



Placer County
Planning Services Division
775 North Lake Boulevard
P.O. Box 1909
Tahoe City, CA 96145

Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95812

Date: June 8, 2016
To: Ms. Stacy Wydra and Ms. Fran Ruger
From: The League to Save Lake Tahoe
Re: **Comments on Martis Valley West Parcel Specific Plan Final Environmental Impact Report**

Dear Ms. Wydra and Ms. Ruger,

The League to Save Lake Tahoe (the League) appreciates the opportunity to provide comments on the Martis Valley West Parcel Specific Plan Final Environmental Impact Statement (FEIR). Due to the numerous insufficiencies and inadequacies of this FEIR, we feel strongly that it cannot be certified as presented today. The League's comment letter details specifics as to why the FEIR is flawed. The League hereby incorporates and references the comment letter submitted on June 7, 2016 by Sierra Watch and Mountain Area Preservation as well as their traffic expert analysis conducted by Mr. Neal Liddicoat. Outlined below are the most egregious reasons as to why the FEIR must be denied certification under the California Environmental Quality Act (CEQA). The associated comment letter contextualizes these and other issues related to the review:

- **The FEIR is Inadequate Because It Does Not Account for the Negative Traffic Impacts the Specific Plan Will Generate in the Lake Tahoe Basin.**
- **The FEIR is Inadequate Because Placer County Failed to Meet CEQA Requirements by Coordinating with TRPA.**
- **The FEIR Ignores Current Placer County and TRPA Planning Efforts. Placer County is also the Lead Agency for the Squaw Valley Project and Lake Tahoe Basin Area Plan Which Have Been Ignored in this FEIR. This Makes the FEIR Inadequate.**
- **The FEIR Ignores Cumulative Impacts Associated with Brockway.**
- **The FEIR Ignores the Alternative Proposed by the League and Other Organizations.**

- **This FEIR Should Not Be Approved or Certified under CEQA. There Are Not Enough Appropriate Overriding Considerations to Approve FEIR Over Detrimental Environmental Impacts.**

As the oldest running environmental organization for Lake Tahoe the League cannot support this project as proposed today due to the detrimental impacts to the region. For these reasons and the others discussed in the comment letter, the League requests that the FEIR be revised to address all of the League, Sierra Watch, and Mountain Area Preservation concerns.

Sincerely,
Darcie Collins, PhD
Executive Director
League to Save Lake Tahoe

Enclosures

2016.6.8 League to Save Lake Tahoe Comments on Final Environmental Impact Report for the Martis Valley West Specific Plan



Placer County
Planning Services Division
775 North Lake Boulevard
P.O. Box 1909
Tahoe City, CA 96145
SWydra@placer.ca.gov

Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Date: June 8, 2016
To: Ms. Stacy Wydra and Ms. Fran Ruger
From: The League to Save Lake Tahoe

Re: Comments on Final Environmental Impact Report (FEIR) for the Martis Valley West Parcel Specific Plan

Dear Ms. Wydra and Ms. Ruger,

The League to Save Lake Tahoe (the League) has taken the opportunity to review the Final Environmental Impact Report (FEIR) for the Martis Valley West Specific Plan (Specific Plan). The Specific Plan has been brought forth by Mountainside Partners (project proponents) following years of discussions and negotiations, many of which the League was a participant.

While the League is in support of a significant conservation component of the Specific Plan, the League is disappointed with both the adequacy of the review and dismissal of traffic impacts to Lake Tahoe associated with the Specific Plan. The Specific Plan lies outside of the Lake Tahoe Basin and the jurisdiction of the Tahoe Regional Planning Agency (TRPA), but will still have negative environmental consequences to the Basin. Because of the importance of Lake Tahoe as an Outstanding National Resource Water, as well as the unique and comprehensive environmental standards governing the Lake Tahoe Basin, it is essential that the project be denied as it is proposed today. There must be a genuine analysis that looks at real impacts associated with traffic to the Basin. The League urges Placer County Board of Supervisors (BOS) to not certify the FEIR as it is presented today. The FEIR does not meet California Environmental Quality Act (CEQA) requirements for certification as described in these comments. Approving the Specific Plan and FEIR could only be used with arbitrary findings and inappropriate overriding consideration that disregard environmental impacts. The following comments on the FEIR address the concerns of the League as they relate to impacts to the Lake Tahoe Basin:

- I. **The FEIR is Inadequate Because It Does Not Account for the Negative Traffic Impacts the Specific Plan Will Generate in the Lake Tahoe Basin.**
 - a. *Impacts Associated with a Drop to Level of Service (LOS) in Lake Tahoe Basin Are Ignored While Impacts Associated with an Increase to Vehicle Miles Travelled (VMT) to Lake Tahoe Basin are also Ignored.*
 - b. *The Changes Made to the Transportation and Circulation Mitigation Measures Are Meaningless. These Weak Mitigation Measures Do Not Hold Project Proponents Accountable nor Mitigate Impacts to the Lake Tahoe Basin.*
- II. **The FEIR is Inadequate Because Placer County Failed to Meet CEQA Requirements by Coordinating with TRPA.**
- III. **The FEIR Ignores Current Placer County and TRPA Planning Efforts. Placer County is also the Lead Agency for the Squaw Valley Project and Lake Tahoe Basin Area Plan Which Have Been Ignored in this FEIR. This Makes the FEIR Inadequate.**
- IV. **The FEIR Ignores Cumulative Impacts Associated with Brockway.**
- V. **The FEIR Ignores the Alternative Proposed by the League and Other Organizations.**
- VI. **This FEIR Should Not Be Approved or Certified under CEQA. There Are Not Enough Appropriate Overriding Considerations to Approve FEIR Over Detrimental Environmental Impacts.**

Background

The Specific Plan proposal put forth by the project proponents is a result of years of negotiations, public comment, and agency input. The League was engaged by the project proponents in early 2012 to discuss the project and its associated conservation easement because a portion of the original project was within the Lake Tahoe Basin. The League and other conservation groups such as Mountain Area Preservation (MAP), Sierra Watch, and Sierra Club participated in discussions relating to the appropriateness of development entitlements for the project coupled with a significant amount of environmental conservation. The original project proposal spanned what is now designated as the West Parcel in the Specific Plan of Martis Valley and a 112.8 acre portion of the Lake Tahoe Basin, which would have required TRPA approval. It also included what is to be designated as conservation as the East Parcel of the Specific Plan.¹

The original proposal had essentially three planning components. The first and second components were the West Parcel located in Martis Valley within Placer County (1,052 acres) and the Lake Tahoe Basin (112.8 acres) parcel, both of which would have been the location site for development. The development project included 760 units and 6.6 acres of commercial property spanning both Placer County and TRPA jurisdictions. The project proponents sought a Resort Recreation designation through an Area Plan under the TRPA Regional Plan Update (RPU) for the Lake Tahoe Basin portion of development. The third component was the East Parcel which included a designation as

¹ Martis Valley West Parcel Specific Plan. Preliminary Draft. May 2014. Prepared by East West Partners. 1.3 Plan Authority. p.10.

conservation for over 6,000 acres of open space in Martis Valley.² The project proponents ignored guidance given by the League and other conservation groups in delaying the Lake Tahoe Basin development and establishing environmental targets as required by the RPU for Area Plans. Neither the Resort Recreation designation nor the Area Plan were redevelopment opportunities envisioned by the RPU. There was significant public and TRPA Governing Board pushback when the first Notice of Preparation (NOP) for the original project was released in May of 2014. While the League supported the overall concept of conservation for the East Parcel within Martis Valley, the League did not find that the Lake Tahoe Basin portion of the project complied with TRPA RPU goals and policies. The significant criticism surrounding the original proposal resulted in the project proponents temporarily eliminating the Lake Tahoe Basin development.

The project proponent shifted the 760 units and 6.6 acres of commercial development from the original Placer County and Lake Tahoe Basin project site to only the Placer County jurisdiction. This is what has now created the Specific Plan that is discussed today. The Specific Plan is directly adjacent to the Lake Tahoe Basin parcels that were part of the original project proposal. The revised NOP for the Specific Plan was released in February of 2015. The project proponents have continuously touted their gesture in removing the Lake Tahoe Basin component of the Specific Plan.³ However, in July of 2015 the project proponents applied for a new TRPA permit for the Lake Tahoe Basin parcel for Brockway campground (Brockway). The Brockway campground permit will seek approval from the TRPA for a 550-site developed campground including tent sites, camper sites, permanent shelters, a lodge, meeting pavilions, and other permanent structures.⁴ While the Specific Plan and Brockway projects require separate approval processes, their infrastructure and environmental impacts are intertwined. Not only have they been proposed by the same project proponents, but they very likely will be merged into the original project proposal once the infrastructure for both projects has been approved. The Brockway proposal will require its own environmental analysis under CEQA and the TRPA Bi-State Compact (the Compact). However, the cumulative impacts associated with the Specific Plan and Brockway projects were ignored and piecemealed in both the Draft Environmental Impact Report (DEIR) and FEIR.

The public process for the Specific Plan (and Brockway) have been incredibly complex, rushed, and forced. It has been difficult for public officials and other professional stakeholders to keep pace, let alone general public. The Brockway project was submitted to both Placer County and the TRPA in July 2015. The DEIR for the Specific Plan was released in October of 2015. Placer County released a FEIR for an unrelated Squaw Valley Project in April 2016 which is a document close to 4,000 pages long (this project and cumulative impacts to Lake Tahoe will be discussed later). Placer County then released the Specific Plan FEIR less than a month later in May 2016 which is a document over 2,000 pages long. The Specific Plan project and FEIR went forward to approval to an advisory council nine days after it was released and has now leap-frogged the Squaw Valley project approval process and

² Martis Valley West Parcel Specific Plan. Preliminary Draft. May 2014. Prepared by East West Partners. 6.4 Designated Open Space. p.65.

³ Placer County Planning Commission. November 19, 2015. Public Hearing on Martis Valley West Specific Plan Draft Environmental Review. Transcript in Volume II Martis Valley West Parcel Specific Plan FEIR.

⁴ Brockway Campground Minor Use Permit Project Description and Site Design Maps. Submitted to TRPA July 31, 2015. Pages 4,5 of 8.

has been slotted for Planning Commission approval June 9, 2016 and BOS July 26, 2016. It appears both the Specific Plan project and FEIR have been forced at the hand of the project proponents through this disingenuous public process. The League urges the BOS to influence the final Specific Plan project and FEIR rather than simply processing it.

The League, Sierra Watch, and MAP met with Placer County staff on March 2, 2016 and April 13, 2016 to discuss concerns relating to the DEIR/FEIR and the public process for the Specific Plan. The League explained in detail the significant impacts this project would have to Lake Tahoe in terms of traffic and how these concerns have been dismissed. Minimal efforts had been made in updating mitigation measures. The DEIR and FEIR cannot be proof of a public process under CEQA. The Placer County Planning Director stated that there was still time to influence the project before it is approved through a staff discretionary review. It was made clear by him to all of the organizations that our issues would be addressed. The League repeated this commitment to the BOS at their April 19, 2016 meeting so that this could be part of public record.⁵ It is the responsibility of Placer County as the lead agency of the DEIR and FEIR to influence the approval process for the Specific Plan. On May 12, 2016 the North Tahoe Regional Advisory Council (NTRAC) voted that the Planning Commission table approval of the project as proposed today to allow that body and the public more time to review. This was the advisory council given only nine days to make a decision on a 2,000 paged document. They also voted that the project not be approved as it has been currently proposed as there were too many unanswered questions raised not only by the public, but members of NTRAC.⁶ Placer County staff has ignored the NTRAC recommendation by moving forward with allowing the Planning Commission to consider approval on June 9, 2016. All of these things must be considered by the BOS when making their overriding considerations and should deny certification of this FEIR. The League highlights specific concerns relating to the FEIR below.

I. The FEIR is Inadequate Because It Does Not Account for the Negative Traffic Impacts the Specific Plan Will Generate in the Lake Tahoe Basin.

The FEIR essentially concludes that the Specific Plan will increase vehicle miles traveled (VMT) to the Lake Tahoe Basin, but to a point where the project proponents do not have to be held accountable for their actions. The project proponents are being “let off the hook” with conclusions drawn in the FEIR stating a traffic increase does not matter along with meaningless mitigation measures. Traffic impacts and concerns must be addressed before the Specific Plan is approved.

a. Impacts Associated with a Drop to Level of Service (LOS) in Lake Tahoe Basin Are Ignored While Impacts Associated with an Increase to Vehicle Miles Travelled (VMT) to Lake Tahoe Basin Are Also Ignored.

The DEIR for the Specific Plan ignored a general assessment of VMT increase and associated impacts to the Lake Tahoe Basin, but did acknowledge that the Specific Plan would drop the level of service (LOS) to the region. The FEIR now chooses to ignore concerns raised by the League relating to

⁵ Placer County BOS Meeting. April 19, 2016. Squaw Valley Resort. Squaw Valley Creek, CA. Video: http://placer.granicus.com/ViewPublisher.php?view_id=6.

⁶ North Tahoe Regional Advisory Council Meeting. May 12, 2016. Tahoe City PUD. Electronic minutes unavailable at time this letter was submitted.

unacceptable LOS service, while also inadequately assessing impacts associated with VMT increase to the Lake Tahoe Basin. The DEIR concludes that the Specific Plan will drop the LOS for the segment of the SR267 to SR28 (segment within Lake Tahoe Basin in Kings Beach) to unacceptable service and that this cannot be mitigated. The project proponents will pay a fee to County Improvement Program (CIP), but that section of roadway is controlled by Caltrans, so payments to the County would have no effect on its management.⁷ The FEIR agrees with the assumption and concludes that the unacceptable LOS is significant and unavoidable.⁸ The League requested other mitigation be considered, but this request was ignored. The FEIR has concluded that there will be a drop in LOS and increase to VMT as discussed below. However, it states the VMT increase can be mitigated to a level of less than significant. This is inherently contradictory and makes the FEIR inadequate.

The FEIR does what should have been done in the DEIR by doing a VMT assessment to the Lake Tahoe Basin. However, it ignores an impact assessment associated with the VMT increase. The FEIR states several times the analysis does not fall under TRPA jurisdiction so is not required to meet the Compact requirements. The FEIR points out,

“On a peak travel day, the project would generate approximately 13,745 VMT within the Tahoe Basin. Total VMT in the TRPA boundary was estimated in the Regional Transportation Plan (TMPO and TRPA 2012) to be 1,984,600 for summer 2010 conditions. Based on this benchmark, which is considered the best available data, the project would result in an estimated 0.7 percent increase in VMT within the TRPA boundary. The TRPA environmental threshold carrying capacity threshold calls for the Tahoe Region’s VMT to be at least 10 percent below its 1981 level, or 2,067,600 VMT. The addition of the project’s VMT to the 2010 summer value would result in 1,998,345 VMT, which would remain below this VMT threshold.⁹”

There are brief discussions of other in-Basin projects and relationship to VMT increase in the Basin and what constitutes a significant increase. It then however concludes there is not a standard to use when determining “significant.”¹⁰ To simplify, this FEIR concludes there will be an increase to VMTs in the Basin, it is unsure if this is significant, but because the increase is less than what exceeds the ultimate TRPA carrying capacity, an overall impact assessment does not need to be done. This is an arbitrary analysis. A rational deduction can be made that a 0.7 percent increase to VMT within the Lake Tahoe Basin is significant because this means thousands of more trips which directly relate to increased air quality and water quality impacts. Specifically, increased traffic will result in negative impacts as they relate to greenhouse gas emissions and increases to fine sediment particles from roadways into Lake Tahoe.

⁷ Draft Environmental Impact Report Martis Valley West Parcel Specific Plan. October 22, 2015. Prepared for Placer County by Ascent Environmental. Master Responses. p.10-43.

⁸ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Comments to Responses. p.3.5-258.

⁹ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p.3-17.

¹⁰ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p.3-18.

MAP and Sierra Watch had Mr. Neal K. Liddicoat, P.E. a Traffic Engineering Manager for MRO Engineers conduct an assessment of the traffic analysis. His detailed report explains deficiencies in trip generations through the DEIR and FEIR. The League incorporates the whole assessment by reference for purposes of these comments. The League referred to his first analysis in comments submitted on the DEIR referring to a lack of general VMT assessment. As stated in those comments, "...analysis presented in DEIR Chapter 10 reveals virtually no mention of VMT and certainly no documentation of the assumptions and procedures employed in developing in VMT estimates."¹¹ The FEIR traffic assessment concludes that,

"FEIR Master Response 6 is intended to answer the many questions that were raised regarding the treatment of this topic in the DEIR. We must note, once again, that the project's VMT estimate is inaccurate because of the significant deficiencies in the trip generation estimates described [in this report] particularly with respect to internal trips at the proposed project. Correcting those errors will result in higher VMT values."¹²

Not only is conclusion that the VMT increase to the Lake Tahoe region inadequate in determining significance, but Mr. Liddicoat's report explains how the overall values are incorrect. These deficiencies must be remedied for an accurate VMT and associated impact analysis. As already discussed the LOS for the area will drop to a significant unacceptable level. The conclusions drawn are confusing and conflicting. The impacts relating to traffic are ignored through the inadequate VMT analysis. An actual impact analysis as it relates to VMT increase must be done. Certification of the FEIR must be denied based off of all of these reasons.

b. The Changes Made to the Transportation and Circulation Mitigation Measures Are Meaningless. These Weak Mitigation Measures Do Not Hold Project Proponents Accountable nor Mitigate Impacts to the Lake Tahoe Basin.

Minimal changes were made to mitigation measures under the "Transportation and Circulation" section of the DEIR and the League's request for adequate mitigation was ignored. The below mitigation measures shifted impacts related to transit in Impact 10-5: Impacts to Transit from Potentially Significant (PS) to Less than Significant (LTS).¹³ As explained below, this shift should not have been made. The mitigation measures state;

"Mitigation Measure 10-5a: Payment of annual transit fees: Prior to recordation of the initial Small Lot Final Map, the applicant shall establish a new Zone of Benefit (ZOB) within an existing County Service Area (CSA) or annex into a pre-existing ZOB to provide adequate funding of capital and ongoing operational transit

¹¹ Review of Transportation and Circulation Analysis Martis Valley West Parcel Specific Plan Final Environmental Review. June 1, 2016. Prepared for Shute, Mihaly & Weinberger LLP by MRO Engineers. p.27.

¹² Review of Transportation and Circulation Analysis Martis Valley West Parcel Specific Plan Final Environmental Review. June 1, 2016. Prepared for Shute, Mihaly & Weinberger LLP by MRO Engineers. p.27.

¹³ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Revisions to DEIR. p.2-18.

services/requirements. The applicant shall submit to the County for review and approval a complete and adequate engineer's report supporting the level of assessments necessary for the establishment of the ZOB. The report shall be prepared by a registered engineer in consultation with a qualified financial consultant and shall establish the basis for the special benefit appurtenant to the project.

Mitigation Measure 10-5b: Join and maintain membership in the Truckee-North Tahoe Transportation Management Association: Prior to approval of Improvement Plan and/or recordation of the Final Map, the commercial and homeowner associations shall join and maintain membership (at the rate defined by the TNT/TMA and tied to improvements to be funded) in perpetuity in the Truckee-North Tahoe Transportation Management Association (TNT/TMA), whose established purpose is to improve the general traffic and transportation conditions in the Truckee/North Tahoe area, and to address situations associated with traffic congestion and transportation systems.¹⁴

These updated mitigation measures lack detail on how they could truly be considered mitigation or what positive consequences they would have. *Mitigation Measure 10-5a* requires that the project proponents contribute funding to either a ZOB or CSA without any description as to what this means. There is no discussion as to an actual amount, where directly this funding will go to, how the funding will be traced, if it is a continual or one-time contribution, or if any of this will improve transit to the Lake Tahoe Basin. The mitigation measure is a lot of words describing a contribution that could happen, at some point, and go somewhere. This is another example of an arbitrary and capricious assessment in this FEIR. The purpose of mitigation measures is to detail how impacts will be mitigated, which is not the case here. This mitigation measure does not and will not hold the project proponents accountable for transit impacts to the Lake Tahoe Basin. This mitigation measure is weak because of its lack of details.

Mitigation Measure 10-5b is equally as arbitrary and capricious as to what it means and how it will mitigate impacts. It states that the commercial and homeowner associations will be a part of an association without a real discussion as to what the TNT/TMA is or what a "membership" entails. It does not discuss how the project proponents will hold either the commercial or homeowner associations accountable in attending and participating in TNT/TMA. In short this mitigation measure states, the homeowner association (not the project proponents) will be a member of an association that the FEIR explains nothing about, making this mitigation measure meaningless and arbitrary.

Having two mitigation measures without any detail that shift a critical impact from Potentially Significant (S) to Less Than Significant (LTS) is not only inadequate in terms of an appropriate environmental review, but is a blatant disregard of solutions to transit impacts to the Lake Tahoe Basin. It is the responsibility of Placer County to influence the project approval process through the FEIR. It would be irresponsible for the BOS to certify the FEIR as it is presented today because of the overall disregard of VMT impacts to Lake Tahoe and lack of meaningful mitigation measures. The conclusions drawn and

¹⁴ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Revisions to DEIR. p.2-18.

mitigation, or lack thereof, between LOS and VMT are inadequate and must be resolved. The League recommends that the certification of the FEIR be denied. An actual environmental analysis should include more details to the above mitigation measures and consideration of requiring the project proponents to increase transit opportunities from the project area to the Basin.

II. The FEIR is Inadequate Because Placer County Failed to Meet CEQA Requirements by Coordinating with TRPA.

The FEIR cannot be certified as presented today because Placer County failed to meet CEQA requirements by coordinating efforts with the TRPA. CEQA requires that as the lead agency, Placer County shall consult with and request comments on the draft EIR from, “any other state, federal, and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project.”¹⁵ Placer County ignored consultation with TRPA during the environmental review process for this Specific Plan. In response to the League’s request for recirculation of the DEIR for lack of consultation, the FEIR states that the TRPA was consulted because the original Area Plan proposal was withdrawn.¹⁶ This does not meet the above definition of consultation. This is a blatant disregard of CEQA requirements. It took the League to urge the TRPA at their December 16, 2015 Governing Board meeting to provide comments on the Specific Plan DEIR for the agencies to consult.¹⁷ The TRPA did provide comments on December 22, 2016 days after the comment period had closed for the DEIR. These comments related specifically to traffic impacts.

The comments provided by TRPA on the DEIR did include a discussion as to what should be assessed in terms of their threshold analysis. The FEIR concludes, “Because the project is located outside the Tahoe Basin and outside the jurisdiction of TRPA, the analysis does not address the unique regulatory requirements of TRPA (e.g., TRPA goals, policies, and environmental threshold carrying capacities).”¹⁸ While TRPA does not have authority over the actual permit for the Specific Plan, it does have authority over the region whose resources will be impacted as already discussed. This triggers the consultation requirement under CEQA, which again, was ignored. This alone should constitute denial of the certification of the FEIR. The TRPA specifically requested that adequate mitigation be incorporated in the FEIR to mitigate VMT increase to the Lake Tahoe Basin.¹⁹ For reasons already discussed above, the FEIR did not do this. The FEIR ignored requests made by both the League and TRPA for adequate mitigation. The Specific Plan cannot be approved as proposed. The DEIR and FEIR have ignored current planning efforts underway involving both Placer County and TRPA discussed below.

¹⁵ § 21000 CCR, Title 4, Chapter 3 (CEQA) §15086 (a)3.

¹⁶ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Comments to Responses. p.3.5-258.

¹⁷ Oral Comments provided by Shannon Eckmeyer. TRPA Governing Board meeting Stateline, NV. December 16, 2015. <http://www.trpa.org/wp-content/uploads/January-27-2016-Governing-Board-Packet.pdf>, p.7.

¹⁸ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Comments to Responses. p.3.5-256.

¹⁹ Final Environmental Impact Martis Valley West Parcel Specific Plan. May 2016 Prepared for Placer County by Ascent Environmental. Comments and Responses. p. 3.3-3,4.

III. The FEIR Ignores Current Placer County and TRPA Planning Efforts. Placer County is Also the Lead Agency for the Squaw Valley Project and Lake Tahoe Basin Area Plan Which Have Been Ignored in this FEIR. This Makes the FEIR Inadequate.

Placer County is the lead agency for not only the Specific Plan analyzed in this FEIR, but another major development project called the Village at Squaw Valley Specific Plan (Squaw Valley Project) and the Lake Tahoe Basin Area Plan (the Area Plan). The Specific Plan FEIR does not include a discussion of cumulative impacts associated with the Squaw Valley Project or of the current Area Plan planning efforts. This dilutes the public process for the Specific Plan.

The FEIR concludes that CEQA does not require that TRPA Compact thresholds be applied in its analysis because the Specific Plan lies outside of TRPA's jurisdiction.²⁰ The League would like to highlight in these comments the current planning efforts between Placer County and TRPA and explain why the FEIR should include a threshold analysis, specifically as it relates to VMT increase to Lake Tahoe. In 2012, the TRPA adopted the RPU, which created the concept of area plans. The purpose of area plans is to focus redevelopment within urbanized areas to streamline permitting and incentivize environmental restoration. Placer County and TRPA have embarked on an area planning process for over four years. The League supported the RPU and in turn has worked as a collaborative stakeholder with both Placer County and TRPA through the area plan efforts. The Area Plan includes policy and projects within Lake Tahoe to decrease VMT problems to the North Shore and improve traffic flow. A recently adopted project called Fanny Bridge was approved by both Placer County and TRPA to improve traffic flow within Tahoe City, California. The League has raised concerns to Placer County staff in both the March and April 2016 meetings about how the Specific Plan will negatively impact the process being made in planning efforts put forth in the Area Plan.

The FEIR concludes, as already discussed, that there will be an increase to VMT in the Lake Tahoe Basin, but not enough to go above the TRPA VMT threshold, and that TRPA thresholds are inapplicable anyway. The FEIR completely ignores the Area Plan efforts by not mentioning it. The Area Plan and Fanny Bridge project are intended to help improve *current* traffic conditions. They cannot be used as mitigation or substitute for a lack of traffic impact assessment to the Lake Tahoe Basin for this Specific Plan.

The Squaw Valley Project is another significant development outside of the Basin that would also add thousands of additional VMT to the Lake Tahoe Basin. The scoping for this Specific Plan and DEIR were released after before the scoping and DEIR of the Squaw Valley Project, yet a discussion of cumulative impacts has been completely ignored. The cumulative impacts associated with both the Squaw Valley Project and the Specific Plan and how they relate to the Area Plan efforts have been discussed at length in both Placer County and TRPA public hearings. The process has been so complicated and confusing that Placer County Supervisor Jennifer Montgomery requested at the BOS meeting on January 24, 2016 that the Area Plan environmental draft environmental review be released with a cumulative impact assessment prior to both the Specific Plan and Squaw Valley Project FEIR

²⁰ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Comments to Responses. p.3.5-256

releases to be able to guide both FEIR reviews.²¹ This request was ignored along with a cumulative impact assessment of the Squaw Valley Project and Area Plan in this Specific Plan FEIR.

The League highlights these concerns because both the Specific Plan and Squaw Valley Project FEIRs ignore efforts to curb VMT in the Area Plan. These comments must be included in this letter as they will be referenced in both the Squaw Valley Project FEIR and Area Plan environmental review comments. They must be included in the record in the event that cumulative impacts continued to be ignored in the Area Plan environmental review. As already stated in these comments, the Specific Plan will increase the VMT threshold carrying capacity to the Lake Tahoe region by 0.7 percent. The Squaw Valley Project will increase the VMT threshold carrying capacity by 1.2 percent.²² The FEIR for both of these projects conclude that VMT increase will not cause an exceedance of the TRPA VMT threshold. However, cumulatively these projects move the entire Tahoe Basin almost 2 percent closer to its VMT limit. Put another way, since the Basin is 10 percent below the threshold, the two out-of-Basin projects close about a fifth of the gap remaining toward the TRPA VMT threshold limit for the entire Lake Tahoe Basin region. This does not include any potential cumulative impacts associated with the Brockway proposal as discussed below.

Placer County as the lead agency for these projects and the Area Plan cannot ignore the detrimental cumulative impacts associated with this VMT increase. There is no discussion as to what happens in terms of environmental impacts once the 10 percent gap towards the threshold is erased. There is also no discussion as to what this means for Placer County and future projects actually *within* the Lake Tahoe Basin. If the BOS approves this Specific Plan and certify the FEIR as proposed today, they are casting a vote against future appropriate redevelopment projects within the Basin and a vote for a continued increase to VMT rather than solving an already dire situation. The Area Plan planning efforts cannot be used as mitigation measures for this or the Squaw Valley Project FEIR. The Area Plan planning efforts are meant to remedy *currently existing traffic conditions*. Placer County must hold the project proponents accountable for increased VMT to the Lake Tahoe Basin by enforcing adequate mitigation. The League stated these concerns as part of the public record at the TRPA Governing Board meeting on May 25, 2016.²³ As lead agency for all of these environmental reviews, Placer County should not certify this Specific Plan FEIR as presented today because it has ignored traffic impacts to the Lake Tahoe Basin, cumulative impacts associated with Squaw Valley Project, and ignore the Area Plan efforts to improve existing conditions.

IV. The FEIR Ignores Cumulative Impacts Associated with Brockway.

As discussed above the cumulative impacts as they relate to VMT increase to the Lake Tahoe Basin between the Specific Plan and Squaw Valley Project have been ignored in the FEIR. The FEIR also continues to ignore cumulative impacts associated with Brockway campground. The FEIR claims it

²¹ Placer County BOS Meeting. Jan 24, 2016. North Lake Tahoe Event Center, Kings Beach, California. Video: http://placer.granicus.com/ViewPublisher.php?view_id=6.

²² Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-25.

²³ TRPA Governing Board Meeting. Oral Comments. May 25, 2016. North Tahoe Events Center, Kings Beach, California.

conducted a cumulative impact analysis by listing Brockway in cumulative projects list.²⁴ This cannot constitute a cumulative impact analysis, specifically as it relates to increased VMT to the Lake Tahoe Basin. The project proponents for these projects are one in the same and Placer County is the lead agency. By ignoring a true cumulative analysis, the FEIR is inadequate.

V. The FEIR Ignores the Alternative proposed by the League and Other Organizations.

The FEIR considers a new alternative, but did not consider a proposal suggested by the League, MAP, and Sierra Watch. All of the organizations suggested that the project size be reduced with a new point of access for the project. Instead of a new access through SR 267 to the Specific Plan, the project proponents would seek an easement to roadway access through Highlands View Drive. This alternative would also include a conservation easement of the Lake Tahoe Basin property where the Brockway campground has been proposed. This alternative would greatly reduce the amount of environmental impacts and provide much more adequate mitigation measures. The League urges that this be considered as a realistic alternative.

VI. This FEIR Should Not Be Approved or Certified under CEQA. There Are Not Enough Appropriate Overriding Considerations to Approve FEIR Over Detrimental Environmental Impacts.

This Specific Plan FEIR cannot be certified as it does not meet the necessary CEQA requirements. CEQA only allows for certification of a FEIR after it has been found that the EIR has been completed in compliance with CEQA.²⁵ The comments provided above detail how the public process has been inadequate and that the FEIR had not conducted a cumulative impact analysis with the Squaw Valley Project, Brockway, and the Area Plan. The NTRAC agreed the public has been ignored and that the FEIR cannot be certified as currently presented, as evidenced by their vote against certification on May 12, 2016. Placer County did not meet CEQA requirements in consulting with TRPA through the DEIR phases of the Specific Plan environmental review process. This FEIR cannot be certified because of its lack of CEQA compliance.

The Specific Plan cannot be approved as proposed as the Lake Tahoe Basin traffic impacts were ignored and the FEIR lacks adequate mitigation. CEQA states that a project can only be approved if it will not have significant effect on the environment.²⁶ The FEIR did not prove through its analysis that there would not be significant impacts to the Lake Tahoe Region because the VMT analysis is arbitrary. The associated mitigation measures relating to traffic impacts to Lake Tahoe are also arbitrary and meaningless. The priceless Lake Tahoe environment cannot be ignored at the sacrifice of the Specific Plan approval.

The BOS could make findings of overriding consideration against environmental harm to approve the project. To do this CEQA requires that the BOS,

²⁴ Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p.3.8.

²⁵ § 21000 CCR, Title 4, Chapter 3 (CEQA) §15090(a)(1).

²⁶ § 21000 CCR, Title 4, Chapter 3 (CEQA) §15092(b)(1).

“...balance, as applicable, economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project outweigh the unavoidable adverse environmental effects may be considered ‘acceptable.’²⁷”

The Specific Plan and associated FEIR have ignored public input and have disregarded current planning efforts to improve the Lake Tahoe region by both TRPA and Placer County through the Area Plan. The Specific Plan will likely bring financial gain to the project proponents. Alternatives brought forth by the League, MAP, and Sierra Watch have been ignored. The project will have detrimental environmental impacts to the Martis Valley region and Lake Tahoe. It is unclear as to what benefits the Specific Plan will bring other than financial gain to the project proponents. There is not enough evidence for the BOS to make any overriding considerations to approve this project. The League recommends that the FEIR be denied certification and that the approval of the Specific Plan also be denied.

Recommendations

These comments have detailed concerns with not only the FEIR, but impacts to the Lake Tahoe region. The League recommends that:

- **The FEIR be denied certification as proposed today.**
- **The Specific Plan approval be denied as proposed today.**
- **A true assessment on VMT increase to Lake Tahoe and its associated traffic impacts be completed for the Specific Plan.**
- **Adequate mitigation for traffic be presented through detailed funding mechanisms and transit solutions from the project area to the Lake Tahoe Basin.**
- **Funding mechanisms should include continual and annual contributions. Transit solutions should include continual shuttles from the Specific Plan to Lake Tahoe.**
- **A cumulative traffic impact analysis be conducted for the Specific Plan, Squaw Valley Project, and Brockway. There must be details provided on what this means for the Area Plan environmental review.**
- **Placer County coordinate planning efforts with the TRPA on the Specific Plan, Squaw Valley Project, and Area Plan.**
- **The alternative proposed by the League, MAP, and Sierra Watch be seriously considered.**

Sincerely,
Shannon Eckmeyer
Policy Analyst
League to Save Lake Tahoe

²⁷ § 21000 CCR, Title 4, Chapter 3 (CEQA) §15093(a).