

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

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Community Plan proffers in the DEIS. We can visualize scenarios where these policies and mitigations might not be worth the paper they are written on. Therefore we ask that the DEIS assess potential impacts that are likely under a 2,000 AF, 4,000 AF, and a 6,000 AF appropriation alternatives. We strongly suggest this analysis identify the potential appropriators (Placer County Water Agency, Truckee Donner PUD, ranches, golf courses, etc.), and ask them to quantify what they need for beneficial use. We believe the DEIR is incomplete and inadequate without this analysis.

K-12
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Water is such a critical issue here that a new policy need to drafted for the MV Community Plan tho the effect that "The County Planning Department will request from the State Water Control Board to be on the notification list to receive and review all water appropriation applications for the Martis Valley Community Plan Area. The Planning Department will review every application to assure compliance with Plan policies and mitigation policies and will conduct similar reviews for compliance with any NCCP/HCP Plan(s) and USFWS Recovery Plans, if any, that exist at the time of appropriation application". While we have the highest respect for all our water purveyors, we realize how difficult it is for them to keep up with the land use planning activities now happening at every level. We believe the Planning Department is the best place for this review responsibility. A method of public notification should also be included. Can you develop such a policy for the DEIS?

K-13

II. ITEMS NEEDING ADDITIONAL ANALYSIS/EVALUATION

1. FINDING OF "LESS THAN SIGNIFICANT" IMPACT FROM DISTURBANCE OF COMMON PLANT COMMUNITY IS INCORRECT We disagree strongly on your finding for Great Basin sage scrub. An analysis based on remote sensing without ground truthing is very unreliable in making other than a crude, quantitative measurement - the issue here is quality. Compared to locations from Modoc County to Walker, the condition of the community found in the Plan area is far superior and more diverse. We agree this community is widespread but monitoring transects in place from the 1950's show severe degradation and complete type conversion into annual weed fields in the vast majority of surveyed locations. There are many published papers in the scientific literature documenting this. The Bureau of Land Management has published the fact that they are losing resource values on 3,000 acres a day in the West to invasive weeds. There are also extensive data in agency files as well. Numerous presentations have been made at professional society symposia (Wildlife Society, Society for Conservation Biology, Range Society, Desert Tortoise Council, etc.). Further, these societies have published symposia proceedings that are in the literature. Finally, in the last three years, federal and state land management agencies in Nevada have declared this community the most threatened in North America and are scrambling to develop conservation strategies. Our close observation of the local sage scrub community (especially considering the unique attributes found for reasons

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described by Young in Barbour and Major, 1950, at chapter 22 and elsewhere) for over twenty years is that it is absolutely irreplaceable at this time for providing quality habitat needs for many common and uncommon animals. We need an explanation of how you arrived at this finding considering current facts and documented conditions

K-14
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2. MITIGATION MEASURE 4.9.6 (see at 4.9-67) QUESTIONABLE IN REDUCING IMPACT TO LESS THAN SIGNIFICANT FOR RAPTORS AND MIGRATORY BIRDS. The mitigation measure offered is not scientifically based or acceptable as meaningful mitigation. We don't understand how removing nest trees after baby birds fledge is even qualifies as mitigation. Numerous studies based on years of actual field research show most migrating birds return almost to the exact location where they successfully raised a brood the previous season. If the habitat has been modified when they return, searching for another suitable nesting site exposes them to predators and stress. Studies by Dr. Mark Reynolds at Sagehen Station show migrating neo-tropical birds returned from Central America and nested within feet - or a few yards at most - where they previously nested. Nest affinity is an evolutionary strategy that is so strong that disturbance of these habitats can lead to dramatic, and rapid population declines. Numerous studies are in the literature and results are unequivocal. We can possibly see this proposal as a "best management practice" in cases where a nest tree had to be removed but as mitigation, absolutely not. In just the last month the Sacramento Airport came under investigation for removing nest trees after the fledge - even though these were nest trees for listed species. It seems to us your proposed policy isn't much different than theirs and it obviously went wrong. Please tell us why you believe your policy will work.

K-15

3. MITIGATION MEASURE 4.9.8 (see at 4.9-76) QUESTIONABLE IN REDUCING IMPACTS TO LESS THAN SIGNIFICANT LEVELS We are unable to understand how requiring project level, focused surveys for extremely rare or wide-ranging animals like wolverine, and pacific fisher, can be called mitigation to reduce a project to less than significance. In the last decade Dr. Tom Kucera ran a three year bait station with movement-activated cameras in an attempt to survey wolverine in the Sierra Nevada. Despite having a number of remote sites in areas of previously recorded wolverine activity, three field seasons produced zero results and the study was abandoned. We are equally concerned with Sierra Nevada snowshoe hare surveys. There are several members of the genus *Lepus* that inhabit the plan area. They can all exhibit seasonal changes in pelage color and positive visual classification is problematic even for experts. Serious surveys would involve live trapping. Absolute identification would involve killing the animal, boiling flesh and fur off the skull, and inspecting the teeth, bone structure, mandibles, etc. - and probably comparing them to known museum specimens - to be absolutely sure. Positive identification of the Sierra Nevada red fox is only slightly less problematic. Considering the cost of this mitigation measure, the extremely limited sample size, if any, that could ever be collected for some these animals, we really have to question how this qualifies for mitigation. Can you provide us with a rational explanation other than a CEQA process requirement has been met?

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4. Page 4.9-10. Possible legal error. The last sentence regarding "overriding considerations" needs review and clarification. We are aware that legislatures of local agencies (city councils, boards of supervisors, etc.) can make "findings" of overriding considerations, but that administrative agencies cannot. We know this authority to make findings is embodied in CEQA but we are unaware the same authority is again found in CESA. Please discuss and also identify the party(ies) who have authority to make findings of overriding consideration for the Martis Valley Community Plan.

K-17

5. Page 4.9-14. Policy 6.C.1(g). Anadromous is misspelled throughout the document. We have found there is widespread misconception among consultants and others what anadromous means. Since this is an important policy, it is imperative the Plan define in detail the term anadromous and discuss its application to the Martis Valley Community Plan. Many think fish must migrate from salt water to fresh water to spawn to be classified as anadromous. Misunderstanding is so widespread that some using this definition would conclude there is no applicability of the policy to the Plan. This is incorrect. The word anadromous derives from a combination of Greek words meaning upward, a running, to run. Thus Webster's defines anadromous as "going up rivers to spawn; said of salmon, shad, etc.". By this definition, any fish moving up streams/rivers to spawn is anadromous, without regard to the old salt/fresh water argument. However, one could certainly get confused by reading Webster's definition for salmon; "they live in salt water and spawn in fresh water, though some varieties are landlocked in lakes". To resolve the confusion surrounding anadromous, ichthyologists from around World undertook a lengthy examination of the scientific record and debated the issue for years. In the early 1990's they the scientific evidence was so overwhelming that they reached consensus. Because of advances in the ability to measure genetic factors at very fine scales, it was found that salmon and trout were so closely related genetically that there are no significant differences. When life histories were compared, both trout and salmon have plentiful examples of salt-to-fresh and fresh-to-fresh movements to spawn. Subsequently, all trout have been moved from the genus *Salmo* into *Oncorhynchus*, the genus for all the salmon. Historically speaking, John C. Fremont was either totally confused or incredibly prescient when in the 1840's he named what is now the Truckee River the Salmon-Trout River in honor of the giant Lahontan Cutthroat Trout that moved up the river to spawn from Pyramid Lake.

K-18

To summarize our point: We believe that based on accepted scientific definition, any stream that is used for spawning by the genus *Oncorhynchus* in the planning area is covered under Policy 6.C.1(g). Please describe in detail, giving your reasons, if this is not the County's intent. You also need to precisely define what you mean by the phrase "important spawning areas. . ." and provide some measurable, qualitative standards on how this determination will be made. Will you please address these questions?

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III. SUGGESTED NEW POLICIES

1. COMBINING ELEMENTS OF THE NCCP/HCP AGREEMENT WITH THE MARTIS VALLEY COMMUNITY PLAN We believe that certain elements of the Agreement could substantially improve the Plan. We see an opportunity to implement a public education program, as the Agreement seems to permit, which is not evident in the Plan. We believe public education is going to be essential if Plan policies are to be effective.

K-19

2. POLICIES ON PROTECTING VEGETATION COULD BE STRENGTHENED. The Plan has a number of excellent policies aimed at retaining key vegetation elements such as riparian, etc. However, we have seen instances where vegetation is heavily modified under a Timber Harvest Plan (THP) permit issued by the Department of Forestry shortly before the development proposal is submitted to the planning department. A THP has provisions for roads and vegetation removal beyond marketable timber. The result is that planners can end up with few opportunities to achieve Plan policies. resources. In summary, the intent and implementation of Plan policies can be thwarted. We see several ways for possible improvement: 1) Develop a policy that commits the County to review THP applications for areas known to have special resource values, and/or 2) Create incentives for landowners to cooperatively develop a resource plan with county staff before applying for the THP permit. Please address this issue.

K-20

3. POLICY ON INVASIVE SPECIES NEEDED There are several unique issues in the Plan area: 1) Plant material banned or strongly discouraged in California can easily be brought from Nevada without going through the agricultural inspection station, 2) As development increases so does the need for landscapers and we are seeing more Nevada-based contractors on local projects - and although perhaps California-licensed - may have limited experience with local horticultural conditions, 3) highways like I-80 are serve as major corridors for invasive distribution, 4) land disturbance (both natural and human caused) attracts invasives.

K-21

While Plan policies encourage owners to preserve and use native plants, we feel it is equally important to inform consultants, developers and planners about what plants to totally avoid. Fortunately, both Nevada and Placer county Agricultural Commissioners have already cooperatively developed lists of the most destructive invasives and have identification and eradication programs. Much work has been done by the Resource Conservation Districts as well as local and regional offices of state and federal agencies. Almost all have an assigned and or even a full-time invasive species specialist on staff. Agricultural agencies, state and federal resource agencies, farmers and ranchers uniformly agree that invasives are one of the most important issues in the West? The Congressional Office of Technology Assessment (OTA), which is the research arm of both Houses, studied the issues and agreed but said the threat was

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nationwide. They OTA stated invasive species are now impacting the nation's production of food, fiber and forage and predicted that future problems would become critical unless a major effort was immediately undertaken to educate the public, land owners and managers. The OTA report was published in the mid-1990s. Frankly, we think any contemporary land-use plan that covers 40 square miles of rural land is hopelessly inadequate without comprehensive policies addressing invasive plants. Will the Plan include policies on invasive plants?

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ERRORS, CORRECTIONS AND ADDITIONS FOR THE MARTIS VALLEY COMMUNITY PLAN DEIR

Listed by page number in numerical order. We need a response to each of these items regarding their disposition.

1. Page 4.9-7. The scientific name for squirrel tail grass (*Sitanion hystrix*) was changed in 1993 to (*Elymus elymoides*) per The Jepson Manual (see DEIR References). The Jepson Manual is the standard taxonomy reference on California flora and is recognized by all state and federal resource agencies and professional biologists.

K-22

2. Pages 4.9-8 and 4.9-9. See wildlife under Stream and Open Water headings. We are unaware and have never seen bullfrogs in the planning area. Is this information anecdotal or the Plan consultants actually identified bullfrogs on site? This is important information as bullfrogs are a serious threat to many native species throughout the West.

K-23

3. Page 4.9-10. The 1994 Skinner and Pavlik reference has been replaced by the 6th edition of the *CNPS Inventory of Rare and Endangered Vascular Plants of California* in 2001. The 6th edition has been completely revised and updated. Subsequently, the DEIR needs to be reviewed and modified to incorporate new data that is applicable. All references citing Skinner and Pavlik need to be reviewed in the context they are used in the DEIR and changed as required.

K-24

4. Page 4.9-12. See Policy 6.A.4(c). *Vinca major* and Eucalyptus are not known to survive in the planning area much less be invasive. Please delete or better yet, use appropriate examples to make the point which is a very important one.

K-25

5. Page 4.9-14. See Policy 6.C.1(f). The phrase, "known concentration areas of waterfowl within the Pacific Flyway", has no applicability to the planning area and appears a vestige of some western county plan. Banding studies indicate Pacific Flyway birds are rare here. Waterfowl in the planning area are predominately from the Great Basin or Intermountain Flyway and include both resident and visiting birds. Wetlands in the planning area are important breeding sites for several waterfowl species. Dabbling and resting are also important activities. It is especially important to note the key ecological difference between the flyways. Wetlands in the planning area provide critical habitat requirements when Great Basin areas are in drought conditions. Even in normal conditions, water is not plentiful in the Great Basin. Generally speaking, in the Pacific Flyway opportunities to find water are much greater even under drought conditions. We believe any loss or lessening of value in planning area wetlands will have significant and deleterious impacts to some local populations of waterfowl. Please review and correct other mentions of the Pacific Flyway in the

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DEIR as appropriate.

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5. Page 4.9-19. See second bullet under special-status plants. Correct reference to 64 CFR 205 to reflect Code of Federal Regulations.

K-27

7. Page 4.9-28. Note regarding California Wolverine. In the early 1990's Mr. John Taylor, then Nevada County's Agricultural Commissioner and advisor to our Commission, reported that he observed a wolverine while driving to the Euer Ranch, approximately 6 miles north of the planning area. Mr. Taylor was encouraged to report the finding to the CNDDB but obviously didn't. Mr. Taylor is retired and lives in Nevada County. Mr. Taylor is an ethical and trustworthy individual and he should be contacted as this is such a rare observation and important for the California record.

K-28

8. Page 4.9-29. Correct DDE to DDT at second line from bottom.

K-29

9. Page 4.9-31. The description of habitats for "Other Migratory Birds" needs to be changed as oak woodlands, grasslands, and riparian woodlands are not consistent with "setting" (see 4.9.1) described in this DEIR. These are Central Valley/Valley Foothill habitats. Please use an appropriate description as per CEQA requirements.

K-30

10. Page 4.9-53. See MM4.9.3 - correct plumas ivesia to Plumas ivesia.

K-31

11. Page 4.9-70(a). Where this policy was cited previously in the DEIR in numerous locations the text stated, "Wetlands and vernal pools". Is there a reason "vernal pools" was omitted here? There are vernal pools in the planning area. Vernal pools are relatively common on undisturbed sites in the Martis Valley where clay soils exist or where there are underlying volcanic crusts. The larger pools see significant waterflow use after snowmelt.

K-32

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APPENDIX A

TO: Nevada County Fish and Wildlife Commission
RE: Comments on Martis Valley Community Plan
Draft Environmental Impact Report
DATE: August 3, 2002

While a no growth alternative is unrealistic, some of impact that may be attributable to development already in place is of great concern. The fishery at Martis Lake has noticeably declined in recent years. Stop by a local shop or talk to any angler who has regularly fished Martis. The consensus is that fishing has gotten worse and that there is something going on in the lake.

K-33

Martis Lake is the first lake to have been included in the California Department of Fish and Game's Wild Trout Program. The California Wild Trout Program (WTP) was established by the California Fish and Game Commission in 1971 to protect and enhance quality fisheries sustained by wild strains of trout. The Commission adopted a wild trout policy that provides for the designation of "aesthetically pleasing and environmentally productive" streams and lakes to be managed exclusively for wild trout, where the trout populations are managed with appropriate regulations to be "largely unaffected by the angling process." The Commission directed the California Department of Fish and Game to study and identify waters that would provide quality wild trout angling for designation as Wild Trout Waters. Through the 1970's, 18 waters were designated. All designated waters must meet the following wild trout policy criteria:

K-34

1. Open to public angling.
2. Able to support with appropriate angling regulations, wild trout populations of sufficient magnitude to provide satisfactory trout catches in terms of number or size of fish.
3. Domestic strains of catchable-size trout shall not be planted but suitable hatchery-produced wild or semi-wild strains may be planted in designated waters, but only if necessary to supplement natural reproduction.

The Commission recognized the importance of high quality habitat for the maintenance of wild trout and the policy states: "All necessary actions, consistent with State law, shall be taken to prevent adverse impact by land or water development projects affecting designated wild trout waters."

We have seen a fish die off due to a parasitic infestation, a tremendous amount of aquatic vegetation build-up in the lake, and some feel that there has been a decline of one of the primary food sources, the blood midge. Some feel that upstream development, particularly the golf courses are the cause.

This brings me to my first point of the Draft EIR water quality and its monitoring. While the DEIR addresses the water quality issue by mitigation measures and to monitor the impact, the actual monitoring has been sporadic and really quite ineffective. Check Table 4.7-1 in the document titled Water Quality Data For Martis Valley Wells. Look at the dates of the measurements. They range from 1979 to a measurement in 2000. The timeframe for the monitoring also were at varying times of the year. This could have a significant impact on the readings and do not represent comparable data. With no

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benchmark data to draw from, the reasons as to why fishing has been declining in this lake is difficult to assess.		K-35 cont'd
The DEIR has a Chemical Action Plan in place for golf courses. Pesticides and herbicides applications are of great concern. This is because the potential impact to fisheries has been proven significant in other regions. Salmonid populations are extremely sensitive to chemicals, both inorganic and organic. See the book <i>Trout</i> pages 118 through 125 for impacts to salmonids.		K-36
Second, the DEIR identifies groundwater aquifers. Of greatest concern here are the upper and middle/lower aquifers. The middle/lower aquifer is the one that is targeted for existing and future groundwater production for domestic use. The key element from this is that there is "some interaction between the upper aquifer and the middle/low aquifer." (Interactions Between Groundwater and Surface Water page 4, 7-70) What is of great concern here is that there can be a very great impact on the groundwater from pesticides. The lake is really a catch basin for all water sources above it. See Pesticide Impact on Groundwater by Friends of the Earth at the website http://www.foc.org/safe/food/groundwater/brer2.html .		K-37
Also check out the website http://water.usgs.gov/nwqa/allamoa/ to see the results of the National Water Quality Assessment Program by the United State Geological Service. Ground water can be carrying pesticide residue into the lake itself and without proper ongoing monitoring, which we have not had, trying to find out if it is a problem is difficult. The three conditions stated earlier that have happened at the lake, the dying fish, the excessive weed growth, and the lack of blood midges, could be a direct result of contamination from pesticide residue. Because of the issue of reduced blood midge activity, I would suggest soil tests as well. The blood midge larva are found in the mud. If there are less of them something is probably happening there to impact them.		
What is needed is an assessment of just what is happening at Martis Lake before any future development or plan is put into place. Additional development could only worsen the problem. Find out what is going on at Martis Lake and then proceed with the Martis Valley Community Plan.		K-38
Finally, under the Biological Resources Section 4.9 of the DEIR a statement is made that "There are historic accounts of cutthroat trout with the Martis Creek drainage, and suitable habitat is present within the tributaries of Martis Creek (DFG2000). However, these waterways are intermittent and there are various potential fish barriers (e.g. fallen logs, downcuts) between the project area and lower stream reaches as well as other competition with other trout species and interbreeding with other trout species. Therefore this species is considered to have a low potential to occur within waters in the		K-39

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APPENDIX A

Plan area." The United States Fish and Wildlife Service is in the process of drafting a recovery plan for the threatened Lahontan Cutthroat Trout (LCT) in the Truckee River Page Three Martis Valley DETR

drainage. Because LCT have been historically found in this region and that they are in Martis Creek Reservoir (aka: Martis lake) this water by their own statements at Stakeholder meeting are automatically a candidate for restoration. As far as the fish barriers are concerned, the recovery plan allows for habitat improvement to benefit the restoration process. This is also consistent with the DFG management of Martis Lake as a Wild Trout Program body of water. As for competition from other trout species is concerned, the same condition exists in the Truckee River. In a smaller system such as that of Martis Creek, it is easier to deal with than in the Truckee so Martis Creek is really a more viable restoration project for the LCT than the Truckee. There should be a significant impact to this species.

K-39
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Summary

1. Existing Water Quality monitoring is insufficient. Until we know what is happening in Martis Lake, we should not proceed with this process. Bring current monitoring up to speed and add additional sites both in and out of the lake.
2. Also include soils studies as well to determine if there has been any soil contamination both in the lake and sites outside. It needs to be assessed before any Community Plan Update is finalized.
3. Pesticide monitoring needs to be done. Tests should be conducted to determine the presence of any pesticide residue in storm run-off, surface, and ground water sources. Damage is being done in Martis and this is one of the potential causes. It needs to be assessed before any Community Plan Update is finalized.
4. Groundwater monitoring for both water quality and for the presence of pesticides needs to be conducted. Until we know what is happening to the lake any Community Plan Update needs to be put on hold.
5. LCT as a threatened species should not be considered as having a low potential to occur in the plan area. They are already there and the USFWS Recovery Plan insures that they will be targeted for recovery in this area.

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LETTER K: MARK L. THOMAS, COUNTY OF NEVADA FISH & WILDLIFE COMMISSION

Response K-1: Commenter provides information to the County in understanding comments provided in response to the County of Nevada Fish and Wildlife Commission's review of the Martis Valley Community Plan Update DEIR. No further response is required.

Response K-2: Commenter provides information to the County in understanding comments provided in response to the County of Nevada Fish and Wildlife Commission's review of the Martis Valley Community Plan Update DEIR. Comments are from the Commission are responded to under Comment Letter K.

Response K-3: Commenter provides information to the County in understanding comments provided in response to the County of Nevada Fish and Wildlife Commission's review of the Martis Valley Community Plan Update DEIR. No further response is required.

Response K-4: Commenter provides information to the County in understanding comments provided in response to the County of Nevada Fish and Wildlife Commission's review of the Martis Valley Community Plan Update DEIR. No further response is required.

Response K-5: Commenter provides information to the County in understanding comments provided in response to the County of Nevada Fish and Wildlife Commission's review of the Martis Valley Community Plan Update DEIR. No further response is required.

Response K-6: The U.S. Army Corps of Engineers, which operates the Martis Creek Reservoir, prepares annual water reports on the status of Martis Creek Reservoir's condition to support the fishery in the reservoir. The annual water quality reports from 1999 to 2002 have identified that excessive nutrients are not present in the reservoir that would cause undesirable phytoplankton blooms and that is not an excess of oxygen demanding substances in the inflows (U.S. Army Corps of Engineers, 1999-2002). These reports also address water quality and fishery issues associated with dissolved heavy metals, mercury levels and MTBE. Water quality data associated with Martis Creek and its tributaries is provided in Master Response 3.4.3 (Water Quality). It should be noted that the U.S. Army Corps of Engineers are currently operating Martis Creek Reservoir at low levels near the base of the dam associated with dam seepage issues. As described in Master Response 3.4.3 (Water Quality), implementation of mitigation measures MM 4.7.1b and MM 4.7.2a would require subsequent development in the Plan area to not increase existing sediment and other pollutant loads in Plan area waterways. These mitigation measures would ensure that Martis Creek Reservoir is not adversely impacted by upstream development. There is no evidence to suggest soils within the U.S. Army Corps of Engineers property are contaminated.

Response K-7: The commenter is referred to Response to Comment K-6.

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- Response K-8:* The Martis Valley Community Plan includes several policies regarding fisheries resources in the Plan area (Draft EIR pages 4.9-59 through -62). The commentor is also referred to Response to Comment K-6.
- Response K-9:* Comment noted. Potential impacts to the Lahontan cutthroat trout are addressed in the Draft EIR (Draft EIR pages 4.9-59 through -62). The commentor is also referred to Response to Comment K-6.
- Response K-10:* The commentor is referred to Master Response 3.4.1 (Project Description Adequacy) regarding consideration of the Placer Legacy program.
- Response K-11:* Comment noted. There have no sighting of California bighorn sheep within the Plan area. Given that the Plan area does not support habitat for California bighorn sheep, implementation of the Martis Valley Community Plan is not expected to adversely impact this species.
- Response K-12:* The Truckee River Operation Agreement (TROA) is discussed extensively in the Draft EIR, including anticipated water allocations associated with the Truckee River (Draft EIR pages 4.7-18 through -20). The commentor's statements are unclear regarding the effect of water allocations associated with TROA on stream and riparian protection within the Plan area. There are no current plans by the Placer County Water Agency to directly tap surface water associated with Martis Creek. In addition, TROA is intended to improve the timing and magnitude of seasonal river flows for consumptive, environmental and fishery uses and was considered in the hydrology analysis provided in the Draft EIR. Commentor is referred to Master Response 3.4.4 (Water Supply Effects of the Project).
- Response K-13:* The commentor is referred to Response to Comment K-12.
- Response K-14:* While some reductions of Great Basin sage scrub habitat may be occurring, this habitat is still common and widespread in western U.S. and currently receives no protection by state and federal agencies. In addition, of the approximately 1,254 acres of Great Basin sage scrub within the Plan area, implementation of the Proposed Land Use Diagram would directly result the conversion of approximately 131 acres. Approximately 40 percent of the total Great Basin sage scrub habitat in the Plan area is located within the U.S. Army Corps of Engineers property, which is not expected to be impacted.
- Response K-15:* The commentor's opinion of Mitigation Measure MM 4.9.6 is noted. Impacts to common species are considered less-than-significant unless the proposed project has the potential to affect a common species throughout a large portion of its known range (i.e., threatens to eliminate the species), has potential to cause populations of common species to fall below self-sustaining levels, or the proposed project has the potential to affect the movement of the common species from one seasonal range to another. Therefore, common species are considered under CEQA impacts analyses, however, in the context of the proposed project, the analysis of project impacts to special-status species due to habitat loss may also be applied to

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common species. In this respect, the loss of potential nesting sites within locally and regionally abundant habitat would not be considered of sufficiently large magnitude to be considered significantly impact that results in the species to fall below self-sustaining levels. In addition, Mitigation Measure MM 4.9.6 ensures that individual birds and raptors are not directly taken as a result of subsequent development. Mitigation Measure MM 4.9.6 also specifically prohibits the removal of nest sites of state and federally listed species. This mitigation approach is commonly used in the state in consultation with California Department of Fish and Game.

Response K-16: The commentor's concerns regarding the implementation of Mitigation Measure MM 4.9.8 is noted. Surveys associated with Mitigation Measure MM 4.9.8 are likely to involve a determination of whether appropriate habitat conditions exist for the species of concern identified under Impact 4.9.8 as well as identification of any den or burrow sites. Biological evaluations for specific properties within the Plan area (Hopkins Ranch, Eaglewood, Siller Ranch, Northstar) have not identified any of these species as occurring in the Plan area. However, the proposed Siller Ranch project includes an open space corridor along Martis Creek that is based on providing adequate habitat for the pine marten would provide adequate habitat for the yellow warbler and Sierra Nevada snowshoe hare (Jones and Stokes, 2001).

Response K-17: Comment noted. The following text changes are made to the Draft EIR.

- Page 4.9-10 (top of the page), the following text changes are made:

“...to consult with CDFG on projects or actions that could affect listed species, directs CDFG to determine whether jeopardy would occur, and allows CDFG to identify “reasonable and prudent alternatives” to the project consistent with conserving the species. ~~Agencies can approve a project that affects a listed species if they determine that there are “overriding considerations”; however, the agencies are prohibited from approving projects that would result in the extinction of a listed species.~~”

Response K-18: The commentor's statements regarding anadromous fisheries is noted. Commenter is correct in stating that the County intends Policy 6.C.1(g) to pertain to all streams within the planning area. The methodology for determining the importance of each stream is included in Policy 6.C.11, which requires an evaluation of the habitat by a wildlife biologist “...based upon field reconnaissance performed at the appropriate time of year...” and must identify feasible mitigation measures...”

Response K-19: Comment noted. The commentor does not make a comment regarding the adequacy of the Draft EIR provided, therefore no further response is necessary. The commentor is referred to Master Response 3.4.1 (Project Description Adequacy) regarding consideration of the Placer Legacy program. This comment will be provided to the Placer County Planning Commission and Board of Supervisors for consideration prior to consideration of the adoption of the Martis Valley Community Plan.

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

Response K-20: Comment noted. This comment will be provided to the Placer County Planning Commission and Board of Supervisors for consideration prior to consideration of the adoption of the Martis Valley Community Plan. The commenter does not make a comment regarding the adequacy of the Draft EIR provided, therefore no further response is necessary.

Response K-21: Comment noted. This comment will be provided to the Placer County Planning Commission and Board of Supervisors for consideration prior to consideration of the adoption of the Martis Valley Community Plan. The commenter does not make a comment regarding the adequacy of the Draft EIR provided, therefore no further response is necessary.

Response K-22: The comment was noted and the following text change is made to the Draft EIR.

- The following edit is made to the first paragraph on Page 4.9-7:

“... squirrel tail (*Elymus elymoides* ~~*Sitanion hystrix*~~), and bitterbrush ...”

Response K-23: The discussion provided on pages 4.9-8 and -9 of the Draft EIR is intended to describe common wildlife found in these habitat types. Appendix 4.9 of the Draft EIR provides a list of species known to occur in the area.

Response K-24: The commentor’s statements regarding the use of the Skinner and Pavlik reference is noted. Draft EIR includes several information sources in evaluating biological resources in the Plan area (Draft EIR pages 4.9-90 and -91). The County considers the information and impact analysis provided in Section 4.9 (Biological Resources) adequate for evaluating potential impacts as required by CEQA.

Response K-25: Comment noted. Policy 6.A.4 is applied County-wide as part of the Placer County General Plan. Since no comments regarding the adequacy of the Draft EIR or Revised Draft EIR were received, no further response is required.

Response K-26: Comment noted. Policy 6.C.1 is applied County-wide as part of the Placer County General Plan. Draft EIR pages 4.9-79 through -81 addresses potential impacts to Plan area wetlands.

Response to K-27: The comment was noted and the following text change is made to the Draft EIR.

- The following edit is made to eight paragraph on Page 4.9-19 under special-status plant species:

“Plants that are candidates for possible future listing as threatened or endangered under the FESA (64 CFR 205, October 25, 1999; 57533-57547).”

Response to K-28: Comment noted, no wolverine were observed or identified during the biological analysis of the project.

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Response to K-29: The comment was noted and the following text change is made to the Draft EIR.

- The following edit is made to the fifth paragraph on Page 4.9-29:
"California populations of the peregrine falcon declined in the 1970's due to DDT~~E~~ contamination."

Response to K-30: The comment was noted and the following text change is made to the Draft EIR.

- The following edit is made to the fourth paragraph on Page 4.9-31:
"Migratory birds forage and nest in multiple habitats such as Great Basin sage scrub oak woodlands, grasslands, riparian woodlands, and coniferous forests. "

Response to K-31: The comment was noted and the following text change is made to the Draft EIR.

- The following edit is made to Mitigation Measure MM 4.9.3, third sentence on pages 2.0-60 (Table 2.0-1), 4.9-53 and 8.0-10 (Table 8.0-1):
".... To include a focused plant survey for the following special status plant species: Donner Pass buckwheat, ~~p~~lumas ivesia"

Response to K-32: Comment noted. The term "wetlands" under proposed Policy 9.G.1 includes consideration of vernal pools.

Response to K-33: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality).

Response to K-34: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality).

Response to K-35: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

Response to K-36: The commentor is referred to Master Response 3.4.3 (Water Quality).

Response to K-37: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

Response to K-38: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

Response to K-39: The commentor's statements regarding the Lahontan cutthroat trout is noted. The Draft EIR identifies potential impacts to this species (Draft EIR

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

pages 4.9-58 through -62). In the project vicinity, three records of this species are listed in the CNDDDB from Martis Creek (two records) and Pole Creek (one record). However, the CNDDDB identifies all these occurrences as being extirpated. There are historic accounts of cutthroat trout within the Martis Creek drainage, and suitable habitat is present within the tributaries of Martis Creek. However, these tributaries have varying flow conditions and there are various potential fish barriers (e.g., fallen logs, downcuts) in the Plan area. The survival of the Lahontan cutthroat trout in the Martis Valley area is challenged by competition with other trout species and interbreeding. DFG currently stocks the Martis Reservoir with cutthroat trout as part of their sport-fishing stocking program, which also includes the stocking of brook trout and rainbow trout. However, this stocking is not recognized as part of U.S. Fish and Wildlife Service's recovery efforts for the Lahontan cutthroat trout and may not consist of the genetic strain that is considered threatened. Therefore, this species is considered to have a low potential to occur within the Plan area. However, the following text changes are made to mitigation measures MM 4.9.5a and b:

- The following edit is made to mitigation measures MM 4.9.5a and b, on pages 2.0-65 (Table 2.0-1), 4.9-62 and 8.0-11 (Table 8.0-1):

"MM 4.9.5a

The County shall require that construction activities within the channels of waterways identified to be potential spawning habitat of the Lahontan cutthroat trout shall not materially impair habitat conditions. The County shall cooperate with the U.S. Fish and Wildlife Service if future recovery planning activities for the species includes Plan area waterways. ~~occur during the spawning season (April through July).~~

MM 4.9.5b

No structures shall be permitted in streams or watercourses within the Plan area that would result in the blockage of water flow sufficient to create ~~ing~~ a barrier to fish movement."

Response to K-40: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

Response to K-41: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality).

Response to K-42: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

Response to K-43: The commentor is referred to Response to Comment K-6 and Master Response 3.4.3 (Water Quality) and 3.4.4 (Water Supply Effects of the Project).

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Response to K-44: The commentor is referred to Response to Comment K-39.

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Letter L

Aug-19-02 02:34pm From:Tahoe-Truckee Sanitation +5305675840 T-934 P. 001/006 F-132



TAHOE-TRUCKEE SANITATION AGENCY

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VIA FACSIMILE AND US MAIL

19 August 2002

Mr. Fred Yeager
Placer County Planning Department
11414 "B" Avenue
Auburn, CA 95603

RE: Martis Valley Community Plan Draft Environmental Impact Report

Dear Fred:

This letter provides Tahoe-Truckee Sanitation Agency's (T-TSA) comments on the Martis Valley Community Plan Draft Environmental Impact Report (DEIR).

After having reviewed the DEIR, T-TSA's primary concern is that the Martis Valley Community Plan should require development in the Plan area to connect to a public sewer system instead of installing on-site treatment systems. As the Public Review Draft of the Martis Valley Community Plan Update states in the section on Sewage Disposal, "The Martis Valley area is a watershed for the groundwater supply that is expected to serve as the drinking water supply for the Plan area." The watershed overlays the drinking water supply for both Placer County and Nevada County developments.

L-1

T-TSA requests that Placer County require the sewerage of all of the development contemplated in the Martis Valley Plan. The surface water and groundwater quality would be negatively affected by the installation of on-site sewage disposal systems—an effect that could be avoided entirely by requiring these developments to sewer. These valuable resources must be protected from any cumulative impacts that would be caused by the installation of individual septic systems in this area. T-TSA is concerned that on-site sewage disposal systems could cause adverse impacts to Truckee River water quality which may result in exceedances of Truckee River water quality objectives. At present, the water quality in the River is approaching the objectives for constituents of concern at certain compliance points. The DEIR does not discuss or evaluate the interrelationship between the subject groundwater aquifer and the Truckee River, and the potential impacts that any on-site sewage disposal systems ultimately may have on Truckee River water quality.

L-2

T-TSA offers the following further specific comments on the DEIR:

- 1. Figure 4.11-1, "Martis Valley Service Districts" does not correctly reflect the service area of the Tahoe-Truckee Sanitation Agency. The T-TSA service area is comprised of the current boundaries of Truckee Sanitary District and the area in Northstar that TSD serves by contract.

L-3

NORTH TAHOE • TAHOE CITY • ALPINE SPRINGS • SQUAW VALLEY • TRUCKEE

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2. Page 4.11-51, Section 4.11.5.1 Wastewater Service Existing Conditions:

Paragraph 1 under the heading "Wastewater Service" states: "Wastewater service in the Plan area is provided by 3 entities: Tahoe-Truckee Sanitation Agency, Truckee Sanitation District, and Northstar Community Services District. However, Tahoe-Truckee Sanitation Agency collects wastewater from the other 2 and conveys it to treatment facilities east of Truckee."

T-TSA comments:

- a) "Truckee Sanitation District" should be changed to "Truckee Sanitary District" L-4
- b) Truckee Sanitary District collects wastewater within its service area and transports it to Tahoe-Truckee Sanitation Agency for treatment and disposal. TSD is a member entity of T-TSA. Northstar Community Services District collects wastewater within its boundaries. NCSD is not a member entity of T-TSA. Its wastewater is conveyed to a pipeline owned by TSD which in turn conveys it to T-TSA for treatment and disposal. There is a contract which addresses TSD's conveyance of NCSD's wastewater through TSD's pipeline. L-5
- c) There are areas within the Plan area that are currently not provided wastewater service by Tahoe-Truckee Sanitation Agency. Truckee Sanitary District does not encompass the entire Plan Area at this time. Service could be provided should the areas that lie outside of the Truckee Sanitary District boundaries and outside of the area served by contract between the Northstar Community Services District and Truckee Sanitary District successfully annex to T-TSA or to a member district of T-TSA. L-6

3. Page 4.11-51, Paragraph 2 under "Wastewater Service" states:

"In 1972, after a decade of debate and concern regarding the impact that numerous wastewater discharges were creating on the water quality of Lake Tahoe, a regional entity, Tahoe-Truckee Sanitation Agency (T-TSA), became responsible for collecting and treating wastewater from communities located along the northern and western shores of Lake Tahoe and the Town of Truckee and its environs."

T-TSA comment:

T-TSA also became responsible for collecting and treating wastewater from communities located along the Truckee River corridor, Alpine Meadows and Squaw Valley. L-7

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Aug-19-02	02:24am	From-Tahoe-Truckee Sanitation	45305873840	T-934	P. 003/005	F-132
<p>19 August 2002 Mr. Fred Yeager Placer County Planning Department Page 3</p>						
4.	Page 4.11-51, Paragraph 3 under "Wastewater Service" states:					
<p>"T-TSA provides sewage collection services to Truckee, the Plan area, Kings Beach, Tahoe City, Squaw Valley, and development along the western edge of Lake Tahoe..."</p>						
T-TSA comment:						
As stated above, there are certain areas within the Plan area that are not currently provided sewer service by T-TSA. See Comment 1, Number 2 above.						L-8
5.	Page 4.11-52, Paragraph 5 states: "One sfu is equal to two toilets and two laboratories or sinks."					
<p>T-TSA comment: One sfu is equal to approximately ten business plumbing fixture units. (One sfu is not equal to two toilets and two laboratories or sinks. The plumbing fixture units vary from residence to residence).</p>						
Also in the paragraph, the DEIR states: "T-TSA's service charges are based upon these values (Beals 2001)"						L-9
<p>T-TSA comment: The wastewater flow discharged by a non-residential use is one value used to calculate service charges. The strength of the sewage being generated by the non-residential land use is the other key factor. This sentence should be changed to read: "T-TSA service charges are based upon these values, along with the values that reflect the strength of the sewage that is being generated."</p>						
6.	Page 4.11-52, the last paragraph at the beginning indicates that the environmental review on the WRP is still pending. It has been concluded and the lawsuit challenging the FEIR has been resolved.					
7.	Page 4.11-53, top paragraph, states: "The planned expansion to the WRP is expected to accommodate projected development in the Plan area within T-TSA's service area (Woods, 2001)."					
<p>T-TSA comment: A statement should be added to address projected development in the Plan area that is not currently within T-TSA's service area (i.e. the fact that the planned expansion is expected to accommodate projected development in the Plan area within T-TSA's service area, as well as areas that are currently in the Plan area, but outside of T-TSA's service area, upon annexation to the T-TSA or a member entity of T-TSA).</p>						
Also, the Lahontan Regional Water Quality Control Board issued revised waste discharge requirements for the WRP expansion, not "permits".						L-12

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|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 8. | Page 4.11-53, Paragraph 5 erroneously names the Truckee Sanitary District as the Truckee Sanitation District. | L-13 |
| 9. | <p>Page 4.11-54, Regulatory Framework for Wastewater Service, Martis Valley General Plan, Community Development and Transportation Policies, Policy 7 states: "The counties should establish or designate a single controlling entity within the valley for water and sewage disposal services. A timetable of development for both water and sewer facilities prepared by this entity would be included in the guidelines for the county on all future approvals of development. Further development cannot proceed until an effective sewer and water system is funded and underway for each development project".</p> <p>T-TSA comment: There is no single entity within the valley that could provide both water and sewer services. T-TSA was created by special legislation of the California legislature to treat and dispose of sewage generated by the five member entities of T-TSA, but has no authority to provide water service. T-TSA doesn't see how both water and sewer service could be provided by a single entity in the Plan area.</p> | L-14 |
| 10. | Page 4-11-56. Section 4.11.5.3 Impacts and Mitigation Measures, under Methodology. Reference is made to the Tahoe Sanitation Agency. Should this read, "Truckee Sanitary District"? | L-15 |
| 11. | Page 4.11-56, Impact 4.11.5.1, Wastewater Service, it is unclear whether the statements in PP, AA, AB and AC that "Additional capacity in the WRP" would be needed means more capacity than the recently approved expansion. Please clarify. | L-16 |
| 12. | <p>Page 4.11-57, PP Proposed Land Use Diagram, Paragraph 1, line 4 states:</p> <p>"Based on a 20 percent full-time occupancy, the Proposed Land Use Diagram would generate approximately 0.37 mgd of wastewater."</p> <p>T-TSA comment: T-TSA facilities are sized, maintained and operated to accommodate peak flows, not average daily flow or part-time occupancy factors. The important value is that which represents 100% occupancy of the properties, or 1.8 mgd.</p> | L-17 |
| 13. | <p>Page 4.11-57, PP Proposed Land Use Diagram, Paragraph 1, line 17 states:</p> <p>"The entire Martis Valley Community Plan area is included within the T-TSA service area, except for the federally owned lands that are scattered throughout the plan area."</p> <p>T-TSA comment:</p> <p>The entire Martis Valley Community Plan area is not included within the T-TSA service area at this time. Successful annexation of the areas not within the T-TSA service area.</p> | L-18 |

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to the Truckee Sanitary District and to T-TSA could bring them into the T-TSA service area.

L-18
 Cont'd

14. Page 4.11-57, PP Proposed Land Use Diagram, Paragraph 2, Line 1 states: "The Proposed Land Use Diagram would require the extension of sewer trunk lines to provide wastewater collection service to the new development areas in the Plan area." This sentence is followed by, "The Tahoe-Truckee Sanitation Agency pays for facility improvements and expansions through connection charges, service charges, and tax revenue", and goes on to explain T-TSA charges.

T-TSA comment: T-TSA does not plan on extending sewer trunk lines to provide wastewater collection service to the new development areas in the Plan area. With the exception of the Truckee River Interceptor, T-TSA does not provide collection services. A T-TSA member entity, e.g. Truckee Sanitary District, as you describe under Truckee Sanitary District Code on Page 4.11-56 of the DEIR, would require the extension of sewer lines for sewage collection. T-TSA's charges are in addition to any charges levied by the collection district. Following the lines of text pertaining to T-TSA's planned WRP is a reference in line 13 to the need for "additional sewer trunk lines". This is not a T-TSA sewer trunk line, but the additional sewer lines that may be required by the sewer collection district.

L-19

15. Page 4.11-58, Paragraph AA, line 4; Paragraph AB, line 3; and Paragraph AC, line 3 state: "Based on a 20 percent full-time occupancy rate,..." See T-TSA comment under 12 above. The full-time occupancy flow (mgd) is the important number.

L-20

16. Pages 4.11-58 to 4.11-60. Policies and Implementation Programs. Policies 6.D.1, 6.D.5, 6.D.6, and 6.D.7; and Implementation Programs 14 and 15 under Sewage Collection, Treatment and Disposal:

T-TSA comment: Refer to page 1 of this letter regarding T-TSA's concern about allowing on-site disposal systems in the Plan area.

L-21

17. Page 4.11-60, Cumulative Setting, Impacts and Mitigation Measures, Setting, states: "Under cumulative conditions, the Tahoe-Truckee Sanitation Agency's service area would be the same as at present and would include the communities of Truckee, Kings Beach, Tahoe City, the Plan area, the western shore of lake Tahoe, and Squaw Valley."

T-TSA comment: T-TSA's service area would not be the same as present under cumulative conditions. T-TSA's service area does not include the entire Plan area. Also, Alpine Meadows should be added to the list of the communities in our service area. Any areas outside the boundaries of the Truckee Sanitary District and not served by TSD by contract would have to annex to a member district and to T-TSA. As mentioned in #1 above, Figure 4.11.1 does not accurately reflect T-TSA's current service

L-22

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Aug-19-02 02:35pm From-Tahoe-Truckee Sanitation +5208873840 T-834 P 006/006 F-132

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area. Any areas that lie outside of the boundaries of the Truckee Sanitary District and within the Plan area would be included in these new annexations. L-22 Cont'd

18. Page 4.11-60, same paragraph referred to in #17 above, states: "Under cumulative conditions, T-TSA would continue to provide service either directly or through contracts with the Northstar CSD, or the Truckee Sanitation District (TSD) to all the developed areas of the Plan area."

T-TSA comment: T-TSA does not currently provide service directly to any area. T-TSA's member districts provide the sewer collection service in their service areas and convey the sewage to T-TSA facilities. The Truckee Sanitary District provides service to Northstar CSD by contract. Under cumulative conditions, areas that do not currently lie within T-TSA boundaries would have to annex to a T-TSA member entity and to T-TSA. L-23

19. Page 4.11-60, same paragraph referred to in #17 above, states: "All proposed development associated with the Proposed Land Use Diagram and Alternatives AA, AB and AC falls within T-TSA's service area."

T-TSA comment: All proposed development does not fall within T-TSA's service area. See #17 above. L-24

20. Page 4.11-60, same paragraph referred to in #17 above, states: "Cumulative conditions associated with the Proposed Land Use Diagram and Alternatives AA, AB and AC require the WRP to have an increased capacity."

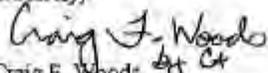
T-TSA comment: Please clarify as requested in #11 above whether the "increased capacity in the WRP" means more capacity than the recently approved expansion. L-25

21. Page 4.11-60, Impact 4.11.5.2, PP and AA, AB, and AC:

T-TSA comment: See #11 and #20. L-26

Thank you for the opportunity to provide these comments. If you have any further questions, please do not hesitate to contact me.

Sincerely,


Craig F. Woods
General Manager/Chief Engineer

CFW:ct

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

LETTER L. CRAIG F. WOODS, TAHOE-TRUCKEE SANITATION AGENCY

- Response L-1:* As discussed in Section 4.11 of the Draft EIR, the Placer County General Plan encourages new development to connect to existing wastewater treatment systems. Martis Valley Community Plan Policy 6.D.5 further restricts onsite sewage treatment and disposal to parcels larger than one acre in size and requires that all systems meet current County and State regulations. This policy also requires that on site disposal facilities no threaten surface or groundwater quality or pose any other health hazards. Martis Valley Community Plan Policy 6.D.6 further requires that on-site treatment, development, operation, and maintenance of disposal systems comply with the requirements of the County Division of Environmental Health and the Lahontan Regional Water Quality Control Board. However, it is acknowledged that the Lahontan Region Basin Plan contains a waste discharge prohibition that includes individual domestic wastewater facilities.
- Response L-2:* The commentor is referred to Response L-1 above as well as Master Response 3.4.4 (Water Supply Effects of the Project).
- Response L-3:* Comment noted. The commentor indicates that the current Tahoe-Truckee Sanitation Agency service area boundaries in Nevada and Placer counties are incorrect in the Draft EIR. The map attached to the comment letter will be provided to the County for inclusion in the Martis Valley Community Plan. Figure 4.11-1 (Martis Valley Service Districts) on page 4.11-3 of Section 4.11 (Public Services and Utilities) of the Draft EIR shows the existing and future service area for Truckee Sanitary District and Tahoe-Truckee Sanitation Agency.
- Response L-4:* Comment noted.
- Response L-5:* Comment noted and the following edits are made to the second paragraph on Page 4.11-51 under 4.11.5.1 Existing Conditions:
- "Wastewater service in the Plan area is provided by 3 entities: Tahoe-Truckee Sanitation Agency, Truckee Sanitation Sanitary District, and Northstar Community Services District. However, Tahoe-Truckee Sanitation Agency collects wastewater from the other 2 and conveys it to treatment facilities east of Truckee. Truckee Sanitary District collects wastewater within its service area and transports it to Tahoe-Truckee Sanitation Agency for treatment and disposal. TSD is a member entity of T-TSA. Northstar Community Services District collects wastewater within its boundaries. NCSD is not a member entity of T-TSA. Its wastewater is conveyed to a pipeline owned by TSD which in turn conveys to it to T-TSA for treatment and disposal. There is a contract which addresses TSD's conveyance of NCSD's wastewater through TSD's pipeline."
- Response L-6:* Comment noted and the following edits are made to the third paragraph on Page 4.11-51 under 4.11.5.1 Existing Conditions:
- "T-TSA provides wastewater treatment and disposal sewage collection services to Truckee, portions of the Plan area, Kings Beach, Tahoe City,

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

Alpine Meadows, Squaw Valley, and development along the western edge of Lake Tahoe. T-TSA and TSD's service area does not encompass the entire Martis Valley Community Plan area. Service would be provided in the future if these areas successfully annexed into T-TSA or a member district of T-TSA's service area."

Response L-7: Comment noted and the following edits are made to page 4.11-51, paragraph two under 4.11.5.1 Existing Conditions:

"In 1972, after a decade of debate and concern regarding the impact that numerous wastewater discharges were creating on the water quality of Lake Tahoe, 1 regional entity, Tahoe-Truckee Sanitation Agency (T-TSA), became responsible for collecting and treating wastewater from communities located along the northern and western shore of Lake Tahoe and the Town of Truckee, as well as communities along the Truckee River corridor, Alpine Meadows and Squaw Valley."

Response L-8: Please see Response to Comment L-6 above.

Response L-9: Comment noted and the following edit is made to page 4.11-52, paragraph five:

"One sfu is equal to two toilets and two laboratories or sinks. One sfu is roughly equal to approximately ten business plumbing fixture units."

Response L-10: Comment noted and the following edit is made to the fifth paragraph, Page 4.11-52:

"T-TSA's service charges are based upon these values, along with the values that reflect the strength of the sewage that is being generated. (Beals, 2001)."

Response L-11: Comment noted and the following edits are made to the last paragraph on page 4.11-52:

"The WRP is currently in the environmental review stages for a planned expansion of the current facility to a capacity of 9.6 mgd. T-TSA will be expanding the existing WRP to a capacity of 9.6 mgd. The planned WRP expansion, which is schedule to occur by 2005, would also include improvements to the Truckee River Interceptor (TTRI) and the existing TSD sewage treatment lagoons."

Response L-12: Comment noted and the following edits are made to the first paragraph on page 4.11-53:

"The planned expansion to the WRP is expected to accommodate projected development in the Plan area within T-TSA's service area, as well as areas that are currently in the Plan area but outside of T-TSA's service area, upon annexation to the T-TSA or a member entity of T-TSA (Woods, 2001)."

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

Response L-13: Comment noted. The subheading on page 4.11-53 will be changed to "Truckee Sanitary District". The commentor is referred to Response to Comment L-5 above.

Response L-14: Comment noted. Because this comment does not pertain to the Draft EIR, no response is required. The comment will be considered by the lead agency.

Response L-15: The comment was noted and text change made to Page 4.11-56, Section 4.11.5.3 under Methodology:

"Evaluation of potential impacts on wastewater facilities and services was based on consultation with Tahoe-Truckee Sanitation Agency, Tahoe Sanitary ~~tion~~ District Agency, and Northstar Community Services District, review of the Tahoe-Truckee Sanitation Agency Water Reclamation Plant Expansion Project Draft EIR (April 1999), and County and Martis Valley documents and policies."

Response L-16: The additional capacity referred to in Impact 4.11.5.1 is included within the planned expansion of the WRP to 9.6 mgd as discussed under PP Proposed Land Use Diagram on Page 4.11-57 of the Draft EIR. As discussed in the first paragraph, "The expanded WRP with a capacity of 9.6 mgd would adequately accommodate buildout of the Plan area under the Proposed Land Use Diagram. The expansion of the WRP is scheduled for 2005 and the Lahontan Regional Water Quality Control Board recently approved discharges permits for the expansion."

Response L-17: Comment noted. See Response to Comment L-16 above. The expansion of the WRP to 9.6 mgd would accommodate 100 percent occupancy of the Plan area, which under the Proposed Land Use Diagram would generate 1.8 mgd. Added to the existing volume of wastewater treated at the WRP (5.9 mgd), this would total 7.7 mgd.

Response L-18: Comment noted. See Responses to Comments L-6 and L-12.

Response L-19: Comment noted and the following edits are made to page 4.11-57, Section 4.11.5.3 under PP Proposed Land Use Diagram, paragraph two:

"According to TSD, the Proposed Land Use Diagram would require the extension of sewer trunk lines to provide wastewater collection service to the new development areas in the Plan area (Butterfield, 2001)...TSD would require ~~Additional sewer trunk lines would be necessary~~ to serve new development areas. The majority of the sewer trunk lines would be located within road rights-of-way. As such, extensions to sewer trunk lines and new lines would not result in new environmental impacts. However, if any lines would be located outside of road rights-of-way, the project could potentially result in environmental impacts. Such impacts are addressed in the other sections of this EIR relating to land uses and biological resources."

Additionally, a new reference is added to the References:

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

"Butterfield, O.R. General Manager/Chief Engineer. Truckee Sanitary District. Personal communication (letter), November 7, 2001."

Response L-20: Comment noted. See Response to Comment L-17.

Response L-21: Comment noted. See Response to Comment L-2.

Response L-22: Comment noted and the following edits are made to page 4.11-60 under Setting of this Draft EIR:

"Under cumulative conditions, the Tahoe-Truckee Sanitation Agency's service area would be the same as at present and would include the communities of Truckee, Kings Beach, Tahoe City, portions of the Plan area, the western shore of Lake Tahoe, Alpine Meadows, and Squaw Valley. In the future, service would be provided to the entire Martis Valley Community Plan area if these areas successfully annex into T-TSA or a member district of T-TSA's service area."

Response L-23: Comment noted and the following edits are made to page 4.11-60 under Setting:

"Under cumulative conditions, T-TSA would continue to provide service either directly or through contracts with the Northstar CSD, or the Truckee Sanitation District (TSD) to the NCSD and TSD service areas all the developed areas of the Plan area. Areas that are not currently within T-TSA's boundaries would have to annex into the service areas of both T-TSA and a member entity (e.g., TSD or NCSD)."

Response L-24: Comment noted and the following edits are made to page 4.11-60 under Setting:

"The majority of the All proposed development associated with the Proposed Land Use Diagram and Alternatives AA, AB and AC falls within T-TSA's service area. The areas that are not currently within T-TSA's boundaries would have to annex into the service areas of both T-TSA and a member entity (e.g., TSD or NCSD)."

Response L-25: Commentor is referred to Response L-16.

Response L-26: Commentor is referred to Response L-16 and L-25.

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

Letter M

Aug-19-02 11:58am From: TOWN OF TRUCKEE 5305827710 T-009 P-02/07 F-499

Town Council
Ronald J. Florian, Mayor
Ted Owens, Mayor Pro Tem
Dan McCormack
Maia Schneider
Joshua J. Sisman



Department Heads
Stephen L. Wright, Town Manager
J. Daniels Crabb, Town Attorney
Tony Lashbrook, Community Development
Jill R. Olson, Administrative Services
Pam Osborne, Town Clerk
Alicia Terrazas, Assistant to the Manager
Daniel P. Wilkins, Public Works Director/Town Engineer

August 19, 2002

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

Re: Martis Valley Community Plan Draft EIR comments

Dear Ms. Lawrence,

Thank you for the opportunity to review and comment on the DEIR for the Martis Valley Community Plan. This comment letter was considered and approved by the Town Council on August 15, 2002 and represent the formal comments from the Town on the DEIR. In addition to becoming a formal part of the Environmental Impact Report record, we also request that our comments be forwarded to the Citizens Planning Advisory Committee, Planning Commission and the Board of Supervisors so that they are considered during their deliberations on the Plan.

The Martis Valley Plan area is intricately linked to the Town of Truckee by a 3 mile long common boundary as well as key transportation corridors and critical socioeconomic relationships. The Plan and DEIR identifies these relationships and we appreciate that. Our review has focused on direct impacts to the Town of Truckee and our residents. We do not address issues that may be of interest and concern to us but are under the direct authority of another regulatory and/or governmental entity (for example water quality and wildlife habitat). We anticipate that the responsible agency will comment on such issues. Our comments focus on three areas of impact and the alternative section of the DEIR. Most of our comments relate to issues previously raised by the Town in response to the Notice of Preparation.

M-1

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

Aug-13-02 11:56am From: TOWN OF TRUCKEE

5305927710

T-000 P.02/07 F-400

Traffic and Circulation: The DEIR clearly shows that development in the Martis Valley has a direct, and in many cases significant, impact on roadways within the Town of Truckee. While we appreciate the recognition of the impact we are concerned that the mitigation measures proposed, specifically significant highway widening and signalizing multiple intersections, change the character of our Town and the Martis Valley in ways that are not consistent with the vision articulated in our collective plans. The specter of 4 lane road facilities and dual signalized left turn lanes within our community is a future to be avoided. In fact we are concerned that development that necessitates these types of improvements may negatively impact the long term economic future of our region. We are also not sure if the DEIR adequately addresses the noise impacts that may be associated with this level of increased traffic through Town neighborhoods. At some point people quit visiting and investing in our region if it appears the same as the urban or suburban environment that they come from. We had hoped that the Planning Advisory Committee and the staff would have seized this opportunity to evaluate the community character impacts of these dramatic changes to our region's roadway networks and addressed them in a policy context within the Plan. We hope and request that the Planning Committee, Planning Commission and Board of Supervisors take a close look at this issue in their review of the Plan. The Town has work to do in this area as well and clearly there is an opportunity for us to work together on these critical transportation issues. Our specific comments on the DEIR are as follows:

M-2

M-3

M-4

Mitigation Measure 4.4.1a identifies that "The County shall establish a capital improvement program for the land use map and roadway improvements ultimately approved by the County for the improvements identified in Tables 4.4-20 through 4.4-25 (depending on the land use map adopted). This would include funding and coordination for traffic improvements associated with impacts identified in the Town of Truckee as well as to state highway facilities (SR 267 and SR28)."

M-5

The following language should be added to that mitigation measure: "For projects within the Town of Truckee, modern roundabouts or other alternative intersection improvements shall be considered as alternatives to the mitigation measures identified in Tables 4.4-20 through 4.4-25 prior to installation of those improvements or programming of those improvements within a capital improvement program. All capital improvement programming for projects within the Town of Truckee shall also be coordinated with the Town of Truckee."

The transportation section identifies that the need to widen SR 267 from Schaeffer Mill Road to Northstar Drive from 2 lanes to 4 lanes can be eliminated if one of the following measures are implemented:

M-6

1. Construct the Northstar Connection, or
2. Reduce trip generation (and associated land use) 20% to 35% (depending upon land use alternative).

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

Aug-19-02 11:58 am From: TOAN+DF+TRUCKEE

5305827710

T-005 P 04/07 F-499

The adopted plan should require one or both of the above items as a mitigation measure within the Martis Valley Community Plan Area. Should this not occur, the cost of widening SR 267 from Shaeffer Mill Road to Northstar Drive should be attributed to development within the Martis Valley Community Plan Area through the traffic impact fee program for the Martis Valley Community Plan Area.

M-6
Cont'd

Air Quality: We concur with the DEIR's conclusion that the generation of PM₁₀ emissions from new development will have significant impacts on particulate matter air quality in the Truckee air basin. It may be that the particulate matter air quality impacts of the Martis Valley Community Plan will be significant and unavoidable (the Town came to the same conclusion in our 1996 General Plan), however, we do not believe that the DEIR has gone far enough in analyzing the air quality impacts of the plan and identifying feasible mitigation measures. Although CEQA recognizes that projects may have significant and unavoidable impacts that cannot be reduced to a less than significant level, CEQA does require that all feasible mitigation measures be incorporated into the plan to lessen the air quality impacts to the greatest extent possible.

The Town of Truckee has extensively studied the particulate matter air quality problem within the Truckee air basin, and the result of these studies is the *Truckee Particulate Matter Air Quality Management Plan*. The Air Quality Management Plan identifies a number of control strategies (or mitigation measures) to reduce PM₁₀ emissions from new development and to reduce PM₁₀ emissions from existing development to compensate for increased emissions from new development. Prior to their adoption, the Town reviewed the control strategies to ensure they were feasible from social, economic, and technical considerations, and we have already started to implement some of these control strategies, including a "point-of-sale" changeout program for non-certified woodstoves. We will implement our remaining control strategies in the coming years.

M-7

The Town is encouraged by the efforts already taken by Placer County, the Placer Air Pollution Control District, the Town of Truckee, and the Northern Sierra Air Quality Management District to collectively address particulate matter air pollution in the Truckee air basin including the Martis Valley and to coordinate PM₁₀ emission reduction strategies in the future. The Martis Valley Community Plan presents a golden opportunity for the Placer County Board of Supervisors to expand on policies and implementation measures for future PM₁₀ control strategies in the Martis Valley. The Town believes that the Martis Valley Community Plan air quality goals and objectives could be further strengthened by identifying specific control strategies for new development to implement the air quality policies already proposed in the plan and also by adding policies and control strategies in the plan to reduce PM₁₀ emissions from existing development.

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

Aug-19-02 11:58am From:TOWNOFTRUCKEE

5305827710

T-000 P.05/07 F-400

The Town of Truckee requests that the DEIR consider, analyze, and incorporate in the DEIR and the Plan the following mitigation measures to lessen PM₁₀ air quality impacts that may result from implementation of the Martis Valley Community Plan:

- a. Implement a mitigation fee program to require mitigation fees for the installation of all woodstoves, fireplaces, and other solid fuel burning devices, including those installed in existing developments and lots, to offset the PM₁₀ emissions from these solid fuel burning devices.
- b. Implement a woodstove removal program to require the removal of non-certified woodstoves upon the sale or transfer of property and also to require the removal of all non-certified woodstoves within a specific time period (e.g., by 2007).
- c. In coordination with Cal Trans and the Town of Truckee, prepare and implement street sanding guidelines to reduce re-entrained road dust from winter road sanding and sweeping operations.

M-8

Affordable Housing: The Town is impressed by the commitment to affordable housing provided by the Martis Valley Plan policies and the mitigation measures proposed in the DEIR. The combination of the Resort Development Housing Policy 3.A.4 and mitigation measure 4.2.2 which mandates a 10% inclusion of affordable housing units in all residential projects provide powerful tools to help provide workforce housing for the new jobs expected to be created by the implementation of the Plan. However, the number of new jobs generated by implementation of the Plan is alarming- the 4,750 jobs identified in Table 4.2-12 exceeds the total number of jobs that existed in the Town of Truckee just 12 years ago. As we have collectively found, housing these new workers is extremely difficult.

M-9

Our comments related to affordable housing are:

1. Strengthen Resort Development Housing Policy 3.A.4 by clarifying that its purpose is to actually construct housing units to mitigate the impacts created by new employment.. This clarification would require modification to options c and d as follows:

- c. *Dedication of land in conjunction with the payment of fees (if necessary) to ensure the construction of the fee needed housing units for the new employees generated by the project concurrently with or prior to the creation of the new jobs.*
- d. *Payment of an in-lieu fee where it can be shown by the developer or the County that there is an approved housing project available that the fee will be utilized to help construct and the fee will result in the construction of the needed housing units for the*

M-10

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

Aug-13-02 11:59am From:TOWNOFTRUCKEE 5305827711 T-009 P.06/07 F-489

new employees generated by the project concurrently with or prior to the creation of the new jobs

M-10
Cont'd

2. The Town requests that Mitigation Measure 4.2.2 be implemented by inclusion into the Plan text. In addition, the Town requests that language be added, similar to the language referenced above, that would apply in the instance the County finds it infeasible to construct the units in conjunction with the project and elects to charge a fee. This language would require that the payment of the fee will directly result in the creation of the number of new housing units required to mitigate the housing impact created by the project.

M-11

The above modifications are requested to ensure that the mitigation measures actually result in the construction of new housing units to mitigate the housing impact identified in the DEIR. Our experience with the payment of in-lieu fees, a good example is the Village at Squaw Valley (Intrawest) Project, is that they do not result in the construction of the required new units to mitigate the housing impact of the new jobs created by the project. Without the linkage between the fee paid and housing units actually produced, we strongly believe that the conclusions of the DEIR are invalid and the document is inadequate.

Alternatives: The DEIR identifies two alternatives that are environmentally superior to the proposed project (Table 6.0-3, page 6.0-17). According to the DEIR these alternatives could feasibly attain the objectives of the project (Plan) and avoid or lessen the effects of the project. In the case of the clustered land use alternative, the same amount of development would be accomplished, in a more compact manner with significantly less land disturbance. The Town specifically requested consideration of the clustered alternative in our comments on the NOP for this DEIR. We believe that the loss of open space is the fundamental issue associated with the growing public concern regarding the Plan. It is, in fact, the open space in the Martis Valley and other areas around our region that create the economic engine that drives our collective economies. At some point development that uses up the existing open spaces inefficiently will have a long term negative impact on our economy. For this reason we would urge the Planning Advisory Committee, Planning Commission and Board of Supervisors to carefully consider the available alternatives, particularly those that would maximize the retention of critical open spaces. For example, clustering development away from Martis Creek Reservoir and its source streams will help retain the quality and the character of the trophy trout fishery which is an important element of our resort based economy.

M-12

In terms of our specific comments related to the alternative section of the DEIR and the Draft Martis Valley Plan, it is not made clear in either document why the environmentally superior alternatives are not being pursued. CEQA (section 21002) states "...it is the policy of the State that public agencies should not approve projects as proposed if there are feasible

M-13

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

Aug-18-02 11:59am From: TOWN OF TRUCKEE

5305827710

T-000 P-07/07 F-400

alternatives or feasible mitigation measures available which would substantially lessen the significant effects of such projects". It is within this context that we request that the County seriously consider the environmental superior alternatives and ultimately act in accordance with State Law.

M-13
Cont'd

In conclusion, we sincerely appreciate the opportunity to participate in this critical planning process and look forward to future cooperative endeavors. Should you have questions regarding the Town's comments they should be directed to our Community Development Director, Tony Lashbrook.

Sincerely,


Ron Florian
Mayor

Cc Citizen's Advisory Committee
Placer County Planning Commission
Placer County Board of Supervisors

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

LETTER M: RON FLORIAN, TOWN OF TRUCKEE

Response M-1: Comment noted. Town of Truckee comments on the Notice of Preparation were considered in the preparation of the Draft EIR.

Response M-2: The commentor's statements regarding the traffic impacts and associated mitigation measures identified for traffic impacts to the Town of Truckee are noted. Effects of traffic mitigation measures are noted on Draft EIR page 4.4-57.

Response M-3: Section 4.5 (Noise) and Appendix 4.5 of the Draft EIR specifically notes significant transportation noise that would occur as a result of future traffic volumes within the Town of Truckee.

Response M-4: The commentor's statements regarding the consideration of the community character impacts in the community plan development process is noted. The environmental effects of the project on the Town of Truckee is addressed in Sections 4.1 through 4.12 of the Draft EIR.

Response M-5: The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Analysis).

Response M-6: The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Analysis). Mitigation Measure MM 4.4.1a would involve the establishment of a capital improvement project that would establish traffic impact fees for development.

Response M-7: The air quality impact analysis provided in Section 4.6 (Air Quality) of the Draft EIR provides an extensive analysis of the extent of air quality impacts associated with implementation of the project. The following text changes are made to the Draft EIR associated with Mitigation Measure MM 4.6.3.

- Pages 2.0-32 (Table 2.0-1), 4.6-17 and 8.0-5 (Table 8.0-1), the following text changes are made to Mitigation Measure MM 4.6.3:

MM 4.6.3 The following language shall be added to policy 9.H.6:

"County staff will develop, with the advice of the Placer County APCD, a mitigation fee program for indirect sources similar to that in use in western Placer County. Mitigation targets will be identified, appropriate off-site mitigation programs developed, and equitable fees established. The County (in coordination with the Placer County APCD) shall develop an offsite mitigation program to offset the development increases in Nitrogen Oxide, Reactive Organic Gas and Particulate Matter emissions. This may include development of a fee program that could fund activities such as retrofitting existing heavy equipment/vehicles with cleaner burning engines, retrofitting or purchasing new low emission transit vehicles and equipment, providing natural gas fuel infrastructure, implement improved street sweeping and sanding guidelines/procedures, provision of a green waste pick up program as

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

an alternative to burning and replacing non-EPA certified woodstoves with new EPA certified units.

The County shall promote and encourage new development to utilize non-wood burning devices in the Plan area. Only EPA certified Phase II wood burning devices or their equivalent shall be allowed within the Plan area. The maximum emission potential from each residence shall not exceed 7.5 grams per hour. Outdoor burn pits must be plumbed with natural gas and prohibited from burning wood."

Response M-8: The commentor is referred to Response to Comment M-7.

Response M-9: The commentor's statements regarding proposed Martis Valley Community Plan policies and mitigation measures associated with affordable and employee housing is noted. The commentor is referred to Master Response 3.4.8 (Affordable and Employee Housing Effects of the Project).

Response M-10: The commentor's suggested changes to Policy 3.A.4 are noted and will be forwarded to the Placer County Planning Commission and Board of Supervisors for consideration.

Response M-11: The commentor's suggested changes to Policy 3.A.4 and their association with Mitigation Measure MM 4.2.2 are noted and will be forwarded to the Placer County Planning Commission and Board of Supervisors for consideration. As identified in Master Response 3.4.8 (Affordable and Employee Housing Effects of the Project), the environmental effects of the lack of affordable and employee housing is addressed in the Draft EIR.

Response M-12: The commentor's statements regarding the alternatives analysis in the Draft EIR is noted. The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis) as well as Response to Comment K-6 and Master Response 3.4.3 (Water Quality) regarding Martis Creek Reservoir concerns.

Response M-13: The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis).

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

Letter N

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Gratchen Bennett, APC

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Post-It* Fax Note	7671	Date	# of pages
To	Lori Lawrence	From	G. BENNETT
Co/Dept.	PLACER PLANNING	Co.	
Phone #		Phone #	274 7360
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August 16, 2002

Placer County Planning Dep
Attn: Lori Lawrence, Environmental Review Clerk
11414 "B" Avenue
Auburn, California 95603

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

Dear Ms. Lawrence:

Both eastern Nevada and eastern Placer Counties lie within the Truckee Air Basin. As you are well aware, air pollution is not contained within county lines. Development, as proposed in the Draft Environmental Impact Report for the Martis Valley Community Plan Update, will have an adverse effect on air quality in eastern Nevada County. The Northern Sierra Air Quality Management District (District) has jurisdiction over Nevada, Sierra and Plumas Counties. Since the referenced plan will impact eastern Nevada County, the District would like to submit the following *commenting agency* comments for the official record.

N-1

The District is concerned about this plan due to the large potential for development. Future development of the Martis Valley, in accordance with the Draft Environmental Impact Report for the Martis Valley Community Plan Update, will cause an impact upon a community (Truckee) that already experiences poor air quality.

N-2

The Town of Truckee can have very poor air quality on some days. Federal and state ambient air quality standards for particulate matter less than 10 microns (PM10) have been exceeded several times. The state standard has been exceeded many times, and the federal standard has been exceeded once. In July of 1997, the U.S. EPA promulgated new standards for particulate matter less than 2.5 microns. This "fine" fraction of PM10 is produced largely from combustion processes, so woodburning communities like Truckee will be affected by this new standard. Previous monitoring for PM2.5 in Truckee indicates that if there is an exceedance of the PM2.5 standard in the District, it will most likely occur in Truckee. Increased efforts are needed now to mitigate and eliminate fine particle sources of air pollutants within the Truckee area.

N-3

Federal Nonattainment Issues

The public health is not the only thing at risk. When an area is designated as federal nonattainment, federal law requires steps be taken to reduce emissions of the nonattainment pollutant so that the public is not exposed to unhealthful air quality. "Nonattainment" means that an area does not attain the ambient air quality standard for the pollutant of concern. Cleaning up the air is a very costly process that can negatively affect the local economy and results in numerous burdensome regulations and controls. It should be avoided if at all possible. Sanctions apply if an adequate attainment plan is not adopted and implemented.

N-4

It should be noted that since PM2.5 is considered a regional air pollutant, if the Truckee area violates the PM2.5 standard, then all of Nevada County and Placer County would be included in any new federal nonattainment area.

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

The District is concerned about the large amount of particulate matter (PM10) emissions predicted from Wood Burning and Road Dust. ROG and NOx levels are also significantly high (Table 4.6-4 Martis Valley Community Plan Update DEIR). These emissions pose a significant impact. All three of the afore mentioned pollutants exceed the District's Level C thresholds (TABLE 1), therefore having a *significant* impact. Additionally, the District strongly disagrees with the DEIR's assumption that the homes will be occupied only 30% of the time, thus emissions are predicted to be only 30% of total possible emissions. This is inappropriate for determining predicted emissions for a reasonable worst case scenario. The District will assume at least a 75% occupancy rate, increasing all of the above stated emissions appropriately.

N-5

TABLE 1

Level A Thresholds		
NOX	ROG	PM10
≤ 24 lbs/day	≤ 24 lbs/day	≤ 79 lbs/day

Level B Thresholds		
NOX	ROG	PM10
25-136 lbs/day	25-136 lbs/day	80-136 lbs/day

Level C Thresholds		
NOX	ROG	PM10
≥ 137 lbs/day	≥ 137 lbs/day	≥ 137 lbs/day

These threshold levels are less stringent than Placer County Air Pollution Control District's. However, PM10, ROG and NOx emissions must be mitigated to a level below significant in eastern Nevada County. PM10, ROG and NOx all exceed 137 pounds per day (Level C); therefore there is a *significant* impact; below Level C would be *potentially significant*. The Town of Truckee's Air Quality Management Plan calls for "no net increase of PM10 or PM2.5." Therefore, particulate matter emissions should be mitigated 100%.

N-6

District Recommendation

1. Mitigate ROG, NOx and PM to below level C threshold for Nevada County. To be in accordance with the Truckee AQMP, PM must be mitigated 100% (no net increase).
2. The District strongly recommends that all wood burning appliances be prohibited. Gas, pellet or fuel-oil heating appliances are viable alternatives. If the project insists upon installing wood-burning appliances, they may still be able to meet the Truckee General Plan's air quality goal of no net increase of particulate matter by participating in a "Great Stove Changeout Program" or contributing financially to any other programs that will offset the emissions that will be caused by the wood burning heating appliances installed in the project.

N-7

N-8

Additionally, if wood-burning appliances are allowed within new construction under

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

this plan, then each residential unit and occupied commercial building must have residential wood combustion units and/or fireplaces that are Environmental Protection Agency (EPA) Phase II or better devices. Any wood burning appliance or fireplace that is not EPA Phase II certified or better shall be prohibited. Additionally, each residential unit and occupied commercial building shall not emit more than 7.5 g/hr of particulate matter.

N-8
Cont'd

3. Due to the proposed increase of PM, ROG and NOx in the Martis Valley, the District recommends that air monitoring equipment for PM10, PM2.5 and ozone be placed within an approved location by the Placer County Air Pollution Control District and the Northern Sierra Air Quality Management District. Offset fees shall be used to purchase, install and maintain the monitoring equipment. It is imperative that the proposed monitors be in place before construction begins. Both Air districts must have baseline data before any construction commences. This would help satisfy Policy 6F.6 listed in the Draft Environmental Impact Report.

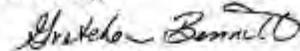
N-9

4. The District recommends that alternatives to residential open burning of vegetative material be used. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.

N-10

Thank you for the opportunity to comment on the Draft EIR. Please add the District to your distribution list for copies of the administrative final EIR. Please feel free to call Ryan Murano at (530) 550-7872 if you have any questions or comments.

Sincerely,



Gretchen G. Bennitt
Air Pollution Control Officer

cc: Town of Truckee, Community Development Department
Attn: Duane Hall, Town Planner

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

LETTER N: GRETCHEN G. BENNITT, NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Response N-1: Comment noted. The DEIR setting section mentions that the Martis Valley sub-air basin is part of two counties and two adjacent air districts.

Response N-2: Comment noted. Air quality problems in Truckee and Martis Valley are discussed in the DEIR, and the Town of Truckee's efforts to improve air quality are also described.

Response N-3: Comment noted. The DEIR provides a summary of air quality data gathered by the NSAQMD in Truckee and describes the Town of Truckee's *Particulate Matter Air Quality Management Plan*.

Response N-4: Comment noted. The DEIR on page 4.6-3 provides a discussion of the ramifications of classification as a non-attainment area.

Response N-5: Project emissions of particulate matter, ROG and NO_x are shown in Table 4.6-4 of the Draft EIR and exceed both the thresholds of significance of the Placer County APCD and the NSAQMD. Project emissions of these pollutants were found to have a significant air quality effect on regional air quality.

The assumption regarding seasonal occupancy (30 percent permanent, 70 percent seasonal) was used only in the calculation of wood burning emissions. This assumption was made to be consistent with the Town of Truckee *Particulate Matter Air Quality Management Plan*. This same assumption was made in Appendix 2 of the AQMP, and is necessary to accurately calculate annual amounts of wood burned, since there is a great difference in the wood-burning practices of permanent and seasonal residences. Therefore, the emissions shown in Table 4.6-4 of the DEIR do not represent 30 percent of total emissions, and should not be adjusted. The URBEMIS-generated estimates of emissions are based on full buildout of all project land uses without adjustment for seasonality. The estimates of worst-case carbon monoxide concentrations, in Table 4.6-3 of the Draft EIR are based on annual peak traffic volumes assuming full buildout of project land uses.

Response N-6: The commentor is referred to Response to Comment M-7.

Response N-7: The commentor is referred to Response to Comment M-7.

Response N-8: The commentor is referred to Response to Comment M-7.

Response N-9: The commentor's suggestion of installing monitoring equipment in the Plan area is noted and will be forwarded to the Placer County Planning Commission, Board of Supervisors and the Placer County Air Pollution Control District for consideration.

Response N-10: The commentor is referred to Response to Comment M-7. As a practical matter, PCAPCD policy is that during the environmental review of developments restrictions be placed eliminating residential burning.

Letter O

County of Placer
NORTH TAHOE REGIONAL ADVISORY COUNCIL
P. O. Box 1238
Carnelian Bay, CA 96140
County Contact: Steve Kasten (530) 546-1950

NORTH TAHOE REGIONAL ADVISORY COUNCIL

**Minutes of the meeting of
Thursday, August 8, 2002
6:00 PM**

North Tahoe Community Conference Center, Kings Beach

Members present: Duggan (chair), Brown, Gracey, Ballin, Calhoun, Dyer
Members absent: Shaw, Hennessey, DesLauriers

1. **Call to order and introductions:** Meeting was called to order at 6:00 P. M.
Council and audience introduced themselves
2. **Approval of minutes from July meeting:** Approved unanimously
3. **Approval of agenda for the present meeting:** Approved unanimously
4. **Open Forum:**

Fred Yeager said that the Planning Department is now working on an ordinance provision to make it simpler and more accurate to consolidate parcels of land. As it now stands, if an owner of more than one parcel wants to build a house that may span property lines, a hearing prior to obtaining a building permit is required. If adopted, the change would mean that there would be no hearings, no notice, and perhaps less expensive.

A member of the audience wanted to know when the Planning Department Design Review Committee meets, as information regarding the Tonopalo project has been difficult, and response has been missing. Several project problems were noted, such as the workers on the project were not allowed to park heavy equipment on the sand dune, but apparently have done this; workers also removed the sand dune which had been there a long time. Mark Calhoun remarked that he had looked at Tonopalo, and feels deceived by the apparent violations. He added that the Placer County Planning Department and TRPA have enforcement power. Theresa Duggan said that she also is unhappy, as the project appears to be following the letter of the law but not the spirit. A comment was made that there seems to be no perception of quality in the work and that a layperson can see this. Also pointed out is that NTRAC advised approval of something other than what is being done.

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

Steve Kastan said that NTRAC has advisory capacity only, but has no authority. Mark Calhoun asked what could happen if it is determined by Placer County that Tonopalo is not in compliance. Fred Yeager said that a notice of non-compliance would be issued. Tonopalo is in compliance, according to TRPA and Placer County. Fred Yeager said that the Planning Department and the Department of Public Works are both aware of the Tonopalo problems. He said he would report back regarding tonight's comments and complaints.

Mark Calhoun, when asked how this can happen, responded that a system of legal bribery has been created. He said that former TRPA employees, who know how to move through the system with attorneys, are being hired by owners of big projects. He said that mitigation fees on these projects, because of their impacts, are accepted by TRPA. Ken Gracey suggested that if TRPA does not respond to questions and phone calls, contacting the TRPA governing body is the next step. Terry Dyer said that he has had experience with TRPA, and that the governing body will listen. Fred Yeager said that the TRPA governing body will meet on August 28.

5. Action Item: A. Change in conditions for the Tahoe Marina Lodge from exclusive hotel use to allow residential uses.

Fred Yeager, Placer County Planning Department Director, reported on the Tahoe Marina Lodge. The project as approved by Placer County was restricted to motel use: each unit required by the owner to be enrolled in a rental program. However for the past 30 years only about half of the 48 units are now in compliance. Units have been sold with some buyers unaware of this restriction.

On August 22 there will be a Planning Commission hearing on the project, to be held at the North Tahoe Community Center in Kings Beach. At issue is whether it is an option or a requirement that the owner of each unit be in compliance with the Conditional Use Permit to enter into a rental agreement. The CC&R's were approved by Placer County to implement the rules in the C.U.P.

Fred said that Placer County has the ability to enforce the intent in the original conditions, but cannot require a change in these conditions to include other issues, such as the construction of a bike trail. The pool, tennis courts, parking spaces, and pier are to be accessible to the public. There are concerns about accessibility because the project is adjacent to the public beach and is at the center of town.

Ken Gracey said that the project from the Public's point of view is that it has been made into a private project. Mark Calhoun said that the public feels violated because people have been denied the right to pier access, the public's access to the area should be increased.

Comments from the audience include that the owners are fighting the public right to access the pier. Public access has been denied in other ways – the public parking has been taken over by employees of area merchants. People have been denied access to the pool at the lodge. Not many people even know that it is a public pool, TOT, which represents a lot of money, is not being collected. There have been numerous fences erected. The Use Permit

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

states that there would be no fences - they remove the public right to access, and should not have been built.

Randy Faccinto, attorney for the Tahoe Marina Lodge, said that the CC&R's approved by Placer County do not include the Use Permit, so the Condominium owners never see the Use Permit which requires them to be in the rental program. Buyers and sellers do not realize that the project is actually a motel, including the requirement of the rental program. He said that 30 years after approval owners couldn't be told that each unit is required to be a rental unit - the CC&R's state that rental is an option. He said that for 30 years the operation was that of private property ownership. He commented that the owners want clarification, not change. He said that owners do not deserve enforcement of something they know nothing about.

Fred Yeager said that three years ago the County Counsel asked the Lodge owners to show how compliance to the Use Permit is being achieved. The County intends to look at the history, and be consistent and fair. He said that a change could be made only by a decision of the Planning Commission and notification to the owners.

Motion made and seconded that NTRAC approve the Planning Staff recommendation that the project remain as it was approved. The motion passed: five for and one against.

B. Comments on the Martis Valley Community Plan Environmental Impact Report relating to impacts on North Tahoe.

Fred Yeager said that community comments on the E.I.R. would end on August 19 at 5:00 P.M. and the Planning Commission will meet with recommendations on August 22 at 6 P.M. at the Kings Beach Conference Center. The Board of Supervisors will hold hearings and make any appropriate changes; the final document will be available probably in October.

Fred said that 2500 notices regarding the project have been sent to adjacent property owners and affected public agencies.

Terry Dyer asked how recommendations from the public would be implemented. Fred said that Placer County will study recommendations and comments, and respond. He said that new developments from comments made have already been anticipated. As an example, past traffic studies have anticipated future area traffic.

O-1

On traffic, Ron McIntyre of the Resort Association, commented that people will come to the area anyway - the task is how the people are handled - not how to stop development. Mark Calhoun said that there must be some control. Ron said that downzoning has gone on for 25 years. The people who stay overnight need to get into an alternate form of transportation.

O-2

Following a list of proposals from a July 30 subcommittee meeting, the following were recommended. The Council approved these recommendations for both the Plan and the EIR.

Traffic:

1. The North Tahoe Regional Advisory Committee recommends an expansion of the study area for the Martis Valley Community Plan to include Stateline (Brockway) to Fanny Bridge

O-3

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

<p>(Intersection of Routes 89 and 28). Moved and seconded to approve expansion of study area. Approved unanimously.</p>	<p>O-3 Cont'd</p>
<p>2. The North Tahoe Regional Advisory Committee recommends an expansion of the study area for the Martis Valley Community Plan to include entrance to Squaw Valley and Alpine Meadows. Moved and seconded to approve expansion of study area. Motion passed: five for and one against.</p>	<p>O-4</p>
<p><u>Parks and Recreation:</u> A revised DEIR must include an analysis of project related and cumulative impacts on North Shore parks and recreation facilities. Fred Yeager said that mitigation is there, already addressed and will be addressed in EIR. Moved and seconded to approve. Motion passed unanimously.</p>	<p>O-5</p>
<p><u>Public and Private Services:</u> Motion made and seconded to include study of the following four items. Police and Sheriff Emergency Services, hospitals, fire services Waste Management Social Services Motion passed unanimously.</p>	<p>O-6</p>
<p><u>Air and Water Quality:</u> A revised DEIR should analyze whether the proposed development in the Martis Valley will generate air, vehicle emissions, and water quality impacts on Lake Tahoe and the North Shore, and determine whether these impacts will in any way impede progress toward attaining thresholds and carrying capacity limitations for the North Shore. Motion made and seconded to study how vehicle emissions could affect the area and water quality. Motion passed unanimously.</p>	<p>O-7</p>
<p><u>Parking:</u> The North Tahoe Regional Advisory Committee recommends an expansion of the study area for the Martis Valley Community Plan to include parking studies for Stateline to Fanny Bridge. Motion made and seconded to expand study area addressing parking. Motion passed: five for and one against.</p>	<p>O-8</p>
<p>Jennifer Merchant said that she did not think that transit operating plan and funding implementation has been addressed in the EIR. Mark Calhoun asked how this would be done. Jennifer suggested a transit improvement plan. Fred said that a detailed transit-funding program is possible. As new development occurs, public transit could be put on property tax bills. It was moved and seconded that, due to the traffic impacts identified in the DEIR, the EIR should expand the discussion of transit related traffic mitigations to include a detailed funding proposal and related mitigation measures and implementation programs. The motion passed unanimously.</p>	<p>O-9</p>
<p>6. Other Business: none.</p>	

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

7. **Future Meetings:** A request to invite Sierra Pacific Industries to attend a future meeting. Also, Chip sealing, and transit alternatives.

8. **Adjournment** – the meeting was adjourned at 9:05 PM.

Respectfully submitted,

Alison Warnes

Ref:ntacaug02minrev

51

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

LETTER O: ALISON WARNES, NORTH TAHOE REGIONAL ADVISORY COUNCIL

Response O-1: Comments received on the Draft EIR and the Revised Draft EIR are responded to in this document.

Response O-2: Comment noted. The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Analysis).

Response O-3: The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Analysis).

Response O-4: The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Analysis). The proposed plan will not result in a significant impact to the Squaw Valley Road and Alpine Meadows Road. Traffic traveling from the Martis Valley region to Tahoe City and the West Shore would use SR 267 and SR 28 to the south. Of the traffic generated by the project, only up to 6 percent would travel to/from SR 89 within the vicinity of Squaw Valley and Alpine Meadows. On peak ski days, moreover, traffic levels to and from the ski areas is limited by the capacity of the ski area or ski area parking.

Response O-5: The commentor is referred to Master Response 3.4.6 (Consideration of Impacts to the Tahoe Basin).

Response O-6: Public service impacts to the physical environmental associated with the project are adequately addressed in Section 4.11 (Public Services) of the Draft EIR. The commentor is referred to Response to Comment 5-7 regarding hospital services. CEQA Guidelines Section 15131 specifically notes that social and economic concerns are not considered physical effect on the environment and thus was not discussed in the Draft EIR.

Response O-7: The commentor is referred to Master Response 3.4.6 (Consideration of Impacts to the Tahoe Basin).

Response O-8: The commentor is referred to Master Response 3.4.6 (Consideration of Impacts to the Tahoe Basin).

Response O-9: The commentor is referred to Master Response 3.4.10 (Adequacy of the Traffic Analysis).

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

MAY 02 '2003 15:27

Letter P

#0341 P.002

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS - M.S.#40
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94278-0001
PHONE (916) 654-4959
FAX (916) 653-9531

Coni- for file



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R E C E I V E D
MAY 01 2003
PLANNING DEPT.

April 28, 2003

Mr. Bill Combs
Placer County Planning Department
11414 B Avenue
Auburn, CA 95603

Dear Mr. Combs:

Re: *Placer County's Revised Draft EIR for the Martis Valley Community Plan Update;*
SCH# 2001072050

The California Department of Transportation, Division of Aeronautics (Department), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The following comments are offered for your consideration.

1. The proposed update to the 1975 Martis Valley General Plan (Plan) is intended to bring the Plan into consistency with the 1994 Placer County General Plan. According to the Revised Draft EIR, the proposed project and the (non-selected) alternatives will have "Significant Unless Mitigated" impacts related to Truckee-Tahoe Airport noise and airport operations. The EIR states that while the 1975 Martis Valley General Plan could result in potential conflicts with the Truckee-Tahoe Airport operations as well as with Federal Aviation Administration (FAA) FAR Part 77 and the Tahoe Truckee Airport Comprehensive Land Use Plan, the "proposed Community Plan does include policies 5.E.1 and 5.E.2 regarding coordination with the airport and support for continued use of the airport."
2. California Public Utilities Code (PUC) Section 21676 requires local general plans and specific plans be submitted to an airport land use commission (ALUC) to determine whether the plans are consistent or inconsistent with the airport land use compatibility plan. If the ALUC finds that a local agency has not revised its general plan or specific plan or overruled the ALUC by a two-thirds vote only after making findings, the ALUC may require that the local agency submit all subsequent actions, regulations, and permits to the ALUC for review. This proposal must be submitted to the Foothill Airport Land Use Commission (ALUC) for a consistency determination.

P-1

"Caltrans improves mobility across California"

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

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Mr. Bill Combs
April 28, 2003
Page 2

3. The enclosed Federal Aviation Administration (FAA) Advisory Circular (AC150/5200-33) entitled "Hazardous Wildlife Attractants on or Near Airports" states that land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The FAA recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. Also enclosed is a copy of AC 150/5200-34 entitled "Construction or Establishment of Landfills Near Public Airports." For additional information concerning wildlife damage management, you may wish to contact the United States Department of Agriculture, Wildlife Services, at (916) 979-2675.

P-2

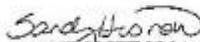
4. The need for compatible and safe land uses near airports in California is both a local and a state issue. Along with protecting individuals who reside or work near an airport, the Division of Aeronautics views each of the 251 public use airports in California as part of the statewide transportation system, which is vital to the state's continued prosperity. We strongly feel that the protection of airports from incompatible land use encroachment is vital to California's economic future. Airport land use commissions and airport land use compatibility plans, however, are key to protecting an airport and the people residing and working in the vicinity of an airport.

P-3

These comments reflect the areas of concern to the Department's Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our district office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314.

Sincerely,


SANDY HESNARD
Aviation Environmental Planner

Enclosures

c: State Clearinghouse, Foothill ALUC, Truckee-Tahoe Airport

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U.S. Department of Transportation

Federal Aviation Administration

Advisory Circular

Subject: HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS

Date: 3/1/97

AC No: 150/5200-33

Initiated by:

Change:

AAS-310 and APP-500

1. PURPOSE. This advisory circular (AC) provides guidance on locating certain land uses having the potential to attract hazardous wildlife to or in the vicinity of public-use airports. It also provides guidance concerning the placement of new airport development projects (including airport construction, expansion, and renovation) pertaining to aircraft movement in the vicinity of hazardous wildlife attractants. Appendix 1 provides definitions of terms used in this AC.

2. APPLICATION. The standards, practices, and suggestions contained in this AC are recommended by the Federal Aviation Administration (FAA) for use by the operators and sponsors of all public-use airports. In addition, the standards, practices, and suggestions contained in this AC are recommended by the FAA as guidance for land use planners, operators, and developers of projects, facilities, and activities on or near airports.

3. BACKGROUND. Populations of many species of wildlife have increased markedly in the

last few years. Some of these species are able to adapt to human-made environments, such as exist on and around airports. The increase in wildlife populations, the use of larger turbine engines, the increased use of twin-engine aircraft, and the increase in air-traffic, all combine to increase the risk, frequency, and potential severity of wildlife-aircraft collisions.

Most public-use airports have large tracts of open, unimproved land that are desirable for added margins of safety and noise mitigation. These areas can present potential hazards to aviation because they often attract hazardous wildlife. During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives world-wide, as well as billions of dollars worth of aircraft damage. Hazardous wildlife attractants near airports could jeopardize future airport expansion because of safety considerations.

DAVID L. BENNETT
Director, Office of Airport Safety and Standards

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

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AC 150/5200-33

SECTION 1. HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS.

1-1. TYPES OF HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS. Human-made or natural areas, such as poorly drained areas, retention ponds, roosting habitats on buildings, landscaping, refuse/waste disposal operations, wastewater treatment plants, agricultural or aquacultural activities, surface mining, or wetlands, may be used by wildlife for escape, feeding, loafing, or reproduction. Wildlife use of areas within an airport's approach or departure airspace, aircraft movement areas, loading ramps, or aircraft parking areas may cause conditions hazardous to aircraft safety.

All species of wildlife can pose a threat to aircraft safety. However, some species are more commonly involved in aircraft strikes than others. Table 1 lists the wildlife groups most commonly reported as being involved in damaging strikes to U.S. aircraft from 1993 to 1995.

Table 1. Wildlife Groups Involved in Damaging Strikes to Civilian Aircraft, USA, 1993-1995.

Wildlife Groups	Percent involvement in reported damaging strikes
Gulls	28
Waterfowl	28
Raptors	11
Doves	6
Vultures	5
Blackbirds-	5
Starlings	
Corvids	3
Wading birds	3
Deer	11
Combs	1

1-2. LAND USE PRACTICES. Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. FAA recommends against land use practices, within the siting criteria stated in 1-3, that attract or sustain populations of hazardous wildlife within the vicinity of airports or cause movement of hazardous wildlife onto, into, or across the approach or departure airspace, aircraft movement area, loading ramps, or aircraft parking areas of airports.

Airport operators, sponsors, planners, and land use developers should consider whether proposed land uses, including new airport development projects, would increase the wildlife hazard. Caution should be exercised to ensure that land use practices on or near airports do not enhance the attractiveness of the area to hazardous wildlife.

1-3. SITING CRITERIA. FAA recommends separations when siting any of the wildlife attractants mentioned in Section 2 or when planning new airport development projects to accommodate aircraft movement. The distance between an airport's aircraft movement areas, loading ramps, or aircraft parking areas and the wildlife attractant should be as follows:

a. Airports serving piston-powered aircraft. A distance of 5,000 feet is recommended.

b. Airports serving turbine-powered aircraft. A distance of 10,000 feet is recommended.

c. Approach or Departure airspace. A distance of 5 statute miles is recommended, if the wildlife attractant may cause hazardous wildlife movement into or across the approach or departure airspace.

1 (and 2)

SECTION 2. LAND USES THAT ARE INCOMPATIBLE WITH SAFE AIRPORT OPERATIONS.

2-1. GENERAL. The wildlife species and the size of the populations attracted to the airport environment are highly variable and may depend on several factors, including land-use practices on or near the airport. It is important to identify those land use practices in the airport area that attract hazardous wildlife. This section discusses land use practices known to threaten aviation safety.

2-2. PUTRESCIBLE-WASTE DISPOSAL OPERATIONS. Putrescible-waste disposal operations are known to attract large numbers of wildlife that are hazardous to aircraft. Because of this, these operations, when located within the separations identified in the siting criteria in 1-3 are considered incompatible with safe airport operations.

FAA recommends against locating putrescible-waste disposal operations inside the separations identified in the siting criteria mentioned above. FAA also recommends against new airport development projects that would increase the number of aircraft operations or that would accommodate larger or faster aircraft, near putrescible-waste disposal operations located within the separations identified in the siting criteria in 1-3.

2-3. WASTEWATER TREATMENT FACILITIES. Wastewater treatment facilities and associated settling ponds often attract large numbers of wildlife that can pose a threat to aircraft safety when they are located on or near an airport.

a. New wastewater treatment facilities. FAA recommends against the construction of new wastewater treatment facilities or associated settling ponds within the separations identified in the siting criteria in 1-3. During the siting analysis for wastewater treatment facilities, the potential to attract hazardous wildlife should be considered if an airport is in the vicinity of a proposed site. Airport operators should voice their opposition to such sitings. In addition, they should consider the existence of wastewater treatment facilities when evaluating proposed sites for new airport development projects and avoid such sites when practicable.

b. Existing wastewater treatment facilities. FAA recommends correcting any wildlife hazards arising from existing wastewater treatment facilities located on or near airports without delay, using appropriate wildlife hazard mitigation techniques. Accordingly, measures to minimize hazardous wildlife attraction should be developed in consultation with a wildlife damage management biologist. FAA recommends that wastewater treatment facility operators incorporate appropriate wildlife hazard mitigation techniques into their operating practices. Airport operators also should encourage those operators to incorporate these mitigation techniques in their operating practices.

c. Artificial marshes. Waste water treatment facilities may create artificial marshes and use submergent and emergent aquatic vegetation as natural filters. These artificial marshes may be used by some species of flocking birds, such as blackbirds and waterfowl, for breeding or roosting activities. FAA recommends against establishing artificial marshes within the separations identified in the siting criteria stated in 1-3.

d. Wastewater discharge and sludge disposal. FAA recommends against the discharge of wastewater or sludge on airport property. Regular spraying of wastewater or sludge disposal on unpaved areas may improve soil moisture and quality. The resultant turf growth requires more frequent mowing, which in turn may mutilate or flush insects or small animals and produce straw. The matted or flushed organisms and the straw can attract hazardous wildlife and jeopardize aviation safety. In addition, the improved turf may attract grazing wildlife such as deer and geese.

Problems may also occur when discharges saturate unpaved airport areas. The resultant soft, muddy conditions can severely restrict or prevent emergency vehicles from reaching accident sites in a timely manner.

e. Underwater waste discharges. The underwater discharge of any food waste, e.g., fish processing oil, that could attract scavenging wildlife is not recommended within the separations identified in the siting criteria in 1-3.

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

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2-4. WETLANDS.

a. Wetlands on or near Airports.

(1) Existing Airports. Normally, wetlands are attractive to many wildlife species. Airport operators with wetlands located on or nearby airport property should be alert to any wildlife use or habitat changes in these areas that could affect safe aircraft operations.

(2) Airport Development. When practicable, the FAA recommends siting new airports using the separations identified in the siting criteria in 1-3. Where alternative sites are not practicable or when expanding existing airports in or near wetlands, the wildlife hazards should be evaluated and minimized through a wildlife management plan prepared by a wildlife damage management biologist, in consultation with the U.S. Fish and Wildlife Service (USFWS) and the U.S. Army Corps of Engineers (COE).

NOTE: If questions exist as to whether or not an area would qualify as a wetland, contact the U.S. Army COE, the Natural Resource Conservation Service, or a wetland consultant certified to delineate wetlands.

b. Wetland mitigation. Mitigation may be necessary when unavoidable wetland disturbances result from new airport development projects. Wetland mitigation should be designed so it does not create a wildlife hazard.

(1) FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations

identified in the siting criteria in 1-3. Wetland mitigation banks meeting these siting criteria offer an ecologically sound approach to mitigation in these situations.

(2) Exceptions to locating mitigation activities outside the separations identified in the siting criteria in 1-3 may be considered if the affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water recharge. Such mitigation must be compatible with safe airport operations. Enhancing such mitigation areas to attract hazardous wildlife should be avoided. On-site mitigation plans may be reviewed by the FAA to determine compatibility with safe airport operations.

(3) Wetland mitigation projects that are needed to protect unique wetland functions (see 2-4.b.(2)), and that must be located in the siting criteria in 1-3 should be identified and evaluated by a wildlife damage management biologist before implementing the mitigation. A wildlife damage management plan should be developed to reduce the wildlife hazards.

NOTE: AC 150/5000-3, *Address List for Regional Airports Division and Airports District/Field Offices*, provides information on the location of these offices.

2-5. DREDGE SPOIL CONTAINMENT AREAS. FAA recommends against locating dredge spoil containment areas within the separations identified in the siting criteria in 1-3, if the spoil contains material that would attract hazardous wildlife.

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

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AC 150/5200-33

SECTION 3. LAND USES THAT MAY BE COMPATIBLE WITH SAFE AIRPORT OPERATIONS.

3-1. GENERAL. Even though they may, under certain circumstances, attract hazardous wildlife, the land use practices discussed in this section have flexibility regarding their location or operation and may even be under the airport operator's or sponsor's control. In general, the FAA does not consider the activities discussed below as hazardous to aviation if there is no apparent attraction to hazardous wildlife, or wildlife hazard mitigation techniques are implemented to deal effectively with any wildlife hazard that may arise.

3-2. ENCLOSED WASTE FACILITIES. Enclosed trash transfer stations or enclosed waste handling facilities that receive garbage indoors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles, generally would be compatible, from a wildlife perspective, with safe airport operations, provided they are not located on airport property or within the runway protection zone (RPZ). No putrescible-waste should be handled or stored outside at any time, for any reason, or in a partially enclosed structure accessible to hazardous wildlife.

Partially enclosed operations that accept putrescible-waste are considered to be incompatible with safe airport operations. FAA recommends these operations occur outside the separations identified in the siting criteria in 1-3.

3-3. RECYCLING CENTERS. Recycling centers that accept previously sorted, non-food items such as glass, newspapers, cardboard, or aluminum cans, in most cases, not attractive to hazardous wildlife.

3-4. COMPOSTING OPERATIONS ON AIRPORTS. FAA recommends against locating composting operations on airports. However, when they are located on an airport, composting operations should not be located closer than the greater of the following distances: 1,200 feet from any aircraft movement area, loading ramp, or aircraft parking space; or the distance called for by airport design requirements. This spacing is intended to prevent material, personnel, or equipment from penetrating any Obstacle Free Area (OFA), Obstacle Free Zone (OFZ), Threshold Siting Surface (TSS), or Clearway (see AC 150/5300-13, *Airport Design*). On-airport disposal of compost by-products is not recommended for the reasons stated in 2.3.d.

a. Composition of material handled.

Components of the compost should never include any municipal solid waste. Non-food waste such as leaves, lawn clippings, branches, and twigs generally are not considered a wildlife attractant. Sewage sludge, wood-chips, and similar material are not municipal solid wastes and may be used as compost bulking agents.

b. **Monitoring on-airport composting operations.** If composting operations are to be located on airport property, FAA recommends that the airport operator monitor composting operations to ensure that steam or thermal rise does not affect air traffic in any way. Discarded leaf disposal bags or other debris must not be allowed to blow onto any active airport area. Also, the airport operator should reserve the right to stop any operation that creates unsafe, undesirable, or incompatible conditions at the airport.

3-5. ASH DISPOSAL. Fly ash from resource recovery facilities that are fired by municipal solid waste, coal, or wood, is generally considered not to be a wildlife attractant because it contains no putrescible matter. FAA generally does not consider landfills accepting only fly ash to be wildlife attractants, if these landfills are maintained in an orderly manner; admit no putrescible-waste of any kind; and are not co-located with other disposal operations.

Since varying degrees of waste consumption are associated with general incineration, FAA classifies the ash from general incinerators as a regular waste disposal by-product and, therefore, a hazardous wildlife attractant.

3-6. CONSTRUCTION AND DEMOLITION (C&D) DEBRIS LANDFILLS. C&D debris (Class IV) landfills have visual and operational characteristics similar to putrescible-waste disposal sites. When co-located with putrescible-waste disposal operations, the probability of hazardous wildlife attraction to C&D landfills increases because of the similarities between these disposal activities.

FAA generally does not consider C&D landfills to be hazardous wildlife attractants, if these landfills are maintained in an orderly manner; admit no putrescible-waste of any kind; and are not co-located with other disposal operations.

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3-7. WATER DETENTION OR RETENTION PONDS. The movement of storm water away from runways, taxiways, and aprons is a normal function on most airports and is necessary for safe aircraft operations. Detention ponds hold storm water for short periods, while retention ponds hold water indefinitely. Both types of ponds control runoff, protect water quality, and can attract hazardous wildlife. Retention ponds are more attractive to hazardous wildlife than detention ponds because they provide a more reliable water source.

To facilitate hazardous wildlife control, FAA recommends using steep-sided, narrow, linearly-shaped, rip-rap lined, water detention basins rather than retention basins. When possible, these ponds should be placed away from aircraft movement areas to minimize aircraft-wildlife interactions. All vegetation in or around detention or retention basins that provide food or cover for hazardous wildlife should be eliminated.

If soil conditions and other requirements allow, FAA encourages the use of underground storm water infiltration systems, such as French drains or buried rock fields, because they are less attractive to wildlife.

3-8. LANDSCAPING. Wildlife attraction to landscaping may vary by geographic location. FAA recommends that airport operators approach landscaping with caution and confine it to airport areas not associated with aircraft movements. All landscaping plans should be reviewed by a wildlife damage management biologist. Landscaped areas should be monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected, corrective actions should be implemented immediately.

3-9. GOLF COURSES. Golf courses may be beneficial to airports because they provide open space that can be used for noise mitigation or by aircraft during an emergency. On-airport golf courses may also be a concurrent use that provides income to the airport.

Because of operational and monetary benefits, golf courses are often deemed compatible land uses on or near airports. However, waterfowl (especially Canada geese) and some species of gulls are attracted to the large, grassy areas and open water found on most golf courses. Because waterfowl and gulls occur throughout the U.S., FAA recommends that airport operators exercise caution and consult with a wildlife damage management biologist when considering proposals for golf

course construction or expansion on or near airports. Golf courses should be monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected, corrective actions should be implemented immediately.

3-10. AGRICULTURAL CROPS. As noted above, airport operators often promote revenue-generating activities to supplement an airport's financial viability. A common concurrent use is agricultural crop production. Such use may create potential hazards to aircraft by attracting wildlife. Any proposed on-airport agricultural operations should be reviewed by a wildlife damage management biologist. FAA generally does not object to agricultural crop production on airports when wildlife hazards are not predicted; the guidelines for the airport areas specified in 3-10.a.f. are observed; and the agricultural operation is closely monitored by the airport operator or sponsor to ensure that hazardous wildlife are not attracted.

NOTE: If wildlife becomes a problem due to on-airport agricultural operations, FAA recommends undertaking the remedial actions described in 3-10.f.

a. **Agricultural activities adjacent to runways.** To ensure safe, efficient aircraft operations, FAA recommends that no agricultural activities be conducted in the Runway Safety Area (RSA), OFA, and the OFZ (see AC 150/5300-13).

b. **Agricultural activities in areas requiring minimum object clearances.** Restricting agricultural operations to areas outside the RSA, OFA, OFZ, and Runway Visibility Zone (RVZ) (see AC 150/5300-13) will normally provide the minimum object clearances required by FAA's airport design standards. FAA recommends that farming operations not be permitted within areas critical to the proper operation of localizers, glide slope indicators, or other visual or electronic navigational aids. Determinations of minimal areas that must be kept free of farming operations should be made on a case-by-case basis. If navigational aids are present, farm leases for on-airport agricultural activities should be coordinated with FAA's Airway Facilities Division, in accordance with FAA Order 6750.16, *Siting Criteria for Instrument Landing Systems*.

NOTE: Crop restriction lines conforming to the dimensions set forth in Table 2 will normally provide the minimum object clearance required by

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FAA airport design standards. The presence of navigational aids may require expansion of the restricted area.

c. **Agricultural activities within an airport's approach areas.** The RSA, OFA, and OFZ all extend beyond the runway shoulder and into the approach area by varying distances. The OFA normally extends the farthest and is usually the controlling surface. However, for some runways, the TSS (see AC 150/5300-13, Appendix 2) may be more controlling than the OFA. The TSS may not be penetrated by any object. The minimum distances shown in Table 2 are intended to prevent penetration of the OFA, OFZ, or TSS by crops or farm machinery.

NOTE Threshold Siting standards should not be confused with the approach areas described in Title 14, Code of Federal Regulations, Part 77, (14 CFR 77), *Objects Affecting Navigable Airspace*.

d. **Agricultural activities between intersecting runways.** FAA recommends that no agricultural activities be permitted within the RVZ. If the terrain is sufficiently below the runway elevation, some types of crops and equipment may be acceptable. Specific determinations of what is permissible in this area requires topographical data. For example, if the terrain within the RVZ is level with the runway ends, farm machinery or crops may interfere with a pilot's line-of-sight in the RVZ.

e. **Agricultural activities in areas adjacent to taxiways and aprons.** Farming activities should not be permitted within a taxiway's OFA. The outer portions of aprons are frequently used as a taxi lane and farming operations should not be permitted within the OFA. Farming operations should not be permitted between runways and parallel taxiways.

f. **Remedial actions for problematic agricultural activities.** If a problem with hazardous wildlife develops, FAA recommends that a professional wildlife damage management biologist be contacted and an on-site inspection be conducted. The biologist should be requested to determine the source of the hazardous wildlife attraction and suggest remedial action. Regardless of the source of the attraction, prompt remedial actions to protect aviation safety are recommended. The remedial actions may range from choosing another crop or farming technique to complete termination of the agricultural operation.

Whenever on-airport agricultural operations are stopped due to wildlife hazards or annual harvest, FAA recommends plowing under all crop residue and harrowing the surface area smooth. This will reduce or eliminate the area's attractiveness to foraging wildlife. FAA recommends that this requirement be written into all on-airport farm use contracts and clearly understood by the lessee.

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Table 2. Minimum Distances Between Certain Airport Features And Any On-Airport Agriculture Crops.

Aircraft Approach Category And Design Group ¹	Distance In Feet From Runway Centerline To Crop		Distance In Feet From Runway End To Crop		Distance In Feet From Edge Of Taxiway To Crop	Distance In Feet From Edge Of Apron To Crop
	Visual & ≥ 1/4 mile	< 1/4 mile	Visual & ≥ 1/4 mile	< 1/4 mile		
Category A & B Aircraft						
Group I	200 ²	400	300 ²	600	45	40
Group II	250	400	400 ²	600	66	58
Group III	400	400	600	800	93	81
Group IV	400	400	1,000	1,000	130	117
Category C, D & E Aircraft						
Group I	530 ³	575 ³	1,000	1,000	45	40
Group II	530 ³	575 ³	1,000	1,000	66	58
Group III	530 ³	575 ³	1,000	1,000	93	81
Group IV	530 ³	575 ³	1,000	1,000	130	113
Group V	530 ³	575 ³	1,000	1,000	160	138
Group VI	530 ³	575 ³	1,000	1,000	193	167

1. Design Groups are based on wing span, and Category depends on approach speed of the aircraft.

Group I: Wing span up to 49 ft.

Group II: Wing span 49 ft. up to 78 ft.

Group III: Wing span 79 ft. up to 117 ft.

Group IV: Wing span 118 ft. up to 170 ft.

Group V: Wing span 171 ft. up to 213 ft.

Group VI: Wing span 214 ft. up to 261 ft.

Category A:

Speed less than 91 knots

Category B:

Speed 91 knots up to 120 knots

Category C:

Speed 121 knots up to 140 knots

Category D:

Speed 141 knots up to 165 knots

Category E:

Speed 166 knots or more

2. If the runway will only serve small airplanes (12,500 lb. and under) in Design Group I, this dimension may be reduced to 125 feet, however, this dimension should be increased where necessary to accommodate visual navigational aids that may be installed. For example, farming operations should not be allowed within 25 feet of a Precision Approach Path Indicator (PAPI) light box.

3. These dimensions reflect the TSS as defined in AC 150/5300-13, Appendix 2. The TSS cannot be penetrated by any object. Under these conditions, the TSS is more restrictive than the CEA, and the dimensions shown here are to prevent penetration of the TSS by crops and farm machinery.

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SECTION 4. NOTIFICATION OF FAA ABOUT HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AN AIRPORT.

4-1. GENERAL. Airport operators, land developers, and owners should notify the FAA in writing of known or reasonably foreseeable land use practices on or near airports that either attract or may attract hazardous wildlife. This section discusses those notification procedures.

4-2. NOTIFICATION REQUIREMENTS FOR WASTE DISPOSAL SITE OPERATIONS.

The Environmental Protection Agency (EPA) requires any operator proposing a new or expanded waste disposal operation within 5 statute miles of a runway end to notify the appropriate FAA Regional Airports Division Office and the airport operator of the proposal (40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, section 258.10, *Airport Safety*). The EPA also requires owners or operators of new municipal solid waste landfill (MSWLF) units, or lateral expansions of existing MSWLF units that are located within 10,000 feet of any airport runway and used by turboprop aircraft or within 5,000 feet of any airport runway end used only by piston-type aircraft, to demonstrate successfully that such units are not hazards to aircraft.

a. **Timing of Notification.** When new or expanded MSWLFs are being proposed near airports, MSWLF operators should notify the airport operator and the FAA of this as early as possible pursuant to 40 CFR Part 258. Airport operators should encourage the MSWLF operators to provide notification as early as possible.

NOTE: AC 150/5000-3 provides information on these FAA offices.

b. **Putrescible-Waste Facilities.** In their effort to satisfy the EPA requirement, some putrescible-waste facility proponents may offer to undertake experimental measures to demonstrate that their proposed facility will not be a hazard to aircraft. To date, the ability to sustain a reduction in the numbers of hazardous wildlife to levels that existed before a putrescible-waste landfill began operating has not been successfully demonstrated. For this reason, demonstrations of experimental wildlife control measures should not be conducted in active aircraft operations areas.

c. **Other Waste Facilities.** To claim successfully that a waste handling facility sited within the separations identified in the siting criteria in 1-3

does not attract hazardous wildlife and does not threaten aviation, the developer must establish convincingly that the facility will not handle putrescible material other than that as outlined in 3-2. FAA requests that waste site developers provide a copy of an official permit request verifying that the facility will not handle putrescible material other than that as outlined in 3-2. FAA will use this information to determine if the facility will be a hazard to aviation.

4-3. NOTIFYING FAA ABOUT OTHER WILDLIFE ATTRACTANTS.

While U. S. EPA regulations require landfill owners to provide notification, no similar regulations require notifying FAA about changes in other land use practices that can create hazardous wildlife attractants. Although it is not required by regulation, FAA requests those proposing land use changes such as those discussed in 2-3, 2-4, and 2-5 to provide similar notice to the FAA as early in the development process as possible. Airport operators that become aware of such proposed development in the vicinity of their airports should also notify the FAA. The notification process gives the FAA an opportunity to evaluate the effect of a particular land use change on aviation safety.

The land use operator or project proponent may use FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, or other suitable documents to notify the appropriate FAA Regional Airports Division Office.

It is helpful if the notification includes a 15-minute quadrangle map of the area identifying the location of the proposed activity. The land use operator or project proponent should also forward specific details of the proposed land use change or operational change or expansion. In the case of solid waste landfills, the information should include the type of waste to be handled, how the waste will be processed, and final disposal methods.

4-5. FAA REVIEW OF PROPOSED LAND USE CHANGES.

a. The FAA discourages the development of facilities discussed in section 2 that will be located within the 5,000/10,000-foot criteria in 1-3.

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b. For projects which are located outside the 5,000/10,000-foot criteria, but within 5 statute miles of the airport's aircraft movement areas, loading ramps, or aircraft parking areas, FAA may review development plans, proposed land use changes, operational changes, or wetland mitigation plans to determine if such changes present potential wildlife hazards to aircraft operations. Sensitive airport areas will be identified as those that lie under or next to approach or departure airspace. This brief examination should be sufficient to determine if further investigation is warranted.

c. Where further study has been conducted by a wildlife damage management biologist to evaluate a site's compatibility with airport operations, the FAA will use the study results to make its determination.

d. FAA will discourage the development of any exceptional sites (see Section 3) within the criteria specified in 1-3 if a study shows that the area supports hazardous wildlife species.

4-6. AIRPORT OPERATORS. Airport operators should be aware of proposed land use changes, or modification of existing land uses, that could create hazardous wildlife attractants within the separations identified in the siting criteria in 1-3. Particular attention should be given to proposed land uses involving creation or expansion of waste water treatment facilities, development of wetland mitigation sites, or development or expansion of dredge spoil containment areas.

a. **AIP-funded airports.** FAA recommends that operators of AIP-funded airports, to the extent practicable, oppose off-airport land use changes or practices (within the separations identified in the siting criteria in 1-3) that may attract hazardous wildlife. Failure to do so could place the airport operator or sponsor in noncompliance with applicable grant assurances.

FAA recommends against the placement of airport development projects pertaining to aircraft movement in the vicinity of hazardous wildlife attractants. Airport operators, sponsors, and planners should identify wildlife attractants and any associated wildlife hazards during any planning process for new airport development projects.

b. **Additional coordination.** If, after the initial review by FAA, questions remain about the existence of a wildlife hazard near an airport, the airport operator or sponsor should consult a wildlife damage management biologist. Such questions may be triggered by a history of wildlife strikes at the airport or the proximity of the airport to a wildlife refuge, body of water, or similar feature known to attract wildlife.

c. **Specialized assistance.** If the services of a wildlife damage management biologist are required, FAA recommends that land use developers or the airport operator contact the appropriate state director of the United States Department of Agriculture/Animal Damage Control (USDA/ADC), or a consultant specializing in wildlife damage management. Telephone numbers for the respective USDA/ADC state offices may be obtained by contacting USDA/ADC's Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD, 20737-1234, Telephone (301) 734-7921, Fax (301) 734-5157. The ADC biologist or consultant should be requested to identify and quantify wildlife common to the area and evaluate the potential wildlife hazards.

d. **Notifying airmen.** If an existing land use practice creates a wildlife hazard, and the land use practice or wildlife hazard cannot be immediately eliminated, the airport operator should issue a Notice to Airmen (NOTAM) and encourage the land owner or manager to take steps to control the wildlife hazard and minimize further attraction.

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APPENDIX I. DEFINITIONS OF TERMS USED IN THIS ADVISORY CIRCULAR.

1. GENERAL. This appendix provides definitions of terms used throughout this AC.

a. Aircraft movement area. The runways, taxiways, and other areas of an airport which are used for taxiing or hover taxiing, air taxiing, takeoff, and landing of aircraft exclusive of loading ramps and aircraft parking areas.

b. Airport operator. The operator (private or public) or sponsor of a public use airport.

c. Approach or departure airspace. The airspace, within 5 statute miles of an airport, through which aircraft move during landing or takeoff.

d. Concurrent use. Aeronautical property used for compatible non-aviation purposes while at the same time serving the primary purpose for which it was acquired and the use is clearly beneficial to the airport. The concurrent use should generate revenue to be used for airport purposes (see Order 5190.6A, *Airport Compliance Requirements*, sect. 7h).

e. Fly ash. The fine, sand-like residue resulting from the complete incineration of an organic fuel source. Fly ash typically results from the combustion of coal or waste used to operate a power generating plant.

f. Hazardous wildlife. Wildlife species that are commonly associated with wildlife-aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a wildlife-aircraft strike hazard.

g. Piston-use airport. Any airport that would primarily serve FIXED-WING, piston-powered aircraft. Incidental use of the airport by turbine-powered, FIXED-WING aircraft would not affect this designation. However, such aircraft should not be based at the airport.

h. Public-use airport. Any publicly owned airport or a privately-owned airport used or intended to be used for public purposes.

i. Putrescible material. Rotting organic material.

j. Putrescible-waste disposal operation. Landfills, garbage dumps, underwater waste discharges, or similar facilities where activities include processing, burying, storing, or otherwise disposing of putrescible material, trash, and refuse.

k. Runway protection zone (RPZ). An area off the runway end to enhance the protection of people and property on the ground (see AC 150/5300-13). The dimensions of this zone vary with the design aircraft, type of operation, and visibility minimum.

l. Sewage sludge. The de-watered effluent resulting from secondary or tertiary treatment of municipal sewage and/or industrial wastes, including sewage sludge as referenced in U.S. EPA's *Effluent Guidelines and Standards*, 40 C.F.R. Part 401.

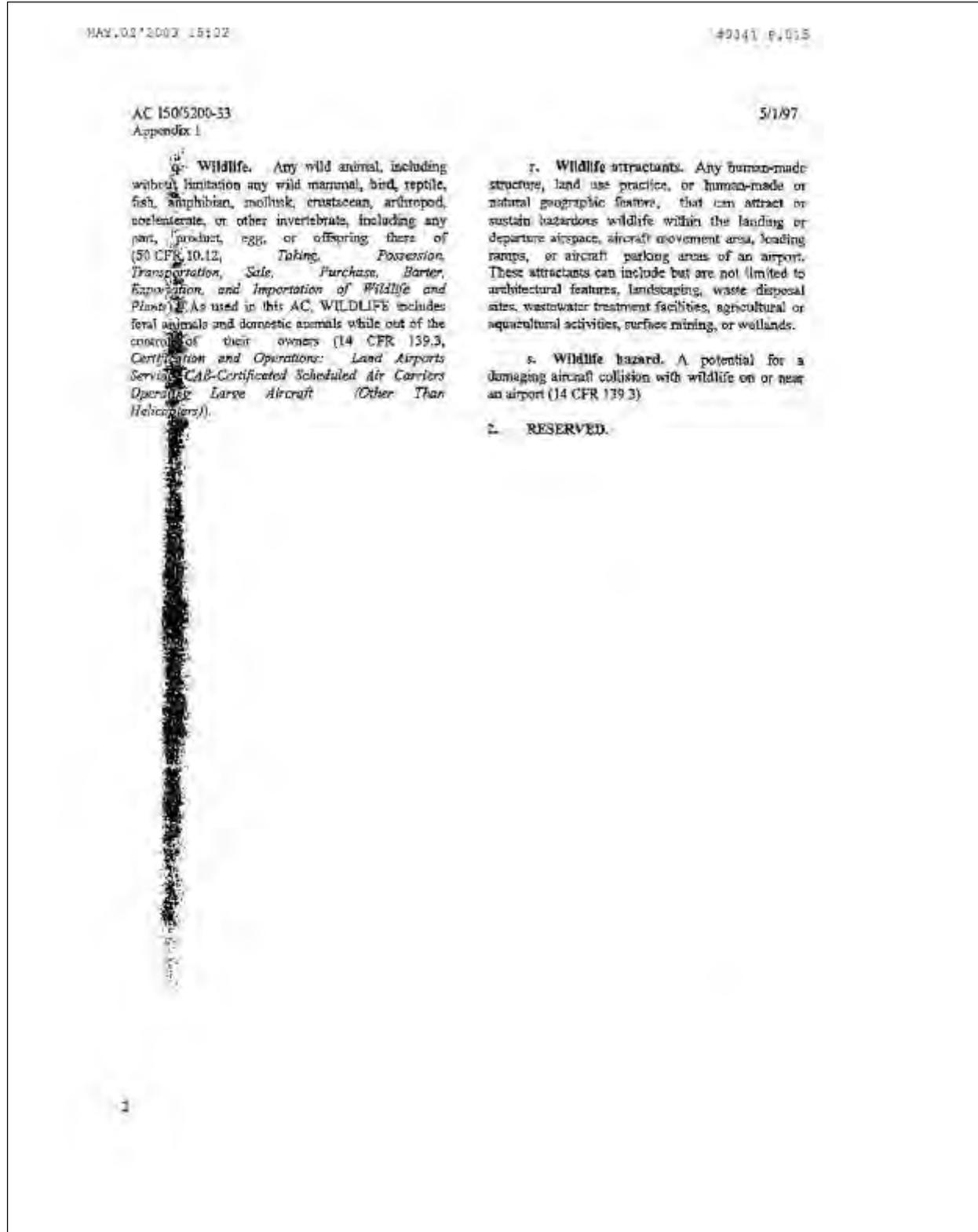
m. Shoulder. An area adjacent to the edge of paved runways, taxiways, or aprons providing a transition between the pavement and the adjacent surface, support for aircraft running off the pavement, enhanced drainage, and blast protection (see AC 150/5300-13).

n. Turbine-powered aircraft. Aircraft powered by turbine engines including turbojets and turboprops but excluding turbo-shaft rotary-wing aircraft.

o. Turbine-use airport. Any airport that ROUTINELY serves FIXED-WING turbine-powered aircraft.

p. Wastewater treatment facility. Any device and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes, including Publicly Owned Treatment Works (POTW), as defined by Section 212 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-576) and the Water Quality Act of 1987 (P.L. 100-4). This definition includes any pretreatment involving the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. (See 40 C.F.R. Section 403.3 (c), (p), & (q)).

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Appendix I

which the air carrier, commercial operator, or their representatives offers in advance the departure location, departure time, and arrival location. It does not include any operation that is conducted as a supplemental operation under 14 C.F.R. Part 119, or is conducted as a public charter operation under 14 C.F.R. Part 380 (14 C.F.R. § 119.3).

1. Solid waste means any garbage, or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) (40 C.F.R. § 258.2).

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Advisory Circular

Subject: CONSTRUCTION OR ESTABLISHMENT OF LANDFILLS NEAR PUBLIC AIRPORTS **Date:** August 26, 2000 **AC No:** 150/5200-34
Initiated by: AAS-300 **Change:**

1. Purpose. This advisory circular (AC) contains guidance on complying with new Federal statutory requirements regarding the construction or establishment of landfills near public airports.

2. Application. The guidance contained in the AC is provided by the Federal Aviation Administration (FAA) for use by persons considering the construction or establishment of a municipal solid waste landfill (MSWLF) near a public airport. Guidance contained herein should be used to comply with recently enacted MSWLF site limitations contained in 49 U.S.C. § 44718(d), as amended by section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Pub. L. No. 106-181 (April 5, 2000), "Structures interfering with air commerce." In accordance with § 44718(d), as amended, these site limitations are not applicable in the State of Alaska.

In addition, this AC provides guidance for a state aviation agency desiring to petition the FAA for an exemption from the requirements of § 44718(d), as amended.

3. Related Reading Materials.

- a. AC - 150/5200-33, Hazardous Wildlife Attractions On or Near Airports, May 1, 1997.
- b. Wildlife Strikes to Civil Aircraft in the United States 1990-1998, FAA Wildlife Aircraft Strike Database Serial Report Number 5, November 1998.
- c. Report to Congress: Potential Hazards to Aircraft by Locating Waste Disposal Sites in the Vicinity of Airports, April 1996, DOT/FAA/AS/96-1.
- d. Title 14, Code of Federal Regulation, Part 139, Certification and Operations: Land Airports Serving Certain Air Carriers.
- e. Title 40, Code of Federal Regulation, Part 258, Municipal Solid Waste Landfill Criteria.

Some of these documents and additional information on wildlife management, including guidance on landfills, are available on the FAA's Airports web site at www.faa.gov/am/arp/home.htm

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4. **Definitions.** Definitions for the specific purpose of this AC are found in Appendix I.

5. **Background.** The FAA has the broad authority to regulate and develop civil aviation under the Federal Aviation Act of 1958, 49 U.S.C. § 40101, et. seq., and other Federal law. In section 1220 of the Federal Aviation Reauthorization Act of 1996, Pub. L. No. 104-264 (October 9, 1996), the Congress added a new provision, section (d), to 49 U.S.C. § 44718 to be enforced by the FAA and placing limitations on the construction or establishment of landfills near public airports for the purposes of enhancing aviation safety. Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21), Pub. L. No. 106-181 (April 5, 2000) has replaced section 1220 of the 1996 Reauthorization Act, 49 U.S.C. § 44718 (d), with new language. Specifically, the new provision, § 44718(d), as amended, was enacted to further limit the construction or establishment of a MSWLF near certain smaller public airports.

In enacting this legislation, Congress expressed concern that a MSWLF sited near an airport poses a potential hazard to aircraft operations because such a waste facility attracts birds. Statistics support the fact that bird strikes pose a real danger to aircraft. An estimated 87 percent of the collisions between wildlife and civil aircraft occurred on or near airports when aircraft are below 2,000 feet above ground level (AGL). Collisions with wildlife at these altitudes are especially dangerous as aircraft pilots have minimal time to recover from such emergencies.

Databases managed by FAA and the United States Air Force show that more than 54,000 civil and military aircraft sustained reported strikes with wildlife from 1990 to 1999 (28,150 civil strikes and 25,853 military strikes). Between 1990-1999, aircraft-wildlife strikes involving U. S. civil aircraft result in over \$350 million/year worth of aircraft damage and associated losses and over 460,000 hours/year of aircraft down time.

From 1990 to 1999, waterfowl, gulls and raptors were involved in 77% of the 2,119 reported damaging aircraft-wildlife strikes where the bird was identified. Populations of Canada geese and many species of gulls and raptors have increased markedly over the last several years. Further, gulls and Canada geese have adapted to urban and suburban environments and, along with raptors and turkey vultures, are commonly found feeding or loafing on or near landfills.

In light of increasing bird populations and aircraft operations, the FAA believes locating landfills in proximity to airports increases the risk of collisions between birds and aircraft. To address this concern, the FAA issued AC 150/5200-33, *Hazardous Wildlife Attractions On or Near Airports*, to provide airport operators and aviation planners with guidance on minimizing wildlife attractant. AC 150/5200-33 recommends against locating municipal solid waste landfills within five statute miles of an airport if the landfill may cause hazardous wildlife to move into or through the airport's approach or departure airspace.

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6. General. Using guidance provided in the following sections, persons considering construction or establishment of a landfill should first determine if the proposed facility meets the definition of a new MSWLF (see Appendix 1). Section 44718(d), as amended, applies only to a new MSWLF. It does not apply to the expansion or modification of an existing MSWLF, and does not apply in the State of Alaska. If the proposed landfill meets the definition of a new MSWLF, its proximity to certain public airports (meeting the criteria specified in Paragraph 8 below) should be determined. If it is determined that a new MSWLF would be located within six miles of such a public airport, then either the MSWLF should be planned for an alternate location more than 6 miles from the airport, or the MSWLF proponent should request the appropriate State aviation agency to file a petition for an exemption from the statutory restriction.

In addition to the requirements of § 44718(d), existing landfill restrictions contained in AC 150/5200-33, *Hazardous Wildlife Attractions On or Near Airports* (see Paragraph 5, Background) also may be applicable. Airport operators that have accepted Federal funds have obligations under Federal grant assurances to operate their facilities in safe manner and must comply with standards prescribed in advisory circulars, including landfill site limitations contained in AC 150/5200-33.

7. Landfills Covered by the Statute. The limitations of § 44718(d), as amended, only apply to a new MSWLF (constructed or established after April 5, 2000). The statutory limitations are not applicable where construction or establishment of a MSWLF began on or before April 5, 2000, or to an existing MSWLF (received putrescible waste on or before April 5, 2000). Further, an existing MSWLF that is expanded or modified after April 5, 2000, would not be held to the limitations of § 44718(d), as amended.

8. Airports Covered by the Statute. The statutory limitations restricting the location of a new MSWLF near an airport apply to only those airports that are recipients of Federal grants (under the Airport and Airway Improvement Act of 1982, as amended, 49 U.S.C. § 47101, *et seq.*) and to those that primarily serve general aviation aircraft and scheduled air carrier operations using aircraft with less than 60 passenger seats.

While the FAA does not classify airports precisely in this manner, the FAA does categorize airports by the type of aircraft operations served and number of annual passenger enplanements. In particular, the FAA categorizes public airports that serve air carrier operations. These airports are known as commercial service airports, and receive scheduled passenger service and have 2,500 or more enplaned passengers per year.

One sub-category of commercial service airports, nonhub primary airports, closely matches the statute requirement. Nonhub primary airports are defined as commercial service airports that enplane less than 0.05 percent of all commercial passenger enplanements (0.05 percent equated to 328,344 enplanements in 1998) but more than 10,000 annual enplanements. While these enplanements consist of both large and small air carrier operations, most are conducted in aircraft with less than 60 seats. These airports also are heavily used by general aviation aircraft, with an average of 81 based aircraft per nonhub primary airport.

3

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

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In addition, the FAA categorizes airports that enplane 2,500 to 10,000 passengers annually as non-primary commercial service airports, and those airports that enplane 2,500 or less passengers annually as general aviation airports. Both types of airports are mainly used by general aviation but in some instances, they have annual enplanements that consist of scheduled air carrier operations conducted in aircraft with less than 60 seats. Of the non-primary commercial service airports and general aviation airports, only those that have scheduled air carrier operations conducted in aircraft with less than 60 seats would be covered by the statute. The statute does not apply to those airports that serve only general aviation aircraft operations.

To comply with the intent of the statute, the FAA has identified those airports classified as nonhub primary, non-primary commercial service and general aviation airports that:

1. Are recipients of Federal grant under 49 U.S.C. § 47101, et. seq.;
2. Are under control of a public agency;
3. Serve some scheduled air carrier operations conducted in aircraft with less than 60 seats; and
4. Have total annual enplanements consisting of at least 51% of scheduled air carrier enplanements conducted in aircraft with less than 60 passenger seats.

Persons considering construction or establishment of a new MSWLF should contact the FAA to determine if an airport within six statute miles of the new MSWLF meets these criteria (see paragraph 11 below for information on contacting the FAA). If the FAA determines the airport does meet these criteria, then § 44718(d), as amended, is applicable.

An in-depth explanation of how the FAA collects and categorizes airport data is available in the FAA's National Plan of Integrated Airport Systems (NPIAS). This report and a list of airports classified as nonhub primary, non-primary commercial service and general aviation airports (and associated enplanement data) are available on the FAA's Airports web site at <http://www.faa.gov/arp/410home.htm>.

9. Separation distance measurements. Section 44718(d), as amended, requires a minimum separation distance of six statute miles between a new MSWLF and a public airport. In determining this distance separation, measurements should be made from the closest point of the airport property boundary to the closest point of the MSWLF property boundary. Measurements can be made from a perimeter fence if the fence is co-located, or within close proximity to, property boundaries. It is the responsibility of the new MSWLF proponent to determine the separation distance.

10. Exemption Process. Under § 44718(d), as amended, the FAA Administrator may approve an exemption from the statute's landfill location limitations. Section 44718(d), as amended, permits the aviation agency of the state in which the airport is located to request such an exemption from the FAA Administrator. Any person desiring

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

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such an exemption should contact the aviation agency in the state in which the affected airport is located. A list of state aviation agencies and contact information is available at the National Association of State Aviation Officials (NASAO) web site at www.nasao.org or by calling NASAO at (301) 588-1286.

A state aviation agency that desires to petition the FAA for an exemption should notify the Regional Airports Division Manager, in writing, at least 60 days prior to the establishment or construction of a MSWLF. The petition should explain the nature and extent of relief sought, and contain information, documentation, views, or arguments that demonstrate that an exemption from the statute would not have an adverse impact on aviation safety. Information on contacting FAA Regional Airports Division Managers can be found on the FAA's web site at www.faa.gov.

After considering all relevant material presented, the Regional Airports Division Manager will notify the state agency within 30 days whether the request for exemption has been approved or denied. The FAA may approve a request for an exemption if it is determined that such an exemption would have no adverse impact on aviation safety.

11. Information. For further information, please contact the FAA's Office of Airport Safety and Standards, Airport Safety and Certification Branch, at (800) 842-8736, Ext. 73085 or via email at WebmasterARP@faa.gov. Any information, documents and reports that are available on the FAA web site also can be obtained by calling the toll-free telephone number listed above.



DAVID L. BENNETT
Director, Office of Airport Safety and Standards

5

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

LETTER P: SANDY HESNARD, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response P-1 Land use designations under the Proposed Land Use Diagram, Existing Martis Valley General Plan Land Use Map, Alternative 1 Land Use Map and Alternative 2 Land Use Map around the Truckee Tahoe Airport are generally consistent with the Comprehensive Land Use Plan (CLUP) for the airport. However, the Draft EIR acknowledges that subsequent development in the Plan area could result in specific land uses that may result in obstructions in the airspace in conflict with Part 77 of the Federal Aviation Administration Regulations as well as be potentially exposed to excessive noise levels from the airport (Draft EIR pages 4.3-19 through -21 and 4.5-30 through -32). Proposed policies, implementation programs and mitigation measures are identified to mitigate these potential impacts to less than significant as well as ensures compliance with applicable standards. It is acknowledged that the County is required to submit the Martis Valley Community Plan to the Foothill Airport Land Use Commission pursuant to Public Resources Code Section 21676.

Response P-2 The proposed Martis Valley Community Plan does not propose land uses or designations adjacent to the airport that would promote the development of landfills, wastewater treatment facilities, surface mining, or the creation of wetlands.

Response P-3 Comment noted. The commentor is referred to Response to Comment P-1.

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

MAY.02'2003 14:04

Letter Q

#0338 P.004

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 3, SACRAMENTO AREA OFFICE

Venture Oaks -MS 15

P.O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 274-0638

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April 29, 2002

RECEIVED
MAY 01 2003
PLANNING DEPT.

03PLA0027
SCH 2001072050
Martis Valley Community Plan Update
Revised Draft Environmental Impact Report
03PLA089

Ms. Lori Lawrence
Placer County Planning Department
11414 B Avenue
Auburn, CA 95603

Dear Ms. Lawrence:

Thank you for the opportunity to comment on the Martis Valley Community Plan Update. These comments are in addition to the comments in our letters dated July 23, 2002 and August 19, 2002 (copies enclosed), which are still valid. Our comments are as follows:

Q-1

- We have not received a response to our comments or a revised traffic analysis. Comments cannot be made on the revised level of service (LOS) summaries until we receive and review a revised analysis.

Q-2

- Since our prior letters, it has come to our attention that recent legislation was passed regarding mitigation monitoring measures. Assembly Bill (AB) 1807 amended the California Environmental Quality Act (CEQA) and Public Resources Code Sections 21081.4, 21081.6 and 21081.7, and mandates that lead agencies under CEQA provide the California Department of Transportation with information on transportation related mitigation monitoring measures for projects that are of statewide, regional, or area wide significance. The enclosed "Guidelines for Submitting Transportation Information from a Reporting or Monitoring Program to the Department of Transportation" (MM Submittal Guidelines) discuss the scope, purpose and legal requirements for mitigation monitoring reporting and submittal, specify the generic content for reports, and

Q-3

"Caltrans improves mobility across California"

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

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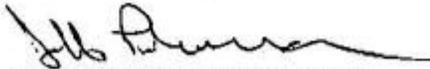
Ms. Lori Lawrence
April 29, 2003
Page 2 of 2

explain procedures for the timing, certification and submittal of the required reports. This project under review has impacts that are of regional or area wide significance. Therefore, the enclosed Mitigation Monitoring Certification Checklist form should be completed and submitted to our office when the mitigation measures are approved, and again when they are completed.

Q-3

If you have any questions regarding these comments, please contact Cathy Chapin at (916) 274-0640.

Sincerely,



JEFFREY PULVERMAN, Chief
Office of Regional Planning

Enclosures

CC: State Clearinghouse

"Caltrans improves mobility across California"

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

MAY 02 12:00 PM '02

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION

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July 23, 2002

02PLA0088

SCH 2001072050

Martis Valley Community Update

Draft Environmental Impact Report

03PLA089

Ms. Lori Lawrence

Placer County Planning Department

11414 B Avenue

Auburn, CA 95603

Dear Ms. Lawrence:

Thank you for the opportunity to comment on the Martis Valley Community Update. Our comments are as follows:

- The Community Plan is not specific as to site development proposals, nor outline areas where trees will be impacted at this level of study. Landscape buffers, building setbacks and road alignments should allow for the maximum preservation of existing trees. Enhancing or maintaining open space, commercial, residential and recreation areas with trees ensures that the roadside experience will continue for users and motorists while enjoying scenic features within the Martis Valley.
- The proposed Community Plan Update for Martis Valley, in and of itself has no adverse hydrologic/hydraulic impact to the State's highway right of way or to Caltrans highway drainage facilities. However, policy set forth in the plan for dealing with surface water (stormwater) runoff and drainage facilities will establish the basis from which future projects governed by the plan will be designed and constructed. The cumulative effects of development on surface water runoff discharge from the peak (100-year) storm event up gradient of any crossing of a river, stream or drainage water course can have a significant adverse impact within the State's highway right of way and the Caltrans drainage or bridge facility. These cumulative impacts should be minimized through project drainage mitigation measures on a project by project basis.

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

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#0338 P.000

Ms. Lori Lawrence
July 23, 2002
Page 2 of 3

- For projects within the Martis Valley Community Plan area, runoff that will enter the State's highway right of way and/or Caltrans drainage facilities, whether discharged directly or indirectly, must meet all RWQCB water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. The developer is responsible for insuring that runoff from the site meets these clean water standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). This may be accomplished through the implementation of appropriate stormwater quality Best Management Practices (BMPs) (i.e., oil/water separators, clarifiers, infiltration systems, etc.) as applicable. Once installed, these systems must be properly maintained by the property owner.
- No net increase to the surface water (stormwater) peak runoff discharge (100 year storm event) may be realized within the State's highway right of way and Caltrans drainage facilities as a result of the completion of the project. The developer is responsible for ensuring that stormwater runoff discharge from the project site that will enter the State's right of way and/or Caltrans drainage facilities, whether discharged directly or indirectly, does not increase peak flows within the State's highway right of way or the Caltrans drainage facility. This may be accomplished through the implementation of stormwater management BMPs (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, these systems must be properly maintained by the property owner.
- The proponent/developer must perpetuate, maintain or improve existing drainage patterns and/or facilities affected by the proposed development/project to the satisfaction of the State and Caltrans. This includes, but is not limited to, altering stormwater pathways and storage areas, whether engineered or naturally occurring. Altering existing drainage patterns and/or facilities without proper mitigation may lead to adverse drainage impacts to State highway facilities or to other local public or private properties. The proponent/developer may be held liable for future damages caused by diverted or increased drainage flows determined to be the result of the proposed development/project that were not properly mitigated for.
- No detailed drainage plans, drawings or calculations were received with the IGR-CEQA project package. Likewise, no hydrologic/hydraulic study or report was received with the package. In order to adequately evaluate project impacts upon the State's right of way and Caltrans drainage facilities, the aforementioned documents are required. Please request these documents from the project proponent and send them to D-3 Hydraulics in Marysville for review prior to final project approval.
- Plans submitted with the IGR-CEQA package did not show the "pre-construction" coverage quantities for buildings, streets, parking, etc. and, no "post-construction" coverage quantities were provided.

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

MAY 02 2003 14:04

#0338 P.008

Ms. Lori Lawrence
July 23, 2002
Page 3 of 3

- The cumulative effects of development within the project area will result in a significant increase to the impervious surface area while greatly decreasing available area for runoff detention and infiltration. Close attention should be paid to these cumulative effects to avoid over development of the basin.

Please provide Caltrans with a copy of any further actions regarding this project. If you have any questions regarding these comments, please contact Cathy Chapin at (916) 274-0640.

Sincerely,

Original signed by

JEFFREY PULVERMAN, Chief
Office of Regional Planning

CC: Katie Shulte Joung

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

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STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
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August 19, 2002

D2PLA0088
SCH 2001072050
Martis Valley Community Update
Draft Environmental Impact Report
03PLA089

Ms. Lori Lawrence
Placer County Planning Department
11414 B Avenue
Auburn, CA 95603

Dear Ms. Lawrence:

Thank you for the opportunity to comment on the Martis Valley Community Update. These comments are in addition to our previous letter dated July 23, 2002 (enclosed). Our comments are as follows:

- The Level of Service (LOS) standard that was used for two-lane highway segments is not appropriate. Page 4.4-21 refers to a Placer County standard of 25,000 ADT as capacity. Although SR 267 is relatively flat between Northstar and Truckee, that amount of traffic only operates acceptably on two lanes highways with typical commuter peaks. In this area, the recreational peaks will continue to be the busiest times, and they are a much greater percentage of the ADT than typical commuter peaks. The roadway segments should be analyzed based on peak hour volumes, not ADT's. In addition, the long grade on the Bypass alignment must be taken into consideration. From the future volumes that are presented in this report, for all of the land use alternatives, it still appears to be necessary to plan for four through lanes on SR 267, from I-80 to Northstar Drive.
- The traffic projections indicate that the Soaring Way extension to the SR 267/ Brockway Road intersection was not assumed. This extension would be a very popular way to get to the airport area, appears to be relatively easy to construct, and should be assumed to be in place before the Year 2021.

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

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Ms. Lori Lawrence
August 19, 2002
Page 2 of 3

- It should be noted that left turn movements will be allowed from the existing eastbound off-ramp to the existing SR 267, after the Bypass is completed. This left turn movement was assumed to be prohibited in previous traffic studies in this area.
- At the future SR 267 intersection with the I-80 westbound ramps, the plan is to build a loop on-ramp in the future. This would eliminate for dual left turn lanes to the westbound on-ramp, as recommended in this report.
- At the SR 267/ Brockway Road and the SR 267/ Airport Road intersections, this report recommends the construction of free right turn lanes. Providing dual right turn lanes, instead of free right turn lanes, should be considered as another alternative.
- At the SR 267/ Northstar Drive intersection, it appears to be necessary to plan for two through lanes in each direction on the highway. This alternative should be analyzed and the minimum lengths of each lane should be estimated.
- At the SR 267/ SR 28 intersection, this report recommends a free right turn lane from SR 28 to SR 267. Free right turns are usually not practical in developed areas such as this, but a right turn lane on SR 28 does appear to be necessary. Providing dual left turn lanes on the north leg of this intersection should also be considered.

Please provide Caltrans with a copy of any further actions regarding this project. If you have any questions regarding these comments, please contact Cathy Chapin at (916) 274-0640.

Sincerely,

Original signed by

JEFFREY PULVERMAN, Chief
Office of Regional Planning

Enclosure

CC: Katie Schulte Joung

*Caltrans improves mobility across California**

NOV 03 2003 14:08

10335 P.011

California Department of Transportation (Department)

**GUIDELINES FOR SUBMITTING TRANSPORTATION
INFORMATION FROM A REPORTING OR MONITORING
PROGRAM TO THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION (DEPARTMENT)**

INTRODUCTION The California Environmental Quality Act (CEQA) as amended on January 1, 2001, by Assembly Bill (AB) 1807, added a new provision to Section 21080.4 of the Public Resources Code (PRC).

The provision requires lead agencies to submit Notices of Preparation (NOPs) to the Governor's Office of Planning and Research when they determine that an environmental impact report will be required to approve a project.

The new law also amended PRC Section 21081.7, which now requires that "transportation information resulting from a reporting or monitoring program adopted by a public agency" be submitted to the Department when a project has impacts that are of statewide, regional, or area-wide significance.

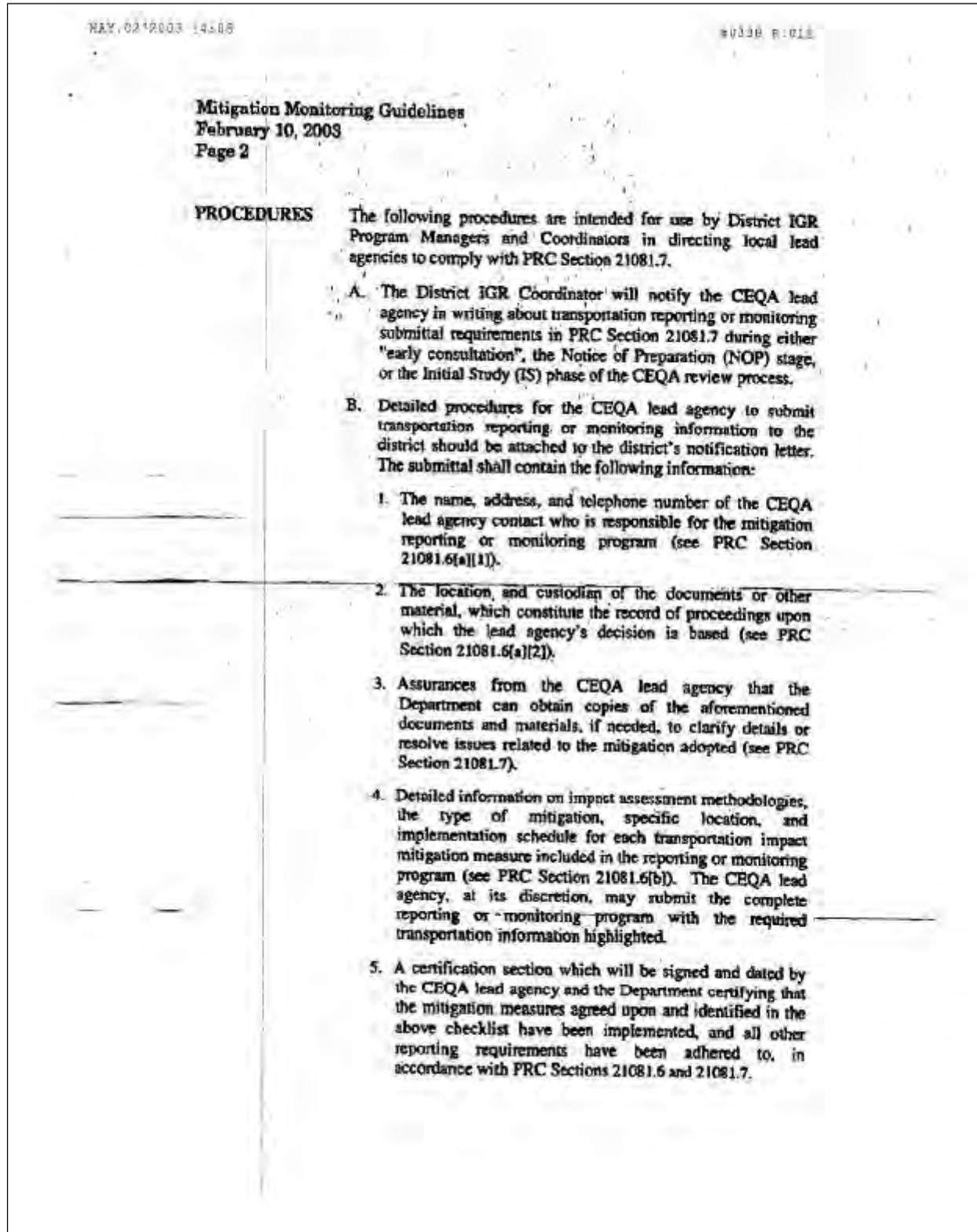
Mitigation reporting or monitoring programs are required under PRC Section 21081.6 when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after approval to ensure implementation of the project in accordance with mitigation imposed during the CEQA review process.

In addition to the requirements listed above, AB 1807 obligates the Department to provide guidance for public agencies to submit their reporting or monitoring programs. Subject to these requirements, the following guidelines have been adopted by the Department.

**PURPOSE OF
THE
GUIDELINES**

The purpose of these guidelines is to establish clear and consistent statewide procedures for public agencies to submit transportation mitigation reporting or monitoring information to the Department. They are to be used by District Intergovernmental Review (IGR) Program Coordinators for identifying the scope and timing of transportation information needed, and to identify the "single point of contact" for transmittal of reporting or monitoring information from the lead agency to the Department.

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



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

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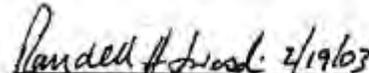
Mitigation Monitoring Guidelines
February 10, 2003
Page 3

- C. When the project involves encroachment onto a state highway, the certification section will be signed by the District Permit Engineer. The District Permit Engineer will retain one copy of the mitigation reporting or monitoring information for the district permit files, and forward the original document to the District IGR Coordinator. The District IGR Coordinator will forward a copy to the Department's IGR Program Manager.
- D. When the project does not involve encroachment onto a state highway, the certification section will be signed by the District IGR Coordinator. The District IGR Coordinator will retain the original document and forward a copy to the Department's IGR Program Manager.

APPROVED:


BRIAN J. SMITH
Deputy Director
Planning and Modal Programs

7/26/03
Date


RANDELL H. IWASAKI
Deputy Director
Maintenance and Operations

2/19/03
Date

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

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CEQA LEAD AGENCY CERTIFICATION CHECKLIST FORM * FOR SUBMITTAL OF TRANSPORTATION MITIGATION MONITORING REPORTS

Project Name: _____

Lead Agency and State Clearinghouse (SCH) File #s: _____

Findings & Approval Dates & Document Types: _____

Lead Agency Contact (Name, Title, Agency, Address & Phone): _____

Project Proponent (Name, Title, Company, Address & Phone): _____

For each specific Transportation Related Mitigation Measure associated with this Project,
The following information items are included in the attached materials:

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Location/Custodian Of CEQA Documents, Proceedings, Records
<input type="checkbox"/>	<input type="checkbox"/>	Description Of How To Obtain Copies Of Above Documents
<input type="checkbox"/>	<input type="checkbox"/>	Mitigation Measure Name & Identifying Number
<input type="checkbox"/>	<input type="checkbox"/>	Caltrans Encroachment Permit Number (if one was needed)
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Other Agency Permits required for this Measure (if needed)
<input type="checkbox"/>	<input type="checkbox"/>	Measure Location Description & Vicinity Map
<input type="checkbox"/>	<input type="checkbox"/>	Location of Impacted State Highway Component (County, Route, Postmile)
<input type="checkbox"/>	<input type="checkbox"/>	Detailed Description of Measure & its Purpose (attach blueprints if necessary)
<input type="checkbox"/>	<input type="checkbox"/>	Implementation Schedule & Progress Reports
<input type="checkbox"/>	<input type="checkbox"/>	Completion Criteria (including detailed performance objectives)
<input type="checkbox"/>	<input type="checkbox"/>	Completion Evaluation (including field inspection reports)
<input type="checkbox"/>	<input type="checkbox"/>	Estimated Monetary Value of Completed Measure & % Local Agency Funded
<input type="checkbox"/>	<input type="checkbox"/>	Photograph of Completed Measure Attached
<input type="checkbox"/>	<input type="checkbox"/>	Responsible Contractor (Name, Company, Address & Phone)

We certify that these agreed upon mitigation measures have been implemented, and all other requirements have been adhered to, in accordance with PRC Sections 21081.6 and 21081.7.

*This Certification Checklist form is to be used by public agencies to submit their mitigation reporting or monitoring programs to the California Department of Transportation (Department) when a CEQA project has been found to have transportation or circulation impacts that are of statewide, regional, or area-wide significance. Copies of this form, and the Department Guidelines developed pursuant to PRC Section 21081.7, can be downloaded from the Caltrans website (http://www.dot.ca.gov/hq/top/publications_resources.html). Completed forms with attached materials may be post-mailed, e-mailed, or faxed to the appropriate Deputy District Director for Planning, Attention: Intergovernmental Review (IGR) Coordinator. [Form Version 01082003]

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

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Signature & Date:	_____	_____
Name:	_____	_____
Title:	CEQA Lead Agency	California Department of Transportation

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

LETTER Q: JEFFREY PULVERMAN, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response Q-1 Comment noted. The commentor is referred to responses to Comment Letter B and E.

Response Q-2 Comment noted. The commentor is referred to responses to Comment Letter E.

Response Q-3 The County is aware of the requirements of AB 1807 and will submit the final mitigation monitoring and reporting program once it is completed. A draft of the mitigation monitoring and reporting program was provided in Section 8.0 (Draft Mitigation Monitoring and Reporting Program) of the Draft EIR.

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

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Letter R

#0338 P.016



California Regional Water Quality Control Board
Lahontan Region



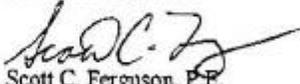
Winston H. Hickox
Secretary for
Environmental
Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
Phone (530) 542-5400 • FAX (530) 544-2271
Internet: <http://www.swrcb.ca.gov/rwqcb0>

Gray Davis
Governor

MEMORANDUM

TO: Gregoria Garcia
State Clearinghouse

FROM: 
Scott C. Ferguson, P.E.
Chief, Truckee Watershed Unit

DATE: April 28, 2003

SUBJECT: COMMENTS REGARDING THE REVISED DRAFT ENVIRONMENTAL
IMPACT REPORT (DEIR) FOR THE MARTIS VALLEY COMMUNITY
PLAN UPDATE, SCH NO. 2001072050

RECEIVED
MAY 01 2003
PLANNING DEPT.

Regional Board staff reviewed the revised DEIR for the Martis Valley Community Plan Update (Community Plan). The proposed Martis Valley Community Plan (Community Plan) would update the existing Placer County portion of the Martis Valley General Plan (General Plan, originally adopted in 1974). The Community Plan is intended to address new environmental and land use issues in the area, and to bring the General Plan into consistency with the 1994 Placer County General Plan. The project area ("Plan Area") is the Placer County portion of Martis Valley, approximately 35 square miles generally bounded by the Placer/Nevada County line to the north, Highway 89 to the west, the Lake Tahoe Basin boundary to the south and the California/Nevada state line to the east. Regional Board staff provided comments to the DEIR on August 19, 2002 (see enclosed comment letter). Those comments still apply to the proposed Community Plan, including the revised section of the DEIR.

The revised DEIR for the Community Plan was prepared and circulated by Placer County to include an expanded analysis of the Community Plan alternatives and to provide consideration for a newly-identified alternative (lowest intensity alternative). The alternatives are addressed in Section 6.0 of the DEIR, and it is just Section 6.0 that was revised and re-circulated for public comment. It is Regional Board staff's understanding that comments previously submitted (August 19, 2002 letter) for the remaining portion of the DEIR will be addressed prior to adoption of a final environmental document for the Community Plan. In addition to the comments contained in staff's August 19, 2002 letter that also apply to the revised Section 6.0, we have the following additional comments for the revised portion of the DEIR:

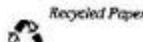
1. The expanded alternative analysis appears to have been made without first addressing previous comments on the criteria to be used in such evaluations. For example, we previously commented that the final EIR should include clearly defined Standards of Significance or Water Quality to support the DEIR's conclusion that water quality impacts can be mitigated to a less than significant level under the proposed Community Plan. We also commented on potential water quality impacts from chemical/pesticide use, ground water availability, ground water use and associated potential adverse impacts on surface

R-1

R-2

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>



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

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#0338 P.017

Gregoria Garcia *

- 2 -

waters, potential continued degradation of Clean Water Act Section 303(d) listed water bodies, assimilation capabilities of additional treated wastewater effluent within the area surface waters, and failure of the DEIR to demonstrate future compliance with Regional Board Basin Plan prohibitions.

Action Needed: Placer County should adequately address prior comments made on the DEIR with respect to how an alternative is to be evaluated prior to analyzing relative impacts of competing project alternatives.

R-2
Cont.

2. The "Lowest Intensity Alternative" that was described in the revised DEIR appears to be the most environmentally protective alternative to the proposed land use diagram. The revised DEIR notes that the "Lowest Intensity Alternative" results in a 41-percent reduction in residential development potential and may not be considered in conformance with the direction given by the Placer County Board of Supervisors that no major changes are made to the existing land use plan as part of the update of the General Plan. Similarly, the "Clustered Land Use" and the "Reduced Intensity" alternatives result in reduced environmental impacts when compared to the preferred alternative but do not necessarily conform to the directive.

R-3

Missing from the analysis discussion is an alternative that satisfies the goal of maintaining existing land uses while at the same time reducing or eliminating adverse environmental impacts. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimizing the generation of nonpoint source pollutants. LID results in less surface runoff and less pollution routed to receiving waters. Principles of LID include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
- Reducing the impervious cover created by development and the associated transportation network, and
- Managing runoff as close to the source as possible.

R-4

LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and could benefit energy conservation, air quality, open space, and habitat. Many planning tools exist to implement the above principles, and a number of recent reports and manuals provide specific guidance regarding LID.

Action Needed: Regional Board staff recommend the use of LID development practices, and an expanded alternatives discussion shall include a project alternative that incorporates LID principles. Additional resource information may be obtained from the Low Impact Development Center's website located at www.lid-stormwater.net, and at the Congress for the New Urbanism's website located at www.cnu.org.

Thank you for the opportunity to comment on this project. If you have any questions or comments regarding this matter, please contact me at (530) 542-5432 or Eric Taxer at (530)542-5434.

Enclosures: Regional Board August 19, 2002 Comment Letter
State Clearinghouse Form

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

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Gregoria Garcia

- 1 -

cc (w/enc #1): Regional Board Members
Lori Lawrence, Placer County Planning Department
Placer County Environmental Health Department
Craig Woods, Tahoe-Truckee Sanitation Agency
Nevada County Planning Department
Tom Mooers, Sierra Watch
Tony Lashbrook, Town of Truckee Planning Department

BTTLgT: Martis Valley Revised DEIR
[Pending/Nevada County/Martis Valley Community Plan]

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

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California Regional Water Quality Control Board
Laborian Region

Winston B. Hickox
Secretary for Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
Phone (530) 542-5400 • FAX (530) 544-2271
Internet: <http://www.cwrqcb.ca.gov/rwqcb6>



Gray Davis
Governor

August 19, 2002

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

R E C E I V E D
MAY 01 2003
PLANNING DEPT.

COMMENTS ON MARTIS VALLEY COMMUNITY PLAN UPDATE DRAFT ENVIRONMENTAL IMPACT REPORT, PLACER COUNTY

The above-referenced draft Environmental Impact Report (EIR) has been prepared by Placer County acting as the California Environmental Quality Act (CEQA) lead agency. California Regional Water Quality Control Board, Laborian Region (Regional Board) staff has reviewed the draft EIR. We thank you for considering our comments, which are as follows.

PROJECT LOCATION AND DESCRIPTION

The proposed Martis Valley Community Plan (Community Plan) would update the existing Placer County portion of the Martis Valley General Plan (General Plan, originally adopted in 1974). The project is intended to address new environmental and land use issues in the area, and bring the General Plan into consistency with the 1994 Placer County General Plan.

The project area ("Plan Area") is the Placer County portion of Martis Valley, approximately 35 square miles generally bounded by the Placer/Nevada County line to the north, Highway 89 to the west, the Lake Tahoe Basin boundary to the south and the California/Nevada state line to the east.

COMMENTS

1. The "Water Quality" discussion (pp. 4.7-8 through 4.7-11) in Section 4.7.1 (Existing Setting) does not provide an adequate evaluation of existing surface water quality or the effects of existing development in the Plan Area. Although it states that "Quality of surface waters is generally excellent in the upper reaches of the Plan area's stream network with few contaminants and nutrients" (emphasis added), it does not adequately characterize water quality in the lower reaches. The discussion is limited to issues such as coliform levels in Martis Creek and their relationship to grazing activity, potential impacts from the Martis Fire, and the listing of the Truckee River for sediment impairment on the Clean Water Act Section 303(d) list. In general, the draft EIR fails to provide a concrete analysis of existing surface water quality, or of water quality impacts due to existing development within the

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Lon Lawrence

- 2 -

Plan Area. To objectively analyze the potential water quality impacts of the proposed project, the draft EIR should carefully evaluate available water quality data and compare it to appropriate standards necessary to prevent degradation and protect beneficial uses, including water quality objectives contained in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The final EIR should consider any relevant monitoring data available, such as data for and/or from: receiving waters (including Martis Creek, Martis Creek Lake, and the Truckee River below the confluence with Martis Creek); golf courses; storm water runoff; airport operations; road maintenance; wastewater effluent from the Tahoe-Truckee Sanitation Agency (TTSA) or other major waste dischargers, etc.

2. The draft EIR defines "Standards of Significance," which are the criteria used to evaluate the potential significance of each type of impact. Standards of Significance for the Hydrology and Water Quality Section are defined on p. 4.7-29; however, the draft EIR states that the criteria listed on that page specifically apply to evaluation of "hydrologic or flooding impacts." No criteria are provided for evaluating the significance of water quality impacts. It is therefore unclear what criteria were used to support the draft EIR's conclusion that all water quality impacts can be mitigated to a less than significant level under the proposed Community Plan. In the absence of an adequate analysis of surface water quality and water quality effects of existing development, it is unclear whether that was a subjective or objective conclusion. The Regional Board would consider any demonstrable adverse effect on beneficial uses, violation of Basin Plan water quality objectives, violation of Basin Plan prohibitions or violation of other state and federal water quality standards to be a significant effect. The final EIR should include clearly defined Standards of Significance for Water Quality reflecting that fact. The final EIR should also base its analysis of significant effects upon these standards.
3. In our August 9, 2001 "scoping comments" on the Notice of Preparation for the Community Plan, we noted that new residential and commercial development would increase the use of fertilizers, pesticides, and other economic poisons/pollutants within the project area (see Scoping Comment #5). We noted that, "the EIR should address impacts from the cumulative development and if such usage is shown to adversely affect ground or surface water quality, the EIR and the Community Plan should include effective controls to limit such usage, or proposed mitigation measures that will ensure compliance with water quality standards." We find, however, that the draft EIR does not adequately analyze the potential for cumulative impacts from chemical use, does not review existing monitoring data or other relevant information to establish whether there could be potentially significant impacts, and does not include effective controls to limit chemical usage if necessary to assure compliance with water quality standards. Mitigation Measure 4.7.2b (p. 4.7-43) does incorporate setback requirements (by reference to Placer County Policy 9.D.1) to protect waterway corridors, wetland areas and other sensitive habitats. It also stipulates that "subsequent projects will be conditioned to prohibit application of fertilizers, pesticides and herbicides within waterway corridors and wetland areas." However, setback requirements and prohibiting direct chemical application to surface waters may not be sufficient to mitigate impacts. Additional measures are needed in the final EIR to assure that chemical use is minimized and properly managed. The final EIR should address public education and development of chemical use

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

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Lori Lawrence

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guidelines. The final EIR should also reflect a commitment to monitoring, and describe corrective measures that will be taken if monitoring indicates adverse water quality effects are developing.

4. Mitigation measure MM 4.7.2c (beginning on p. 4.7-43) is intended to address potential impacts to surface and ground waters from several new golf courses proposed under the Community Plan. The mitigation measures rely heavily on a County requirement for Chemical Application Management Plans (CHAMPs) for future golf courses. However, CHAMPs alone may be insufficient to minimize water quality impacts. The draft EIR fails to establish enforceable guidelines for CHAMP preparation, or to define a process for CHAMP review and approval. Regional Board staff suggests that the final EIR requires that CHAMPs include water quality standards, and should provide for enforcement mechanisms if monitoring indicates that those standards are not being met. The final EIR also needs to identify the CHAMP guidelines and address how implementing them will ensure compliance with water quality standards.
5. To support the conclusion that impacts from future golf courses can be mitigated to the less than significant level by the imposition of CHAMPs, the final EIR should analyze any available water quality data from existing golf courses. The final EIR should also evaluate the effectiveness of existing CHAMPs within the Plan Area and from other golf courses located within the Truckee River Watershed. The final EIR should address how the County will respond if golf course impacts are found to be significant, and should consider requiring a staged approach to new golf course approval. Under a staged approach, an evaluation period would be required between construction of new golf courses, to evaluate individual and cumulative impacts of previously constructed golf course, and require appropriate action prior to future golf course approvals. If approval of multiple golf courses is not to be staged, then the final Environmental Impact Report should take a conservative approach to evaluating potential impacts.
6. With regards to proposed golf courses, we indicated in our Scoping Comment #4 that "additional guidelines in the Community Plan should specify criteria to minimize the acreage of the playing areas requiring chemical use." Although Mitigation Measure MM 4.7.2c (p. 4.7-43) does state that "landscaped areas shall be restricted to only greens, tees, and fairways," the draft EIR fails to discuss enforceable criteria to ensure that such landscaped areas are minimized during the golf course design and approval process. A commitment to minimization of chemically-treated areas should be included in the final EIR.
7. On p. 4.7-55, the draft EIR cites the report Ground Water Availability in the Martis Valley Ground Water Basin to estimate that "approximately 24,700 acre feet of groundwater could be pumped annually without long-term loss of groundwater storage." This figure compares to a projected annual water demand at buildout of approximately 22,000 acre feet. The final EIR should discuss what proportion of this surplus ground water is believed to be associated with the upper and middle/lower aquifers respectively, and should also estimate what proportion of ground water production is expected for each aquifer at buildout.

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

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Lori Lawrence

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8. The draft EIR concludes "it is anticipated that potential impacts to Plan area surface water features from increased ground water production would be minimal" (p. 4.7-56). This conclusion is based on the expectation that existing and future groundwater production for domestic use will mainly utilize the middle/lower aquifer, rather than the upper aquifer that presumably supplies surface water features. Interaction between the two aquifers is thought to be limited based on evidence (described on pp. 4.7-55 through 4.7-56) of a continuous clay member that limits ground water transfer between the aquifers. Although interaction may be limited, the draft EIR nevertheless acknowledges (p. 4.7-55) the assumption "that there is some interaction" between the aquifers. We believe the evidence reviewed in the draft EIR is inadequate to determine whether increased ground water demand could impact surface water features, because the degree of interaction and extent of the clay barrier are not well defined. It is not clear whether transmission of water from the upper to the middle/lower aquifer through leaky zones could potentially increase in response to increased pumping from the lower aquifer. Localized effects are possible. Because any effects of increased ground water demand on surface water features could essentially be irreversible, it is important to take a conservative approach. Protection of surface waters, including wetlands is imperative to preserve water quality. Wetlands and riparian areas are important for nutrient uptake, flood control, and wildlife habitat, which are all beneficial uses of water the Regional Board is responsible for protecting. Their associated vegetation prevents erosion by holding soil in place. For the above reasons, the final EIR should make the finding that ground water usage impacts to surface waters are "potentially significant." The final EIR should address the potential for adverse impacts on surface water resources and what mitigation measures will be implemented to avoid such significant impacts. The evaluation of the potential for adverse impacts should also take into consideration direct withdrawals from the upper aquifer.
9. The Truckee River is listed for sedimentation on the Clean Water Act Section 303(d) list of impaired water bodies. The Regional Board also maintains a "Watch List" of waters for which additional monitoring is recommended, to determine whether those water bodies should be placed on the Section 303(d) list in the future. Martis Creek is currently on the Watch List for nutrients (including phosphorus), and the Truckee River is on the Watch List for chloride and TDS. Martis Creek Lake is a valuable biological resource and prized wild trout fishery. Evidence indicates that water quality in Martis Creek Lake may be seriously declining. We find that the draft EIR does not properly address whether development proposed under the Community Plan may further impact these water bodies.
10. In our Scoping Comment #2, we noted that TTSA is highly dependent on flows and existing water quality in Martis Creek and the Truckee River to assimilate discharges from its wastewater treatment facility. We indicated that the EIR should address potential impacts on flows and water quality within Martis Creek and the Truckee River associated with proposed development under the Community Plan, and how this could affect TTSA's ability to assimilate discharges and meet its permit conditions. Such an analysis is notably lacking in the draft EIR. The draft EIR concludes (p. 4.7-56) that, "Groundwater discharge reductions to the Truckee River [due to increased ground water demand from development] would be offset by increased discharges of approx. 11,000 acre-feet annually from the Tahoe-Truckee

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

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Lori Lawrence

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result in adverse water quality impacts. Regional Board staff strongly encourage connection to a community sewer collection system that transports wastewater to the TTSA facility.

13. Proposed development under the proposed Community Plan update (including widening portions of Highway 267 to four lanes) would involve significant expansion of the road network. As acknowledged on p. 4.7-37 of the draft EIR, direct surface water quality impacts could occur from increased road maintenance (snow removal activities, application of sand/salt to roadways). Salt is a major water quality issue in the Truckee River watershed as is sedimentation. The final EIR should quantify the expected increase in road maintenance, and describe effective control measures to mitigate any effects to the less than significant level. Please be aware that Regional Board staff considers any increase in sediment loading to the Truckee River or its tributaries to be a significant effect given the impaired nature of the river due to excessive sedimentation that is already occurring.
14. The draft EIR acknowledges (p. 4.7-63) that: "Subsequent development under the Proposed Land Use Diagram would be located outside of the designated 100-year floodplain . . . however, this land use map option would result in the substantial development of approximately 4,300 acres of the Plan area, which would increase impervious surfaces and would alter drainage conditions and rates." In order to ascertain potential environmental impacts, some effort is still needed in the final EIR to quantify those effects. County Policies 6.E.7 (p. 4.7-64) and 6.E.10 (p. 4.7-65) require, respectively, that mitigation be incorporated into new developments to offset increases in storm water peak flows and/or volume, and that projects allocate land as necessary to detain post-project flows. Those policies can be effective in mitigating effects of increased impervious surface area. However, the final EIR should specify the objective of the policy (e.g., "the level of mitigation required shall be adequate to assure that stormwater peak flows and volume do not exceed pre-project levels"). The policies and final EIR should also include information regarding how storm water disposal will not adversely impact ground water quality.
15. Uncertainties regarding the potential and cumulative impacts of the proposed project to water quality call for a conservative approach to development in the Plan area. The County should propose a comprehensive water quality monitoring program as part of the Community Plan and final EIR. We urge the County to consider a staged approach to approval of specific developments under the Community Plan, so that impacts can be assessed at each stage, and so that appropriate corrective actions/requirements can be implemented prior to granting of future approvals.

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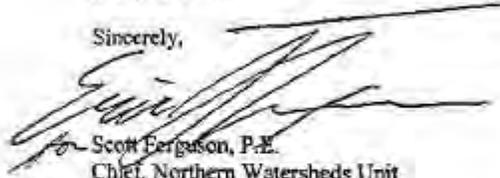
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Lori Lawrence

- 7 -

Thank you for the opportunity to comment on the draft EIR. If you have any questions or would like to discuss these comments further, please contact me at (530) 542-5432 or Jason Churchill at (530) 542-5571.

Sincerely,



Scott Ferguson, P.E.
Chief, Northern Watersheds Unit

cc: Regional Board Members
Placer County Environmental Health Dept.
Tahoe-Truckee Sanitation Agency/Craig Woods
Nevada County Planning Dept.
Sierra Watch
Town of Truckee Planning Dept./Tony Lashbrook
State Clearinghouse

JC/cjt: Martis EIR comments
[Pending Files--Placer County, Martis Valley General Plan]

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

LETTER R: SCOTT FERGUSON, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION

- Response R-1* The commentor is referred to responses to Comment Letter I as well as Master Response 3.4.3 (Water Quality) and Master Response 3.4.4 (Water Supply Effects of the Project).
- Response R-2* The commentor is referred to responses to Comment Letter I as well as Master Response 3.4.3 (Water Quality) and Master Response 3.4.4 (Water Supply Effects of the Project).
- Response R-3* The commentor summarizes information provided in the Revised Draft EIR, but provides no specific comments on the adequacy of the Revised Draft EIR or Draft EIR. Since no comments regarding the adequacy of the Revised Draft EIR or Draft EIR were received, no further response is required.
- Response R-4* The commentor suggests that another alternative be considered that maintains existing land uses while reducing environmental effects by using the "Low Impact Development" (LID) method. However, the commentor provides no specific details on land use mix, specific location or density of development and roadway improvements. The Prince George's County, Maryland, Department of Environmental Resource Programs and Planning Division released a report titled *Low-Impact Development: An Integrated Design Approach*, which described the various aspects of the LID site planning process, which includes consideration of applicable land use regulations and flexibility with those standards, defining development envelopes and protected areas, incorporation of drainage into development design and modification of drainage flows to maximize overland flow (Prince George's County, 1999). While these design features provide for improvements in water quality (several of which have been incorporated into development of the Lahontan community), LID site planning is more appropriate for the consideration of specific development projects rather than a large-scale planning document such as the Martis Valley Community Plan. However, several water quality aspects of LID are included in the proposed policies of the Martis Valley Community Plan as well as mitigation measures identified in the Draft EIR (Draft EIR pages 4.7-30 through – 54). In addition, the Lowest Intensity Alternative provides for reduced land area for new development, clustering of new development near existing development in the Plan area (with the exception of the Waddle Ranch area) and large areas of open space along Martis Creek and its tributaries. The environmental benefits of this alternative and other reduced development alternatives is described in Section 6.0 (Project Alternatives) of the Revised Draft EIR. The commentor is also referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis).

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

MAY.02'2003 14:11	Letter S	#0338 P.026
NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT		
Main Office 200 Litton Drive, Ste. 320 P.O. Box 2509 Grass Valley, CA 95945 (530) 274-9360 / FAX: (530) 274-7546	Quincy Field Office 264 Hospital Road Quincy, CA 95971 (530) 283-4654 / FAX: (530) 283-0699	Gretchen Bennett, APCO Truckee Field Office 13450 Donner Pass Road, Suite B P.O. Box 9766 Truckee, CA 96162 (530) 550-7872 / FAX: (530) 587-2623
April 30, 2003		RECEIVED MAY 01 2003 PLANNING DEPT.
Placer County Planning Department Attn: Lori Lawrence, Environmental Review Clerk 11414 B Avenue Auburn, California 95603		
Re: Comments on Revised Draft Environmental Impact Report for the Martis Valley Community Plan Update		
Dear Ms. Lawrence:		
<p>The District is very concerned about this revised draft EIR. As stated in the District's August 15 letter regarding this plan, "future development of this plan will cause a significant impact upon a community (Truckee) that already experiences poor air quality."</p>		S-1
<p>The District's major concern is that the Proposed Land Use Diagram and the associated four alternatives do not mitigate emissions to below the District's significance threshold levels as outlined in our August letter. It also appears that your agency failed to incorporate any of the District's recommended air quality control measures. Truckee already experiences high levels of PM and is facing federal nonattainment for health based PM10 standards. In the District's August letter to your agency, we strongly recommended control measures for reducing emissions from wood appliances. The revised draft plan has failed to address this issue. If the District is in error and you have included woodstove measures, please contact the District immediately.</p>		S-2
<p>Additionally, the information in the revised draft plan is not sufficient - the plan takes credit for emission reductions without listing specific controls. No data was provided that supports the findings in your revised draft plan. Again, if this data does exist, the District would appreciate a copy immediately.</p>		
<p>It appears that the "Lowest Intensity Alternative" would result in the lowest emissions, but, as stated still exceeds threshold levels.</p>		
<p>Lastly, the District had requested to be included in all future correspondence and informed of any public meetings. We did not receive a copy of the revised draft EIR, instead we downloaded it from the internet. We were informed that a public meeting would occur in April 2003, but have not heard of any such meeting. The District formally requests that we be included in all future correspondence and informed of any public meetings. In closing, the District would like to repeat its earlier recommendations and STRONGLY recommend that the following mitigations be incorporated into the final plan.</p>		S-3
District Recommendation		
<ol style="list-style-type: none">1. Mitigate ROG, NOx and PM to below significant threshold levels. To be in accordance with the Truckee AQMP, PM must be mitigated 100% (no net increase).2. The District strongly recommends that all wood burning appliances be prohibited in all		
<hr style="border: 1px solid black;"/>		
SERVING THE COUNTIES OF NEVADA, PLUMAS AND SIERRA		Page 1 of 2

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

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new construction. Gas, pellet or fuel-oil heating appliances are viable alternatives. If the project insists upon installing wood-burning appliances, they may still be able to meet the Truckee General Plan's air quality goal of no net increase of particulate matter by participating in a "Great Stove Changeout Program" or contributing financially to any other programs that will offset the emissions that will be caused by the wood burning heating appliances installed in the project.

Additionally, if wood-burning appliances are allowed within new construction under this plan, then each residential unit and occupied commercial building must have residential wood combustion units and/or fireplaces that are Environmental Protection Agency (EPA) Phase II or better devices. Any wood burning appliance or fireplace that is not EPA Phase II certified or better shall be prohibited. Additionally, each residential unit and occupied commercial building shall not emit more than 7.5 g/hr of particulate matter.

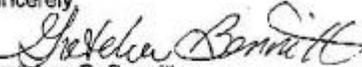
S-3
Cont.

3. Due to the proposed increase of PM, ROG and NOx in the Martis Valley, the District recommends that air monitoring equipment for PM10, PM2.5 and ozone be placed within an approved location by the Placer County Air Pollution Control District and the Northern Sierra Air Quality Management District. Offset fees shall be used to purchase, install and maintain the monitoring equipment. It is imperative that the proposed monitors be in place before construction begins. Both Air districts must have baseline data before any construction commences.
4. The District recommends that alternatives to residential open burning of vegetative material be used. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.

S-4

Thank you for the opportunity to comment on the Revised Draft EIR. Please feel free to call Ryan Murano at (530) 550-7872 if you have any questions or comments.

Sincerely,


Gretchen G. Bennitt
Air Pollution Control Officer

cc:

Town of Truckee, Community Development Department
Attn: Duane Hall, Town Planner

Nevada County Supervisor Barbra Green, District 5

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

LETTER S: GRETCHEN BENNITT, NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Response S-1 Comment noted. The commentor is referred to responses to Comment Letter N.

Response S-2 The commentor is referred to responses to Comment Letter N. As described in Master Response 3.4.5 (Adequacy of the Alternatives Analysis), on the technical information, analyses and materials provided and/or cited in the Draft EIR, including additional traffic modeling, use of air quality modeling data, vegetation and habitat mapping and other resource mapping.

Response S-3 No public meetings were held on the Martis Valley Community Plan Update or the Draft EIR during the month of April 2003. The County will send notice of all future public meetings to the District. The commentor is referred to responses to Comment Letter N.

Response S-4 The commentor is referred to responses to Comment Letter N.

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

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Letter T

#0346 P.002/003

SIERRA COUNTY
Department of Planning and Building Inspection
P.O. Box 530
Downieville, California 95936
(530) 289-3251 (800) 655-3251
Fax (530) 289-2828



Tim R. Beale
Director

R E C E I V E D
MAY 06 2003
PLANNING DEPT.

May 5, 2003

Placer County Planning Department
11414 B Avenue
Auburn, California 95603

Attn: Ms. Lori Lawrence

Dear Ms. Lawrence:

Thank you for providing a copy of the "Martis Valley Community Plan Update-Revised Draft Environmental Impact Report" (SCH No. 2001072050) prepared by PMC Consultants and dated March 2003. It is my understanding that Placer County, acting as lead agency, has prepared a revised, draft environmental impact report (original draft issued in 2002) and is seeking extended public and agency input on plan alternatives and community plan impacts. This revised draft, including additional comments, will eventually be incorporated with the original draft to provide a proposed final environmental impact report for the community plan.

T-1

The County of Sierra, while not a contiguous county to Placer County, is directly affected by the land use activities in the Martis Valley area of Nevada and Placer Counties. We believe that Sierra County, especially the eastern county region will experience a number of impacts associated with continued build-out and development of Martis Valley. We would ask that the revised environmental impact report contain a detailed review of the following points which we feel were completely omitted from the environmental review documents that we have reviewed to date:

- 1) Transportation impacts on State Route 89 north of Truckee, through Sierra County and Sierra Valley are not addressed. The vehicle trips expected from various stages of build out (commercial, residential, recreational) need to be addressed and analyzed. There is no analysis showing the level of service of State Route 89 and the various traffic loading that can be expected from the Martis Valley Plan-for example, what can we expect from traffic impacts at Sierraville that are already excessive on peak hours, weekends, and holidays. The State Route 89 corridor is a key transportation corridor serving Lake Tahoe, Truckee, and other regions served by Interstate 80 (Reno-Sacramento corridor) and the recreational traffic alone has caused significant traffic loading problems in Sierraville through to Graeagle. Summer and winter traffic are seeking recreational pursuits (snowmobiles, golf, sightseeing,

T-2

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

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| | outdoor activities) and the issues with traffic loads, wildlife impacts, and land use need to be researched. | T-2
Cont |
| 2) | Recreational traffic and demands on Sierra County services related to this increased recreational demand are not addressed. For example, what impacts may be expected to the Stampede Reservoir complex; to the Jackson Meadows complex, and to recreational destinations in Sierra Valley and the Lakes Basin (Sierra Buttes area). The increased demand, the need for expanded public services, and the carrying capacity of these facilities needs to be identified. | T-3 |
| 3) | Wildlife degradation related to traffic increases along the Highway 89 system between Truckee and Sierraville is currently a great concern. Caltrans, California Department of Fish and Game, and local interest groups recognize this current and severe condition and have a significant concern for increased deer mortality. This project will further degrade this resource. | T-4 |
| 4) | The growth inducement and cumulative impacts that Sierra County may experience have not been identified in the reports that we have reviewed. The current housing market of the Truckee region (housing supply and housing values) have caused a significant increase in property transactions in Sierra County. The implementation of the Martis Community Plan will multiply this increase and there needs to be an assessment of service demands, housing stock, growth inducing activities, school impacts, and other economic concerns to assure that the County is adequately informed and understands the level of expected impacts and can accommodate the increased economic activity resulting. These impacts could be both positive and negative and a further analysis would present valuable findings. | T-5 |
| 5) | The water supply required to serve the plan buildout (surface or groundwater) needs to be fully understood and the relationship that this buildout and demand may have on the current negotiations underway for the Truckee River Operating Agreement have not been disclosed. | T-6 |
| 6) | There needs to be a statement outlining the possible air quality impacts to Sierra County as Loyalton (Sierra) and Truckee (Nevada) have already been identified as sites requiring greater scrutiny by the Northern Sierra Air Quality Management District. | T-7 |

Thank you and we would appreciate your review of these concerns and a written response at your earliest convenience.

Sincerely,

Sierra County
Planning Department



Tim H. Beals
Director

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

LETTER T: TIM BEALS, SIERRA COUNTY DEPARTMENT OF PLANNING AND BUILDING INSPECTION

- Response T-1* Comment noted. As noted in Master Response 3.4.10 (Adequacy of the Public Review Period), the comment period on the Draft EIR ended on August 19, 2002. The comment period on the Revised Draft EIR ended on April 30, 2003. As identified in the following responses, no significant environmental effects from the adoption of the Martis Valley Community Plan are expected to occur in Sierra County.
- Response T-2* Draft EIR page 4.4-71 specifically identifies that the Proposed Land Use Diagram would increase traffic volumes on SR 89 north of Interstate 80 by 9 percent. However, this portion of SR 89 is expected to operate at LOS "A" under 2021 conditions. Thus, no traffic impacts to SR 89 or Sierra County are expected. Given that no significant traffic impact was identified to SR 89 north of Interstate 80, it was not discussed in the Revised Draft EIR. However, the Clustered Land Use Alternative, Reduced Intensity Alternative and the Lowest Intensity Alternative would likely result in further reductions in traffic volumes on SR 89. Given the distance and lack of physical connection between Sierra County and the Plan area, the project is not expected to result in land use or wildlife impacts in Sierra County.
- Response T-3* See Response to Comment T-2 regarding traffic impacts. Given the abundance of recreational opportunities within and immediately adjacent to the Plan area that are similar to those available in Sierra County, it is not expected that subsequent development under the Martis Valley Community Plan would have substantial effect on recreational opportunities in Sierra County and would trigger a physical effect on the environment. There is no evidence suggesting that the project would result in significant public service, parking and recreational impacts that would trigger a physical effect on the environment (i.e., necessitates need for the construction of new facilities) and no evidence has been provided by the commentor to substantiate this concern.
- Response T-4* Section 4.9 (Biological Resources) of the Draft EIR addresses project and cumulative effects of the project on wildlife resources in the region. However, the project would not result in any direct impact on wildlife resources in Sierra County. See Response to Comment T-2.
- Response T-5* The physical effects of increased demand for affordable housing associated with the project are specifically noted on Draft EIR page 4.2-17 through -28. As noted in Master Response 3.4.8 (Affordable and Employee Housing Effects of the Project), approximately 89 to 91 percent of area employees reside in the North Tahoe/Truckee rather than travel outside the region for housing. CEQA Guidelines Section 15131 specifically notes that economic concerns are not considered physical effect on the environment. The commentor has provided no evidence to substantiate that the adoption of the Martis Valley Community Plan would trigger social and economic effects in Sierra County that would result in a physical effect on the environment.
- Response T-6* See Master Response 3.4.4 (Water Supply Effects of the Project) regarding the water supply analysis in the Draft EIR. Draft EIR pages 4.7-18 through -20

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

specifically notes Public Law 101-618 (Truckee-Carson-Pyramid Lake Settlement Act), which sets forth the requirement of establishing the Truckee River Operating Agreement, identifies California's allocation of water for use in the Truckee River watershed outside of the Tahoe Basin at 32,000 acre-feet annually of gross diversion. Current estimates for water use for all of Martis Valley as well as adjoining areas to range from 22,000 to 24,000 acre-feet annually.

Response T-7 Draft EIR pages 4.6-19 and -20 specifically notes that cumulative air quality impacts associated with the project includes the Mountain Counties Air Basin, which consists of Sierra County and the Town of Truckee. The Northern Sierra Air Quality Management District has submitted correspondence regarding this project (Comment Letters N and S).