livermore Valley "winecountry." The plans were developed collaboratively with members of the community and landowners. The plan includes: (1) fees and dedication requirements in return for limited, clustered new development; (2) development of a model conservation easement; (3) transfer of development rights to protect open space; and (4) protection of up to 10,000 acres of agricultural lands beyond an urban growth boundary. The effort also resulted in the launching of a land trust and a voter approved urban growth boundary.
- Silicon Valley Conservation Council: Assisted in the passage of a local measure to raise funding for open space in the region. Headed up the campaign and public outreach effort, which will raise \$8 million per year for open space acquisition and management. The Council includes representatives of the Silicon Valley Manufacturing Group, Cisco Systems, Greenbelt Alliance, the Santa Clara County Land Trust and Santa Clara County Open Space Authority, The Nature Conservancy, among other groups.
- The Nature Conservancy and Sierra Los Tulares Land Trust: Currently assisting these organizations to develop a conservation plan for Tulare County and to develop strategies for agricultural and habitat land conservation. Reference: Alex Mas, TNC (415) 777-0487.

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- Endangered Habitats League: Provide ongoing assistance reviewing and commenting on general plan updates and environmental documents for Orange, San Bernadino, San Diego and Riverside counties. Assisting in the development of a transfer of development rights concept to address rural property rights issues in San Diego County. Reference: Dan Silver, Director (323-654-1456).
- Cambria Pine Forest Committee: Prepared a "white paper" on alternative organizational structures and funding sources for the management of the remaining stands of native Monterey Pine forest in San Luis Obispo County. Reference: Paul Cylinder, Jones and Stokes (916)373-7000

EXHIBIT 2



Michael D. White, Ph.D.—Curriculum Vitae

Conservation Biology Institute

San Diego Office
651 Cornish Drive
Encinitas, CA 92024
Phone: (760)634-1590
Fax: (760)634-1590
Email: mdwhite@consbio.org

SUMMARY

Dr. White has over 16 years of experience conducting ecological research, species and habitat conservation programs, and impact assessment studies throughout the Southwestern U.S. and the Pacific Rim. His project experience includes multiple species conservation planning, lake management and water quality assessments, riparian and stream assessments and restoration, aquatic invertebrate ecology, ecological risk assessments, environmental impact analyses, resource management plans, and regulatory compliance for wetlands and endangered species. Dr. White has extensive limnological experience, and his technical expertise includes the ecology of aquatic and riparian habitats, water resources management, use of GIS for environmental analyses, experimental design and statistical analysis of ecological data, aquatic invertebrate sampling techniques, and physical and chemical measurements and analyses in aquatic systems. His research explores the interrelationship of hydrological and biological parameters and how they are influenced by land use and water management practices.

Dr. White is currently developing habitat management plans for preserve areas within the San Diego Multiple Species Conservation Program (MSCP) preserve system, developing and assisting with the implementation of regional biological monitoring programs, and advising state and federal agencies on the development of a data management system for regional biological monitoring data. He is also providing technical support for several regional conservation planning and biological monitoring projects in San Diego County. These technical efforts involve coordination with local governmental agencies (e.g., City of San Diego, San Diego Association of Governments), state and federal wildlife and land management agencies (i.e., California Department of Fish and Game, U.S. Fish and Wildlife Service, Bureau of Land Management), local academic and research institutions (San Diego State University, San Diego Natural History Museum, U.S. Geological Survey, San Diego Supercomputer Center) and non-governmental organizations (e.g., The Nature Conservancy, Pronatura, National Wildlife Federation, Southwest Wetlands Interpretive Association, Endangered Habitats League, Back Country Land Trust). Dr. White also serves on the Technical Advisory Committee of the San Diego Tracking Team, a volunteer organization that conducts wildlife tracking studies and promotes environmental awareness in San Diego County.

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Dr. White is a board member of the Conservation Biology Institute and manages the Institute's Southwestern Operations office. He is an Adjunct Associate Professor in the Biology Department and a Faculty Associate at the Center for Inland Waters at San Diego State University. Dr. White has taught a course in environmental policy and regulations at San Diego State University, and he regularly lectures on a variety of subjects, including habitat conservation planning, experimental design and statistical analysis, limnology and aquatic ecology, and ecological risk assessment.

EDUCATION

Ph.D. Ecology, San Diego State University and University of California, Davis, 1991.
Dissertation: Horizontal distribution of pelagic zooplankton in relation to predation gradients
B.A. Ecology, Behavior and Evolution, University of California, San Diego, 1982.

PERSONAL

Born July 20, 1960, Los Angeles, California (citizen of U.S.A.).
Married.

PROFESSIONAL ORGANIZATIONS AND AFFILIATIONS

Adjunct Professor, San Diego State University
Faculty Associate, Center for Inland Waters, San Diego State University
Society for Conservation Biology
Ecological Society of America - Certified Senior Ecologist
American Fisheries Society
American Society for Limnology and Oceanography
Societas Internationalis Limnologiae
North American Lake Management Society
Society for Conservation GIS
Southwest Association of Naturalists
Arizona Riparian Council

Dr. White holds an Endangered Species Act 10(a)(1)(A) Scientific Collecting Permit (#TE027425-0) for the following species listed under the Act:

- Conservancy fairy shrimp (*Branchinecta conservatio*)
- Longhorn fairy shrimp (*Branchinecta longiantenna*)
- Riverside fairy shrimp (*Streptocephalus woottoni*)
- San Diego fairy shrimp (*Branchinecta sandiegonensis*)
- Vernal pool fairy shrimp (*Branchinecta lynchi*)
- Vernal pool tadpole shrimp (*Lepidurus packardii*)

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EMPLOYMENT HISTORY

July 1999 – present. Senior Ecologist and Manager of the Southwest Operations office of the Conservation Biology Institute, San Diego, California. Providing administrative and fiscal oversight of a four-person operation with revenues of approximately \$500K/yr. Responsibilities include proposal preparation, oversight of office contracts, staff timekeeping and project tracking, accounts payable, accounts receivable, and project management.

September 1991 – present. Adjunct Professor, San Diego State University, San Diego, California.

July 1998 – July 1999. Senior Technical Specialist. Ogden Environmental and Energy Services Co., Inc., San Diego, California. Responsibilities included providing technical oversight of the Lower Colorado River Multiple Species Conservation Program project and senior technical support of project staff.

January 1997 – June 1998. Manager, Aquatic Sciences Group, Ogden Environmental and Energy Services Co., Inc., San Diego, California. Managed a group of nine professional aquatic scientists with revenues of approximately \$2M/year. Responsibilities included administration, marketing and proposal preparation, strategic planning, annual budgeting and performance tracking, timekeeping oversight, personnel supervision (including direct supervision of four professional biologists), project management, and project technical support.

January 1994 – December 1996. Deputy Manager, Biological Resources Group, Ogden Environmental and Energy Services Co., Inc., San Diego, California. Deputy manager for a group of 23 professional biologists. Responsibilities included, marketing and proposal preparation, strategic planning, annual budgeting, group health and safety program oversight, personnel supervision (including direct supervision of five professional biologists), project management, and project technical support.

September 1989 – July 1994. Senior Ecologist, Ogden Environmental and Energy Services Co., Inc., San Diego, California. Responsibilities included marketing and proposal preparation, project management, project technical support, and direct supervision of three professional biologists.

September 1983 – December 1990. Graduate Assistant, San Diego State University, San Diego, California.

July 1984 – June 1985. Graduate Assistant, UC Davis Tahoe Research Group, Lake Tahoe City and Davis, California.

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PROJECT EXPERIENCE

REGIONAL HABITAT CONSERVATION PLANNING, MONITORING, AND MANAGEMENT

South Coast Missing Linkages Project – South Coast Wildlands Project. Working on a project in partnership with the South Coast Wildlands Project, The Nature Conservancy, and Pronatura to conduct planning studies on five important habitat linkages in the U.S.-Mexico border region. The Conservation Biology Institute is taking the lead on two of the five linkages. One is linking National Forest land in the Laguna Mountains with important habitats in Baja California through the Campo Valley area of San Diego County. The other is linking habitats in the Jacumba Mountains with those in the Sierra Juarez in Baja California. The project will result in a detailed comprehensive report describing threats and conservation opportunities for each of the five linkages described above. The report will also evaluate the likely biological impacts of losing ecoregional connectivity in these areas.

Habitat Management Planning for the Lake Hodges/San Pasqual Valley MSCP Preserve Area – City of San Diego. Project manager for the development of a habitat management plan for the over 9,000-acres Lake Hodges/San Pasqual Valley MSCP Preserve Area. Coordinating a team of specialists associated with CBI, local biologists, the U.S. Geological Survey, and San Diego State University to conduct baseline surveys and map the distributions of key resources, including vegetation communities, rare plants, Hermes Copper butterflies, herpetofauna (including arroyo southwestern toad), and breeding riparian birds (including least Bell's vireo and southwestern willow flycatcher). The management plan will address issues such as control of adjacent land use impacts, fire management, recreational access, fencing, exotic species control, monitoring, and research.

Multiple Species Conservation Program – City of San Diego Clean Water Program. Participated in development of a conservation and management plan for federally listed species and key candidate species and their habitats in a 900-square-mile area in San Diego County. Coordinated the development of a GIS-based habitat evaluation model; prepared hydrologic management guidelines for the preserve system, and assisted with development of the species and habitat monitoring program for the preserve system.

Regional Conservation Planning and Constraints Analyses for Eastern San Diego Mountains – The Nature Conservancy. Worked with The Nature Conservancy and a team of regional scientific experts to prioritize conservation opportunities for a 400,000-acre area in San Diego County that includes the headwaters of five major watersheds. The study involved development and review of a spatial and non-spatial database for the area, identification of regionally important resources and landscape connections, and a gap analysis to identify regionally important resources that were in private ownership and zoned for development or agriculture. CBI identified and evaluated the potential effects

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of land uses and other stressors, including those that may affect downstream portions of the watersheds. CBI and a team of scientists conducted biological surveys of selected properties. As a result of the studies, CBI prepared a conservation strategy report that identifies conservation priorities, research needs, land use constraints, potentially compatible land uses and appropriate locations, restoration opportunities, and habitat management goals.

MSCP Monitoring Program Coordination – California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (USFWS) and City of San Diego. Working with the City of San Diego and other San Diego County jurisdictions, USFWS, and CDFG to implement the Subregional Biological Monitoring Program for the San Diego MSCP. As part of this effort, CBI is compiling an inventory of existing monitoring efforts in western San Diego County, developing a strategic framework of the roles and responsibilities of the monitoring partners, refining biological monitoring protocols, developing structures and protocols for managing large biological databases, formulating a strategy for developing a centralized database repository, and developing a web site to disseminate MSCP-related information to the public.

Regional Biological Monitoring Plan for the Multiple Habitats Conservation Program – San Diego Association of Governments. Developing a regional biological monitoring plan for the North Coastal San Diego County Multiple Habitats Conservation Program (MHCP). The plan is being developed in coordination with the California Department of Fish and Game and the U.S. Fish and Wildlife Service and the seven North San Diego County cities participating in the MHCP. The MHCP biological monitoring program is intended to provide a systematic data collection effort to gauge the progress and success of the habitat preserve system. The plan addresses regional monitoring objectives and describes specific monitoring approaches for riparian communities, uplands, vernal pools, coastal lagoons, and wildlife movement corridors within the preserve system.

Monitoring Program for the Santa Margarita River – The Nature Conservancy. Developed a program to monitor future potential changes on the Santa Margarita River associated with modification of base flows resulting from a water rights settlement on the river. Base flow augmentation resulting from the settlement has been designed to mimic natural discharge patterns historically observed in the river. The monitoring plan was structured around geomorphically distinct reaches of the river that are anticipated to respond similarly to river hydrology. Elements considered in the monitoring plan include biological resources (riparian and coastal stream communities), water quality, discharge, and channel geomorphics. The objective of the monitoring program is to quantify conditions prior to the modification of base flows and to track changes following base flow augmentation.

Habitat Management Planning for the Marron Valley Preserve Area – City of San Diego. Project manager for the development of a habitat management plan for the 2,600-acre Marron Valley MSCP Preserve Area. Coordinating a team of biologists associated

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with CBI, the U.S. Geological Survey, and the San Diego Natural History Museum to conduct baseline surveys and map the distributions of key resources, including vegetation communities, rare plants, Quino checkerspot butterflies, herpetofauna (including arroyo southwestern toad), and breeding riparian birds (including least Bell's vireo and southwestern willow flycatcher). Dr. White conducted surveys for the endangered San Diego fairy shrimp in vernal pools on the property. The management plan will address issues such as cattle grazing, fire management, access, fencing, exotic species control, monitoring, and research.

Wildlife Corridor Monitoring Study – City of Poway and City of San Diego. The study evaluated the use of designated wildlife corridors by target mammal species, including mountain lions, bobcats, coyotes, mule deer. Field monitoring was conducted in the Los Penasquitos, Carmel Valley, Carmel Mountain/Del Mar Mesa, and eastern Poway areas by a graduate student and by a local volunteer organization using different methodologies. CBI analyzed the data generated to assess the functionality of the wildlife corridors and to compare the methods.

Lower Colorado River Multi-Species Conservation Program – National Fish and Wildlife Foundation. Served as a technical consultant to the plan development team for the Lower Colorado River Multiple Species Conservation Program (LCR MSCP). The LCR MSCP plan is being prepared for a consortium of federal and state agencies (California, Nevada, and Arizona), water and hydropower interests, and Native American Tribal governments. The LCR MSCP was initiated to optimize opportunities for current and future water and power development in the lower Colorado River basin, while working towards conservation of listed and selected unlisted species and their habitats in compliance with both the federal and California Endangered Species Acts. The result of the plan will be the issuance of incidental take authorizations under Sections 7 and 10(a)(1)(B) of the Endangered Species Act, and Section 2835 of the California Natural Communities Conservation Program Act for those species deemed to be adequately addressed by the plan, through a combination of conservation, management, restoration, and operational measures.

Responsibilities include providing overall technical oversight for the project team. Current efforts involve the development of a conservation strategy for the program and alternatives for evaluation under the California Environmental Quality Act and National Environmental Policy Act. The conservation strategy will involve a strong riparian habitat restoration component, which involves integrating the requirements of riparian species with the hydrologic and hydraulic conditions on the river in light of future water management scenarios (e.g., intrastate water transfers to achieve compliance with California's 4.4 Plan, offstream storage and interstate transfer rules). Implementation of the conservation strategy will have to consider large-scale water management activities and water accounting practices dictated by the large body of legislation and court decrees collectively known as the Law of the River.

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CONSERVATION OUTREACH, TRAINING, AND EDUCATION

San Dieguito River Watershed Information System – San Dieguito River Valley Conservancy. Directing the development of a Geographic Information System (GIS) based information system that will assist the Conservancy and the San Dieguito River Valley Joint Powers Authority (JPA) with planning, land acquisition and conservation, and community outreach. The project has been funded by the San Diego Foundation. The GIS tool will combine available regional data layers such as land use, land ownership, biological resources information, topography, water resources information, and political boundaries, into a user-friendly mapping and analysis tool. The tool will allow staff at the Conservancy and JPA to combine various data layers for environmental analyses, to track resource and land status in the watershed, and to create maps and displays for outreach purposes.

Aquatic Ecology Training Program – Campo Environmental Protection Agency. Conducted training of tribal members working for the Campo Band of Mission Indians Environmental Protection Agency (Campo EPA) in aquatic and riparian resource ecology, inventory, and restoration. The program was funded under Section 106 of the Clean Water Act. The ultimate goal of the program was to provide tribal members sufficient training to allow for an efficient and effective transition of delegation of authority over water resources matters to the Campo Band. Conducted training in riparian ecology, aquatic invertebrate ecology, Rapid Bioassessment Protocols, and stream and riparian restoration techniques.

Lake Ecology Display – City of San Diego. Developed an educational display for “Lake Day” sponsored by the City of San Diego Recreational Lakes Program and held at Lake Morena, San Diego County, California. The display included a presentation of physical dynamics of lake (thermal stratification and turnover), oxygen dynamics, microscope viewing of zooplankton, and a listing of local fish species. Questions from the public were entertained.

TECHNICAL STUDIES

The Influence of Watershed Development on the Hydrology and Biology of Los Peñasquitos Creek – The San Diego Foundation Blasker Rose-Miah Fund. Dr. White was awarded a research grant for this project in watershed of Los Peñasquitos Creek. The Los Peñasquitos Creek watershed is a small coastal watershed in San Diego, California that contains significant areas of conserved natural habitats. The study will examine how patterns of land use change in the Los Peñasquitos Creek watershed have affected downstream hydrology of the creek, channel geomorphology, and associated riparian vegetation communities.

Salton Sea Water Quality Management Project – Salton Sea Authority. Project manager for a program funded under a USEPA Clean Lakes Grant, which summarized

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and presented environmental and economic analyses of salinity and surface elevation management alternatives at the Salton Sea. Contracted with the Salton Sea Authority, a Joint Powers Authority comprised of the counties of Imperial and Riverside, the Imperial Irrigation District, and the Coachella Valley Water District. The purpose of the project was to identify, summarize, and evaluate alternatives for managing the salinity and elevation of the Salton Sea. The project entailed interaction with the USEPA, U.S. Army Corps of Engineers, Bureau of Reclamation, U.S. Fish and Wildlife Service, California Department of Fish and Game, Regional Water Quality Control Board, California Environmental Protection Agency, and local citizens groups to identify and summarize their concerns.

Guajome Lake Water Quality Assessment Project – County of San Diego. Project manager for a water quality study at Guajome Lake in northern San Diego County funded under the U.S. Environmental Protection Agency's (USEPA) Clean Lakes Program. The focus of the project was to characterize water quality in the lake through field sampling and chemical analysis of soil, sediment, stream flow, and lake water to identify pollution problems in the lake and its watershed. The project included preparation of a Quality Assurance Project Plan (QAPP), assessing historic uses of agricultural chemicals in the watershed, estimating sediment and chemical constituent loadings to the lake with watershed modeling techniques, developing and assessing pollution control measures, and developing pollution control and water quality monitoring programs for the lake.

San Diego River Live Stream Discharge Studies – City of San Diego. Biology task manager for analysis of potential effects of live stream discharge of reclaimed water to the San Diego River. Objectives of the study were to determine the feasibility of a live stream discharge program in light of the potential effects to wetlands (including habitat for the endangered least Bell's vireo), aquatic fauna, water quality, and public health. Responsibilities included an assessment of the effects of varying quantities of live stream discharge on fisheries habitat, riparian and salt marsh wetlands, wetland-associated terrestrial species, and disease vectors. Completion of this task required interpretation of the QUAL2E water quality model output and hydraulic modeling output.

Olivenhain Reservoir Limnological Assessment – Olivenhain Water District. Project manager and technical lead for the assessment of anticipated limnological conditions of a planned reservoir in San Diego County. The assessment projected anticipated thermal stratification and dynamics of nutrients, dissolved oxygen, and other water quality constituents. Recommended design features to better manage water quality in the reservoir, including a multi-port outlet tower to allow selective withdrawals, artificial circulation/hypolimnetic aeration, and a separate inlet structure for aqueduct inflows.

Fairy Shrimp Survey and Assessments – Twentynine Palms Marine Corps Air Ground Combat Center. Task manager overseeing field surveys of anostracans (primarily fairy shrimp) in desert playas and impact assessments of base operations on these resources. Field surveys involved collecting samples of sediments containing

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anostracan eggs that were reared in controlled conditions in the laboratory. The impact assessment primarily evaluated the effects of vehicle traffic (e.g., tanks and armored personnel carriers) to desert playa habitats.

Fairy Shrimp Surveys – Rancho del Rey, City of Chula Vista. Performed field surveys of remnant vernal pools on Otay Mesa to characterize the fairy shrimp fauna on a proposed development site.

Fisheries Survey – Newhall Land and Farming. Conducted a field survey of native fishes in the Santa Clara River, Los Angeles County, California, as part of an emergency road crossing project. The purpose of the survey was to document the species present in the study area and to relocate fish potentially impacted by construction operations to areas outside of the impact zone as conditioned in the California Department of Fish and Game Streambed Alteration Agreement for the project. Species of particular interest were threespined stickleback (*Gasterosteus aculeatus*), arroyo chub (*Gila orcutti*), and Santa Ana sucker (*Catostomus santaanae*).

Impacts of Threadfin Shad on Largemouth Bass – San Diego State University. Participated in a project to examine the impacts of threadfin shad introductions on aquatic biota in southern California reservoirs. Sampled fish and plankton, conducted physical and chemical analyses, and conducted echosounding in six lakes in San Diego County. Identified zooplankton and provided statistical review.

Impacts of Opossum Shrimp on Zooplankton – Tahoe Research Group. Participated in a project assessing the impacts of opossum shrimp (*Mysis relicta*) introductions on Lake Tahoe zooplankton. Installed experimental enclosures with scuba, sampled and counted zooplankton, and analyzed data. Performed a variety of routine limnological analyses such as collection of temperature, oxygen, and nutrient profiles. Conducted short-term opossum shrimp feeding experiments.

ENVIRONMENTAL IMPACT ANALYSIS AND REGULATORY COMPLIANCE

Evaluation of the Cabo San Quintín Development Project and Environmental Impact Study – pro esteros and Endangered Habitats League. Conducted an evaluation of the proposed Cabo San Quintín development plan and associated Mexican environmental impact study (Manifestación de Impacto Ambiental) for the Punto Mazo peninsula, San Quintín, Baja California, Mexico. The evaluation discussed inadequacies and inconsistencies of the environmental analysis, and presented an independent analysis of key project features and their potential impacts. Key points discussed in the evaluation included the inadequate consideration of Mexican endangered species laws, state land use regulations, potable and irrigation water supply issues, waste water treatment and potential nutrient loading, potential effects of marina dredging on the Bahía San Quintín, potential impacts to endemic species and sensitive habitats, and potential socioeconomic

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impacts associated with the increased regional infrastructure and services needs that would result from implementing the project.

Wetlands Permitting, Mission Valley West Light Rail Transit – Metropolitan Transit Development Board. Project manager responsible for coordinating wetlands and endangered species permitting for the Mission Valley West Light Rail Transit project. Conducted a Section 404(b)(1) alternatives analysis, selected potential riparian mitigation sites, acted as permitting agency liaison, coordinated development of a wetlands mitigation plan, conducted U.S. Army Corps of Engineers 404 and California Department of Fish and Game Streambed Alteration Agreement permitting, and coordinated Section 7 consultation for the endangered least Bell's vireo.

Wetlands Permitting and Mitigation Plan, East Mission Gorge Sewer Interceptor Force Main and Pump Station – City of San Diego Water Utilities Department. Prepared a detailed wetlands mitigation plan for impacts associated with the construction of a sewage pump station and force main. The wetlands mitigation plan was developed in consultation with the U.S. Fish and Wildlife Service, California Department of Fish and Game, and City of San Diego. The mitigation plan was required for the U.S. Army Corps of Engineers' Section 404 and California Department of Fish and Game 1601 permitting process.

ECOLOGICAL RISK ASSESSMENTS

Ecological Risk Assessment, U.S. Naval Activities (NAVACTS), Guam – U.S. Navy. Coordinated investigations in support of ecological risk assessments for terrestrial and freshwater habitats at four sites at NAVACTS Guam. Field studies included mapping and characterization of vegetation and wildlife habitat, floral and faunal inventories, collection of soils and sediments for toxicity tests and chemical analyses, and analysis of resident biota for contaminant bioaccumulation. This information was compared to data from offsite reference areas. These data were used to develop preliminary ecological risk assessments evaluating the potential risk that the chemicals onsite posed to aquatic and terrestrial communities. Of special concern was the potential for adverse impacts to the endangered Mariana common moorhen, which utilizes freshwater marshes in the area. Chemicals of concern for these sites included metals, pesticides, polychlorinated biphenyls (PCBs), dioxins, petroleum hydrocarbons, and polynuclear aromatic hydrocarbons (PAHs).

Ecological Risk Assessment, Old WESTPAC Site, NAVACTS, Guam – U.S. Navy. Coordinated field studies at NAVACTS, Guam to sample soils and freshwater sediments for chemical analyses and toxicity tests. Collected aquatic and terrestrial organisms for tissue analyses to determine bioaccumulation of chemicals found onsite. These data were used to develop a preliminary ecological risk assessment evaluating the potential risk that the chemicals onsite posed to aquatic and terrestrial communities. Of particular concern

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were wetlands supporting the endangered Mariana common moorhen. Chemicals of concern included metals, pesticides, PCBs, petroleum hydrocarbons, and PAHs.

Ecological Risk Assessment RCRA Facilities Investigation – Rocketdyne Division, Boeing North American. Task manager overseeing the development of ecological risk assessments at 36 sites at the 2,500-acre Santa Susana Field Laboratory (SSFL) for the Rocketdyne Division of Boeing North American. Supervised biologists conducting extensive field surveys of the SSFL that involved vegetation community mapping, rare plant surveys, and wildlife species inventories. Coordinated with the California Department of Toxic Substances Control (DTSC) on development of a series of “white papers” describing the approach and methodologies that will ultimately be employed to conduct the risk assessments for the SSFL. The white papers dealt with issues such as determining background concentrations, selecting contaminants of concern, proposed conceptual site models, calculation of exposure point concentrations, development of exposure model parameters, and risk-based decision criteria.

PUBLICATIONS AND PRESENTATIONS

PUBLICATIONS AND REPORTS

White M.D. In MS. A new record of *Branchinecta sandiegonensis* in Marron Valley, San Diego County, California. Submitted to *The Southwestern Naturalist*

White M.D. and K.A. Greer. 2002. The Effects of Watershed Urbanization on Stream Hydrologic Characteristics and Riparian Vegetation of Los Peñasquitos Creek, California. Prepared for the San Diego Foundation. July. (MS in prep. For submission to *Wetlands*).

Strittholt, J.R., N.L. Stauss, and M.D. White. 2000. Importance of Bureau of Land Management Roadless Areas in the Western U.S.A. Prepared for the National Bureau of Land Management Wilderness Campaign by the Conservation Biology Institute. March.

White, M.D. 1999. The Lower Colorado River Multi-Species Conservation Program. *Arizona Riparian Council Newsletter* 12(1). January.

White, M.D. 1998. Horizontal distribution of pelagic zooplankton in relation to predation gradients. *Ecography* 21:44-62.

Hurlbert, S.H. and M.D. White. 1994. Experiments with invertebrate zooplanktivores: Quality of statistical analysis. *Bulletin of Marine Science* 53(2):128-153.

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White, M.D. 1993. Morphological characteristics of threespined sticklebacks (*Gasterosteus aculeatus*) from the Sweetwater River, San Diego County, California. *Proceedings of the Western Association of Fish and Wildlife Agencies 73rd Annual Conference*. Pages 219-224. July.

PRESENTATIONS

White, M.D. 2002. A review of the ecological effects of roads with examples from Southern California. Presented to the National Research Council Committee on the Ecological Impacts of Road Density. Newport Beach, California. June.

White, M.D. and J.A. Stallcup. 2000. The Lower Colorado River – Conservation planning in a degraded riverine ecosystem. Presented at the Society of Conservation Biology Annual Meeting, Missoula, Montana. June.

White, M.D. 1998. Moderator for a panel discussion on salinity and surface elevation management options for the Salton Sea. Salton Sea Symposium II. La Quinta, California. January.

White, M.D. 1995. Managing salinity and surface elevation at the Salton Sea, California. Presented at the American Society of Civil Engineers Annual Convention 95, San Diego, California. October.

White, M.D. 1993. Morphological characteristics of threespined sticklebacks (*Gasterosteus aculeatus*) from the Sweetwater River, San Diego County, California. Presented at the American Fisheries Society Western Division Annual Conference, Sacramento, California. July.

White, M.D. 1991. Horizontal distribution of zooplankton in relation to predation gradients. Presented at the Zooplankton Ecology Symposium, Lawrence University, Appleton, Wisconsin. August.

Hurlbert, S.H. and M.D. White. 1991. Quality of statistical analyses in studies on the effects of invertebrate zooplanktivores. Presented at the Zooplankton Ecology Symposium, Lawrence University, Appleton, Wisconsin. August.

White, M.D., T. Morrison, G. Orlob, H. Chang and C. Nordby. 1991. An environmental assessment of the potential effects of live stream discharge of reclaimed water to the San Diego River. Presented at the Symposium on Water Supply and Water Reuse: 1991 and beyond. American Water Resources Association, San Diego, California. June.

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White, M.D. 1989. The role of vertebrate and invertebrate predation gradients in producing horizontal heterogeneity of zooplankton populations. Symposium on Intrazooplankton Predation, University of Sao Paulo, Sao Carlos, Brasil. June.

Hurlbert, S.H. and M.D. White 1989. A review of the experimental intrazooplankton predation literature with emphasis on experimental design and analysis. Symposium on Intrazooplankton Predation, University of Sao Paulo, Sao Carlos, Brasil. June.

White, M.D. 1989. Evidence for diel horizontal migrations of an invertebrate predator, *Mesocyclops edax*. Southern California Academy of Sciences Annual Meeting, Thousand Oaks, California. May.

White, M.D. 1988. Predation-induced horizontal zooplankton gradients. Ecology Supplement 69(2) pg. 340. Ecological Society of America Annual Meeting, Davis, California. August.

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INVITED LECTURES AND TEACHING

March 2001. Guest lecturer in Ecology of the Colorado River Delta, San Diego State University. Topics: Colorado River law, river operations, and the Multiple Species Conservation Program.

Fall Semester 2000. Environmental Policy and Regulation (Biology 538) – San Diego State University. Curriculum covers aquatic and wetland ecology, jurisdictional wetland determinations, Clean Water Act, CWA section 404 permitting, California Fish and Game Code, California Regional Water Quality Control Plans, California Environmental Quality Act, National Environmental Policy Act, Fish and Wildlife Coordination Act, Federal Endangered Species Act, California Endangered Species Act, Habitat Conservation Plans, local governmental ordinances and regulations, and presentation by environmental non-governmental organizations.

November 2000. Guest lecturer in Conservation Ecology, San Diego State University Department of Biology. Topic: Conservation planning in practice.

January 2000. Invited speaker at the Strategic Planning Education Seminar of the Coalition for the Sonoran Desert Protection Plan. Topic: Use of science in habitat conservation planning.

October 1999. Guest lecturer for the San Diego State University Department of Biology Graduate Student Seminar Series. Topic: Habitat Conservation Planning on the Lower Colorado River.

March 1999. Guest lecturer in Ecology of the Colorado River Delta, San Diego State University Department of Biology. Topic: Lower Colorado River Multi-Species Conservation Program.

February 1997. Guest lecturer in Topics in Toxicology, San Diego State University Graduate School of Public Health. Topic: Ecological Risk Assessment.

March 1996. Guest lecturer in Topics in Toxicology, San Diego State University Graduate School of Public Health. Topic: Ecological Risk Assessment.

April 1995. Reviewed manuscripts for the “Ecological Risk Assessment” conference Society of Environmental Toxicology and Chemistry (SETAC) Special Publication.

March 1995. Guest lecturer in Topics in Toxicology, San Diego State University Graduate School of Public Health. Topic: Ecological Risk Assessment.

April 1994. Guest lecturer in Topics in Toxicology, San Diego State University Graduate School of Public Health. Topic: Ecological Risk Assessment.

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Spring Semester 1992. Environmental Assessment (Environmental Studies 105) – University of San Diego. Curriculum covered general ecological principals, regional ecology, California Environmental Quality Act/National Environmental Policy Act, Clean Water Act, Rivers and Harbors Act, Endangered Species Act, local government ordinances and policies, and biological impact assessment issues and methodologies.

February 1990. Guest lecturer in Experimental Design, San Diego State University Department of Biology. Topic: Data Transformations.

April 1988. Guest lecturer in Experimental Design at San Diego State University. Topic: Split-plot and Repeated Measures Designs.

March 1988. Guest lecturer in Limnology, San Diego State University. Topic: Physical Limnology.

April 1986. Guest lecturer in Limnology, San Diego State University. Topic: Benthic Ecology.

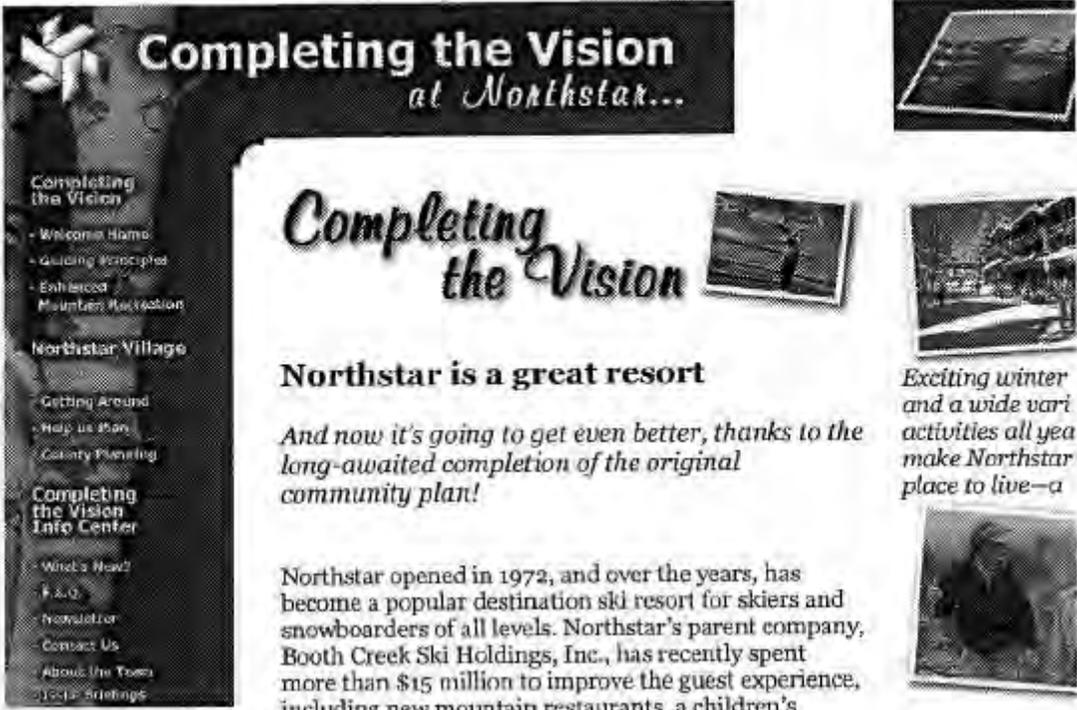
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EXHIBIT 3

Northstar Village at Lake Tahoe

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Completing the Vision
at Northstar...

Completing the Vision
- Welcome Home
- Guiding Principles
- Enhanced Mountain Recreation

Northstar Village
- Getting Around
- Help us Plan
- County Planning

Completing the Vision Info Center
- What's New?
- F.A.Q.
- Newsletter
- Contact Us
- About the Town
- Local Settings

Completing the Vision

Northstar is a great resort

And now it's going to get even better, thanks to the long-awaited completion of the original community plan!

Northstar opened in 1972, and over the years, has become a popular destination ski resort for skiers and snowboarders of all levels. Northstar's parent company, Booth Creek Ski Holdings, Inc., has recently spent more than \$15 million to improve the guest experience, including new mountain restaurants, a children's snowsports center, state-of-the-art snowmaking expansions and grooming equipment, new trails, snow toys and a nighttime adventure park.

View our new [Video](#) for more information.

Exciting winter and a wide variety of activities all year make Northstar a place to live—a



Frequently Asked Questions

Q. Why is there a need to change Northstar?

Q. How many houses or rooms are expected to be built in the next 15 years?

Q. Will new homeowners be allowed to use existing Northstar facilities?

Q. Will there be separate homeowner associations?

Q. Are any further County approvals needed?

Q. How does the Martis Valley Community Plan update affect the process?

Q. How do new state environmental laws apply?

Q. How is the new development going to affect existing property values?

Q. How will you prevent overcrowding?

Q. What will new Village development look like?

Q. How will you protect Tahoe from looking like Colorado?

Q. How do we know that these developments will be completed?

Q. What is the relationship between Northstar and East West Partners?

Q. Will time share units be allowed?

Q. How will time share units be counted?

Q. How will existing traffic problems be solved?

Imperial Bank of Commerce (CIBC). East West's financial partners include Crescent Real Estate Equities Company (NYSE:CEI) and Crescent Operating, Inc. (Nasdaq:COPI) located in Fort Worth, Texas.

East West does not do small, short-term projects. When the company decides to undertake projects in an area, it makes a long-term commitment to the community. For north Tahoe, East West has established a local office in Truckee with partner Roger Lessman in charge. A key to East West's commitment to an area is local decision-making. Local East West decision-makers who live and work in the community call the shots, not executives in far-off states.

Since Booth Creek acquired Northstar in 1996, it has invested more than \$15 million in capital improvements in the resort, and many more are planned for the future.

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Q. What's the relationship between the two companies?

A. Northstar and East West Partners are partners. Each company brings different expertise to the table. Northstar expertise is in resort operations. Northstar will work to develop a vision, and continue to ensure a fun, safe and playful environment that is surrounded by the best guest services. East West Partners is a pre-eminent mountain resort developer with decades of experience weaving all-season sports and recreation into high quality living environments.

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Q. Are there restrictions on time shares at Northstar?

A. The Northstar Property Owners Association (NPOA) has adopted covenants that allow interval ownerships of 11 owners or fewer per unit. When new units are developed at Northstar, NPOA members may be asked to vote on whether the new units will be annexed into NPO. If units are annexed into NPOA, existing covenants regarding time shares would apply.

Northstar and East West Partners want to create a variety of lodging and ownership options at Northstar. We believe a combination of single family homes,

condominiums, townhomes, interval ownership, time shares and resort lodges, inns and/or hotels can be developed that will accommodate the range of lodging and ownership options people are seeking and ensure a robust community.

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Q. How will time shares be counted in terms of the number of units that will be developed in the future. If there are 11 owners, does that count as 11 units?

A. Units include any type of "beds" where people can stay the night. Units range from single family homes to hotels. A hotel room counts as one unit, and so does a single family home. Obviously, hotels are the most intensive use since a hotel room could have overnight guests every night of the year. Time shares would be a less intensive use than a hotel.

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Q. How will existing traffic bottlenecks be addressed?

A. As new neighborhoods are developed, a series of improvements will be made to enhance circulation at Northstar. The goals we are working from are as follows:

- Reduce vehicle traffic by providing convenient, alternate means of getting around the resort.
- Provide more shops and services in the village center so that people have less of a need to use their cars to obtain services.
- Intercept day skiers close to the entrance and provide alternate transportation to the base mountain lifts.
- Provide continuous, alternate transportation to the village from the neighborhoods so that property owners can get to the village without having to use their cars.
- Placement of new neighborhoods should maximize ski-in/ski-out access; this minimizes the need for transportation to and from lifts.
- Reduce the amount of traffic on Northstar Drive by upgrading an internal road system to serve up-mountain development.
- Reduce traffic on Northstar Drive by upgrading a

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EXHIBIT 4

Old Greenwood North Lake Tahoe California Page 1 of 1



Old Greenwood

Home
What's NewWelcome to Truckee
MapsMaps
Truckee Surrounding AreaEast West Partners
Contact Us



Old Greenwood Outdoor Family Fun in the Tahoe Tradition

Historic name

Old Greenwood is a new community located in the historic North Lake Tahoe town of Truckee. It's named after Caleb Greenwood, a mountain man who led hundreds of immigrants across the Truckee Route of the Sierra into California in the mid-1800s. He was in his eighties at the time. A portion of the historic Truckee Route of the Emigrant Trail is located on the Old Greenwood property today.

Resort recreational community

Old Greenwood is planned as a resort recreational community on more than 900 acres. Features of the new community will include:

- 18-hole Jack Nicklaus Signature Golf Course
- golf academy
- golf driving range
- clubhouse
- state-of-the-art tennis and fitness center
- extensive swimming complex with a "five-in-one" pool
- lodge
- small conference facility
- 60% of the 900-acre parcel will be left in permanent, public open space
- extensive network of trails, connecting to the Truckee-Tahoe area's existing trail system
- 250 residences in a variety of home styles, including single family homes, shared ownership cabins and shared ownership vacation townhomes

Revised development plan submitted to Truckee

East West Partners is the developer of Old Greenwood, and purchased the property in May of 2001. The town of Truckee had approved a prior development plan for the property. East West Partners added 300 acres to the site, but did not increase the proposed number of residential units. East West has submitted a revised plan to the town that calls for a mixture of single family homes and shared ownership vacation homes, and greatly increases the amount of open space and recreation within the community. About 100 to 120 people will be employed at Old Greenwood in resort related operations, such as the golf course, the lodge and conference facility. Employee housing also will be provided.

For More Information Contact Bill Fivoosh at 530-587-3460
bfivoosh@ewpartners.com

Website Design and Hosting by www.tydecreative.com

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Tahoe Mountain Resorts Page 1 of 1



HOME OVERVIEW TMR COMMUNITY TAHOE MOUNTAIN CLUB CHAIRMAN'S NEWS BROKER CENTER CONTACT US



TMR Community

Communities

Old Greenwood

The Village at Northstar

The Highlands

Gray's Crossing

Environmental Sensitivity

Technology



Located on a 900-acre spread of Tahoe fields and ponderosa pines, Old Greenwood will be crafted in the style of a traditional family resort and will offer shared ownership of mountain homes along with single family homesites. With a Jack Nicklaus Signature Golf Course, an outdoor swim center, tennis & fitness facility and Kids Camp, Old Greenwood will be a welcome four-season retreat for every member of the family.

Old Greenwood.



**THERE'S SOMETHING HAPPENING
HERE**

Tahoe Mountain Resorts | PO Box 3757 | Truckee, CA 96160-9937 | 800.754.3070
info@tahoe-mountainresorts.com

Website Design and Hosting by www.ewtechnology.com

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

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*GAH
1/26/02*

PLANNING COMMISSION STAFF REPORT

DATE: May 29, 2002

TO: Town of Truckee Planning Commission

FROM: Duane Hall, Town Planner *DH*

SUBJECT: Application No. 01-002 (Old Greenwood Planned Development); Truckee Land LLC, as represented by Bill Fiveash, applicant

Agenda No. _____

Approved by: 
Tony Lashbrook
Community Development Director

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2002-13 recommending to the Town Council certification of the Final EIR and approval of the Development Code amendment, planned development, use permit, tentative map, lot line adjustment, street and easement abandonment, and development agreement for the project.

PROJECT DESCRIPTION AND LOCATION

The applicant is requesting several land use / zoning approvals for a mixed use resort planned development on 923 acres consisting of a commercial resort, including fractional ownership (timeshare) units, and a residential subdivision. The commercial resort includes an approximately 50,000 s.f. lodge (with 20 lodging units), swimming/fitness center, privately-owned golf course and appurtenant facilities, 154 fractional ownership units, and 28 employee housing units. The residential subdivision proposes 104 single family lots and 20 townhouse units. Approximately 80% of the site will be preserved as permanent open space which includes the golf course tees, fairways, and greens. The land use / zoning approvals being requested include a zoning map amendment to modify the zoning district on approximately 312 acres from RR-0.1 (Rural Residential - 1 unit per 10 acres) to REC (Recreation), a development agreement to vest development rights on the property for 15 years, a planned development and use permit for the commercial resort and golf course features of the project, a tentative map for the

Truckee Community Development Department
 Phone: 530-582-7876 10183 Truckee Airport Road, Truckee, CA 96161 Fax: 530-582-7889

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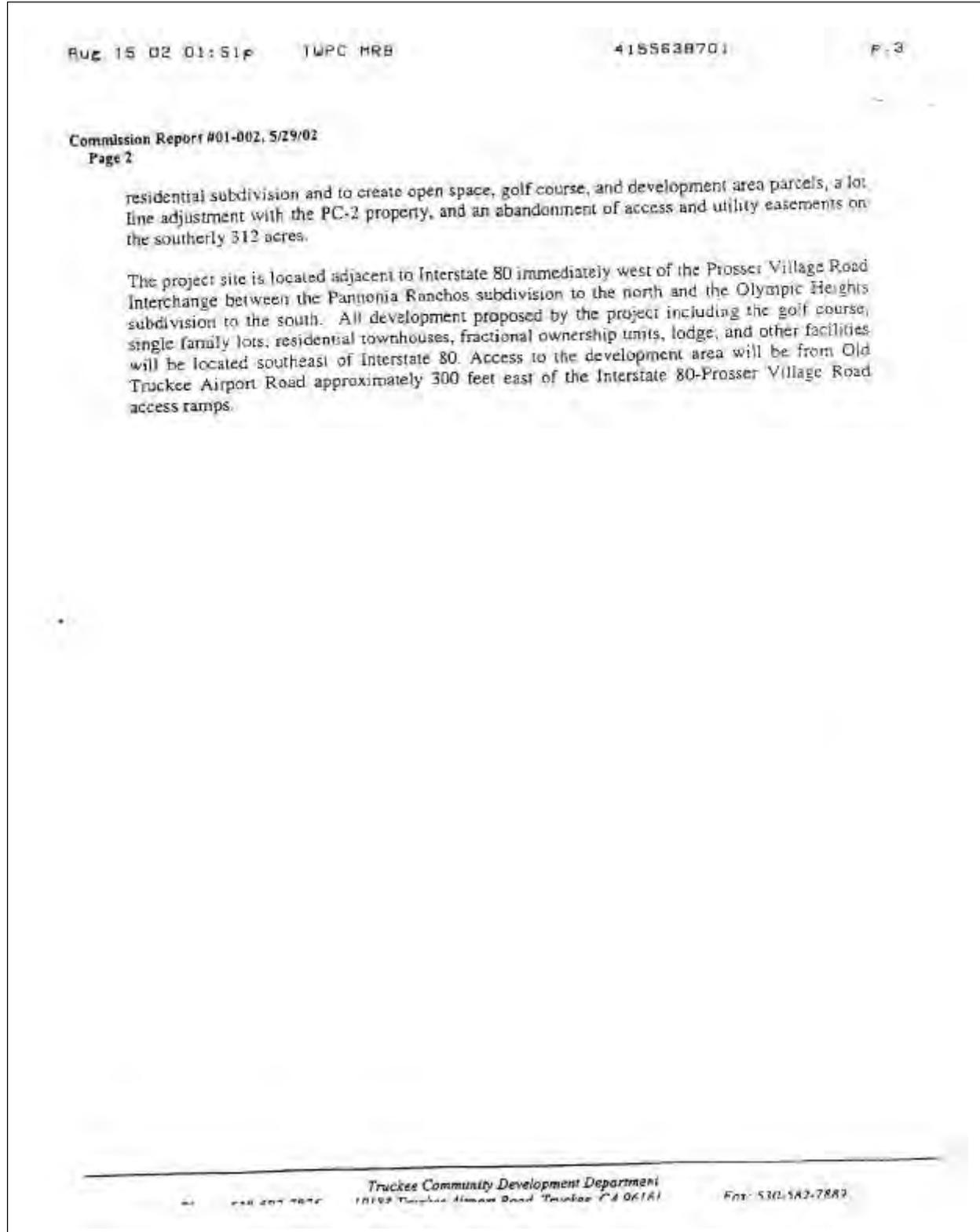


EXHIBIT 5

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

Kirkwood Real Estate 2002: Fractional Ownership – Mountain Club Page 1 of 3

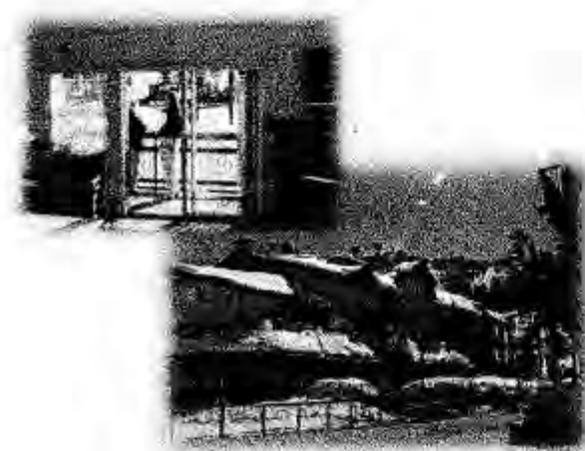


Real Estate Mountain Village New Projects Existing Developments Homes & Building Sites Request Info Fractional Ownership Kirkwood

Mtn Club | Snowcrest | Timber Ridge
Meadowstone | Sentinels | Palisades

The Mountain Club

slopeside fractional ownership



The dream: a secluded High Sierra getaway, steps from the slopes. The reality: not enough time to make it worth the investment. The dream-come-true? The Mountain Club at Kirkwood. Luxurious, on-mountain condominiums with an ownership program that's as inviting as the resort itself.

Time is money

It's that simple. When you buy a Mountain Club condominium, you pay for the time you, your family and friends plan to spend here. Fractional ownership offers from one week of every four, a total of 13 weeks per year to half that time, one-eighth share.

Location is everything

You've got it all! Five ski lifts to 2,300 acres of the country's deepest snow are feet from your front door. Warmer weather, walk out to all kinds of activities. Also right outside, restaurants, shops, fire pit, future ice rink... the Kirkwood Mountain Village.

<http://www.kirkwood.com/realestate/ownership.shtml> 7/11/02

Flexibility is freedom

Owners have options. For more Mountain Club time, the "Space Available" program at a nominal fee. For different dates, the convenience of trading with other owners on-line. And for more travel, exchange privileges at over 1,800 Interval International resorts worldwide.



Style is obvious

Quality show. Professionally decorated, fully furnished down to the elegantly etched wine glasses. Your private mountain lodge was designed with luxury in mind. And resort-style amenities: complete health club, outdoor spa, underground parking, private lockers. The Mountain Club is fully managed; owners have no maintenance responsibilities. There's even an on-site Owners' Representative who can arrange everything from grocery delivery to dinner reservations to a tee time. In other words, your time away is truly yours.

Arriving is easy

No stop-and-go here. You can relax as you drive along uncongested, all-weather Highway 88. Leaving the traffic behind and getting to where you want to go. Is around two hours from the greater Sacramento area, three and a half from San Jose. Taking in some of Nature's most spectacular scenery along the way.

The clock is ticking

Supply and demand. The number of on-mountain ownership opportunities is limited. Not to mention the chances for quality time with your family and friends. Arrange a Mountain Club tour today. Call Kirkwood Real Estate at 888-593-7767.

Click below to view floorplans or check out these Mountain Club VR's:



Living Room (670k)



Bedroom (678k)

<http://www.kirkwood.com/realestate/ownership.shtml>

7/11/02

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EXHIBIT 6